

To: Oakland City Council, Community and Economic Development Committee
From: Members of the Oakland City Planning Commission
Re: Recommendations Regarding the Kaiser Permanente Oakland Medical Center Master Plan and related City approvals
Date: June 13, 2006

On Wednesday, June 7, 2006 the members of the Planning Commission voted unanimously to adopt the CEQA findings for the Kaiser Permanente Oakland Medical Center Master Plan and to certify the EIR, and recommended that the Oakland City Council/Redevelopment Agency approve the General Plan Amendment, approve the Broadway / MacArthur / San Pablo Redevelopment Plan Amendment, approve the new Kaiser Permanente Oakland Medical Center (KX) Zoning District, approve the Kaiser Permanente Oakland Medical Center Campus Master Plan, and terminate the 1992 contract rezoning, subject to conditions of approval and the Mitigation Monitoring and Reporting Program.

As part of the Commissions actions of June 7th, the Commission also recommended the following modifications to the Kaiser materials as included in both the Planning Commission and City Council agenda packets. An explanation or key to the document changes is as follows:

1. Changes that are shown over the original document text in standard redline format (~~strike out of deleted language~~ and underscore of new language) consist of those changes recommended at the June 7th hearing by staff, and which the Planning Commission concurred.
2. Changes that are shown in shaded text (either ~~strikeout~~ or underline) are those additional changes recommended by the Planning Commission during the June 7th hearing.

A. CED Committee Staff Report:

Page 7, conclusion of Staff Recommendation regarding Issue 1: Project Phasing and Community Alternative #4:

... The substantial evidence supporting the infeasibility of this alternative is compiled in [Appendix E](#) ~~Appendix A~~ of the Final EIR and has been incorporated by reference into the required CEQA findings pertaining to the rejection of alternatives (see Attachment D).

Pg.11, 1st full paragraph:

In addition to the requirements outlined above, staff also recommends that failure to make good faith efforts to meet the TDM goals result in a potential financial penalty. Specifically, if periodic evaluation results indicate that the TDM program is not meeting the mandated performance goals, and Kaiser cannot demonstrate that it has made all good faith efforts to achieve these goals, then the City would have the ability to impose a monetary penalty, after a cure period and in

[accordance with the enforcement process outlined in Planning Code Chapter 17.152. The monetary penalty could only be used for TDM-related purposes.](#) During that period, Kaiser could implement other measures to achieve the TDM goals.

Pg. 20, to be added before "Sustainable Opportunities": Termination of the 1992 Contract Rezoning Agreement

[In March 1992, the City and Kaiser entered into a Rezoning Agreement \(authorized by Ordinance No. 11361 C.M.S., adopted July 30, 1991\) for certain properties located at 38th Street at Cerrito Avenue, in order to facilitate construction of a Medical Office Building. The Medical Office Building has long since been completed. If adopted, the proposed KX Zoning District and related Master Plan render the balance of Rezoning Agreement as it pertains to the Kaiser OMC Campus properties superfluous. Therefore, it is recommended that the terms of the Rezoning Agreement, which relate to mitigation measures and conditions of approval be terminated. The actual rezoning of properties that was authorized by Ordinance No. 11361 C.M.S. is **NOT** affected by the termination of the Rezoning Agreement. The only properties that are proposed for rezoning are those Kaiser-related properties depicted in Attachment F; no other properties will be rezoned and the termination of the Rezoning Agreement does not rezone properties.](#)

B. Conditions of Approval/MMRP:

3. Effectiveness

Except for the general plan amendment [and Agency approval of the Redevelopment Plan amendment](#), each of the Approvals shall not become effective unless and until all the Approvals are all granted/adopted by the Oakland City Council and/or Oakland Redevelopment Agency, as appropriate.

8. Existing Hospital Tower Demolition

Prior to issuance of Design Review approvals for Phase 2, Kaiser shall provide to the City of Oakland adequate assurances that Kaiser has sufficient financial resources to completely demolish the existing Hospital (Tower and Podium level), and completely clear and landscape the site, within thirty-six months of completion of Phase 2. This plan must include appropriate financial guarantees assuring faithful performance, such as corporate guaranty from a corporate entity with a net worth of at least \$2 billion or an Irrevocable Letter of Credit, in form and amounts which are acceptable to the City. Kaiser shall complete the demolition, site clearance and landscape beautification of the former hospital structure within the specified timeframes. The City of Oakland shall condition the issuance of a final certificate of occupancy (or its equivalent) for the parking garage serving the new hospital in Phase 2, on the actual demolition, site clearance and landscape beautification of the former hospital structure within [thirty-six months from the date of completion of Phase 2.](#)~~the specified timeframes~~

9. Transportation Demand Management (TDM) Program and Shuttle

Final approvals for Phase 1 shall be conditioned upon implementation of an ~~aggressive and enforceable~~ TDM program to be implemented by Kaiser and effectively monitored by the City, as required in MMRP Mitigation Measure B.1.a, which is the May 24, 2006 Nelson-Nygaard Report (but not the May 23, 2006 Alternative Transportation Solutions (Altrans) report), as revised herein. Funding for monitoring, reporting and review of the TDM program shall be provided by Kaiser through an escrow-type funding mechanism with the City. The escrow-type account should be funded for five (5) years in advance assuming a cost of \$20,000 for the survey and \$10,000 for the City review, or \$30,000 per year for 5 years, = \$150,000. The fund shall be replenished by Kaiser such that it does not drop to below \$50,000. Enforcement of the TDM program, as with other conditions of approval, shall be in accordance with the enforcement process outlined in Planning Code Chapter 17.152.

10. Reducing Traffic Conflicts at New Hospital

Prior to issuance of Building Permits for Phase 2 and subject to City Design #Review and approval, final design and construction for the new Replacement Hospital and parking garage should consider the following: shall provide for.....:

11. Reducing Traffic Conflicts, at Broadway MOB

Prior to issuance of Building Permits for Phase 1 and Ssubject to City Design #Review and approval, final design and construction for the parking facility associated with the new Broadway medical office building should consider the following: shall provide for:

- c) The 38th Street driveway for West Broadway garage shall generally be limited to employees only, with exceptions of radiation therapy patients.

12. Reducing Traffic Conflicts on Manila Avenue and Shafter Avenue

Subject to City review and approval, public improvements to be provided as part of Phase 1 shall include the extension of extend the existing median on MacArthur Boulevard at the intersections with Shafter Avenue and Manila Avenue to eliminate left turns to and from these roadways.

- a) Kaiser shall monitor traffic volumes and speeds on Manila Avenue and Shafter Avenue between MacArthur Boulevard and 38th Street immediately after completion of Phase I and then semi-annually (once every six months) for a period of 1 year after the West Broadway MSB and Garage are in full operation.
- b) In consultation with local residents, and in accordance with all legal requirements, appropriate traffic calming measures, such as speed humps, prohibitions on right turns from MacArthur Boulevard onto Manila or Shafter Avenues, or other potential roadway or turning movement closures, should be considered if and when excessive traffic volumes or speeding are observed. If determined necessary and approved by the City, Kaiser shall fund the improvements.

13. Reducing Traffic Conflicts on Richmond Boulevard Neighborhoods

Subject to City review and approval, [public improvements to be provided as part of Phase 2 shall include the extension of ~~extend~~](#) the existing median on MacArthur Boulevard at this intersection to eliminate left turns from westbound MacArthur Boulevard to Richmond Boulevard [and a "no U-turn" sign at the median opening at Leighton](#) to prohibit hospital traffic from using residential streets in this neighborhood.

- a. Kaiser shall regularly monitor traffic volumes and speeds on Richmond Boulevard and Westall Avenue [immediately after completion of Phase 2 and then semi-annually \(once every six months\) for a period of 1 year](#) after the Replacement Hospital is in full operation and shall also provide written reports to the city, prepared by a qualified traffic engineer.
- b. In consultation with local residents and in accordance with all legal requirements, appropriate traffic calming measures such as speed humps or [other potential roadway or turning movement](#) closures should be considered if and when excessive cut-through traffic volumes or speeding, or vehicles traveling the wrong way on a one way street are observed. If [determined necessary and](#) approved by the City, Kaiser shall fund the improvements.

14. Reducing Cut-through Traffic on Howe Street

Kaiser shall monitor traffic volumes and speeds on Howe Street just north of the Kaiser Medical Center [immediately after completion of both Phase I and Phase 2, and then semi-annually \(once every six months\) for a period of 1 year](#); after each phase of the project is in full operations. In consultation with local residents, and in accordance with all legal requirements, appropriate traffic calming measures, such as speed humps, or roadway closures, should be considered if and when excessive traffic volumes or speeding are observed. If [determined necessary and](#) approved by the City, Kaiser shall fund the improvements.

16. Residential Parking Permits.

Kaiser shall work with the City of Oakland to implement a Residential Parking Permit (RPP) or Residential Parking Benefits Assessment District (RPBAD) program in the residential neighborhoods west of Broadway, north of MacArthur Boulevard, east of Piedmont Avenue and south of 42nd Street, including the Richmond neighborhood immediately east of the Phase 2 hospital site. The RPP restricts on-street parking by non-residents to less than two hours during the weekdays. If approved by the City, Kaiser shall fund the RPP programs. Kaiser funding shall be used for establishment efforts needed to create or expand the RPP/RPBAD area, as well as increased enforcement and maintenance of the program, including the annual permit fee for residents. If approved, the RPP programs should be considered for implementation before the demolition of the M/B Center parking garage [or upon completion of the Phase 2 parking garage, depending on the ~~, taking into account the~~](#) level of success that the TDM program may achieve as well as the level of success that Kaiser may achieve in their efforts to locate additional satellite parking. [To the extent possible, the City will explore using surplus/excess revenues from enforcement of the RPP program to reimburse Kaiser for costs of establishing and maintaining the RPP programs.](#)

The following NEW conditions are proposed:

18.5. Central Utility Plant.

As described in the Kaiser Master Plan Project EIR, the design and construction of the Central Utility Plant (CUP) shall include:

- a) Cooling towers shall be located within the enclosed structure of the CUP to meet the Oakland Noise Ordinance standards.
- b) Boilers shall be of the low nitrogen oxide (NOx) type to control nitrogen oxide emissions and shall be natural gas fired to minimize particulate matter emissions.
- c) Operations of the CUP shall be subject to permits pursuant to the Bay Area Air Quality Management District's Regulation 2 requirements.

18.6. Ambulance Sirens

Consistent with current Kaiser policy and practice, it shall be the continuing policy to encourage all ambulances turn off sirens within 3 blocks of the hospital.

28. Parking and Driveways

- b) Closure of Parking Lot after Hours, *Ongoing*: ~~The project is approved with more than ten on-site parking spaces, and the project site is located within the area designated, therefore, to discourage loitering, all openings to the parking lot used for the ingress or egress of motor vehicles.~~ To the extent practical, parking lots or portions of parking lots not used for 24-hour hospital operations shall be secured by an approved barrier chain and locking device within one (1) hour after the close of business and shall remain secured until one (1) hour prior to the opening of business, pursuant to the standards included in City Ordinance No. 12390, with access only granted to tenants and police. This condition shall not apply to necessary hospital-related parking facilities.
- f) Uncovered Rooftop Parking, *Ongoing*: Parking on the top level of the West Broadway parking structure shall be prohibited after 6:00 pm. The applicant shall place signage at conspicuous location within the garage stating this limitation ~~and shall erect physical barrier to the top level to restrict vehicular access.~~

Mitigation Measure B.1.a

Is clarified such that it is the May 24, 2006 Nelson-Nygaard Report that is the City-adopted TDM program and **not** the May 23, 2006 Alternative Transportation Solutions (Altrans) report. Therefore, the Altrans report should be deleted from the MMRP.

Standard Condition D.1a:

The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department.

a) Such activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with ~~pile driving and/or other~~ extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. Pile driving shall not be permitted but pile/pier drilling shall be permitted.

- Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior authorization of the Building Services Division.

b) Construction activity shall not occur on Saturdays, with the following possible exceptions:

- Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division.
 - After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division, and only then until, and then only within the interior of the building with the doors and windows closed. ~~without prior authorization of the Building Services Division, and n~~
- c) No extreme noise generating activities shall be allowed on Saturdays, with no exceptions.
- d) No construction activity shall take place on Sundays or Federal holidays.

For clarification, construction activities include but are not limited to: tuck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Standard Condition D.1c:

To further mitigate potential pier drilling, ~~pile driving~~ and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant.

Conditions of Approval, Exhibit B: May 2006 Nelson/Nygaard Report, Kaiser Oakland TDM Recommendations (imposed as Mitigation Measure B.1.b and Condition of Approval #9; Recommendation 7:

Pg.16:

7. In determining whether a financial penalty or other type of remedy is appropriate, the City shall not impose a penalty if Kaiser has made good faith effort to achieve the required alternative mode use and/or comply with the TDM Program. The City would only have the ability to impose a monetary penalty after a cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City toward the implementation of the TDM Plan.

C. Master Plan:

Pg. 1: KX-1 Zone:

- Approximately ~~15,000 square feet~~ 7,700 square feet of retail space primarily located along the Broadway street frontage.

Pg.2: KX-2 Zone:

The new Replacement Hospital Building of up to a maximum of 957,000 square feet in size. This space would include approximately 700,000 square feet of new hospital space (346 hospital beds), approximately 197,000 square feet of new outpatient service space and approximately 60,000 square feet for the new central utility plant. ~~Up to 50,000 square feet~~ An interstitial floor of strictly mechanical space is excluded from the maximum building size.

Pg.7:

Guideline 1.1.2: Massing of the buildings should relate to each other in scale, and work together to help define a coherent street edge along Broadway, ~~and~~ MacArthur Boulevard and Piedmont Avenue.

Pg. 8:

Objective #2: Activate pedestrian activity on Broadway, ~~and~~ MacArthur Boulevard and Piedmont Avenue. As this is an urban campus, there is the opportunity to contribute to good urban setting, and to an already pedestrian friendly neighborhood.

Pg. 9:

Guideline 2.1.4: Buildings along Broadway and MacArthur Boulevard and at the MacArthur/Piedmont corner should have ground floor active uses that are visible from the public streets.

Pg.13:

Guideline 7.2.3: If a free-standing parking garage is determined acceptable during Design Review, the height of any freestanding garage should be a maximum of ~~2 stories~~ 3 stories (~~3 decks~~ 4 decks) above ground with rooftop parking).

Guideline 7.2.4: The design of any parking facility at this location should ~~seek to maximize~~ utilize underground parking, providing no less than ~~3 decks~~ 2 decks below ground.

Guideline 7.3.2: The large parking structure should be located near the freeway, with a pedestrian bridge from the parking structure to the hospital. Entry to the parking structure should generally be limited to the main hospital entrance off of Broadway.

Guideline 7.3.5: Active type uses are encouraged at the ground level of the Hospital building, potentially along Broadway and MacArthur and at the MacArthur/Piedmont corner.

Guideline 7.3.7: Subject to City review and approval, public improvements to be provided as part of Phase 2 should include streetscape improvements along lower Piedmont Avenue between West MacArthur and the I-580 freeway. Such improvements may include widened sidewalks, landscaped medians and planter strips, permanent streetscape furniture, improved bus stops/shelters, and improved street lighting.

D. Kaiser Permanente (KX) Zoning Ordinance

17.XX.060 Design Review

G. Revocation/Enforcement. In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or take other enforcement actions in accordance with the procedures in Chapter 17.152 ~~in accordance with Section 17.136.110.~~

17.XX.115 Parking and Loading Areas

Parking shall be determined on a KX District-wide basis and the amount, location and distribution of parking shall be determined as part of the Design Review Process. The parking demand study prepared for adoption of the KX district determined that upon completion of new

construction to the full 1.78 million square foot total, approximately ~~a minimum of~~ 3,584 parking spaces will be required.

Unless otherwise permitted pursuant to a conditional use permit, deliveries that rely on the use of loading areas or driveways within 200 feet of a residentially zoned property shall be limited to the hours of 5:00 a.m. to 7:00 p.m.

17.XX.150 Skybridges

The two other proposed pedestrian skybridges over the public right of way are not needed until the completion of Phase 3 of the project (KX-3 Zone). Design Review for Phase 1 and Phase 2 should consider means to ensure that a choice of skybridges versus tunnels versus surface street crossings is preserved. The need for and final design and final location of these two skybridges versus tunnels or surface street crossings will be determined during the Design Review Process and pursuant to Conditional Use permits.

The Director of City Planning shall refer all Design Review processes regarding sky bridges to the City Planning Commission for decision. An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.