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DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. 80008 C.M.S.

RESOLUTION AMENDING THE GENERAL PLAN LAND USE DESIGNATION FOR THE KAISER PERMANENTE OAKLAND MEDICAL CENTER CAMPUS FROM VARIOUS DESIGNATIONS TO INSTITUTIONAL

WHEREAS, the 20.6-acre site of the Kaiser Permanente Oakland Medical Center campus, located generally at the intersection of Broadway and MacArthur Boulevard, is currently designated with a variety of land use designations including Institutional, Community Commercial, Mixed Housing Type Residential, and Neighborhood Center Mixed Use on the General Plan Land Use Diagram in the Land Use and Transportation Element ("LUTE") of the Oakland General Plan; and

WHEREAS, according to the City of Oakland Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations ("Guidelines"), the intent of the Institutional designation is to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses; and

WHEREAS, according to the Guidelines, the Institutional designation would allow the project as proposed by the Project; and

WHEREAS, the project proposes to establish a clear and consistent delineation of the Kaiser Permanente Oakland Medical Center campus on the General Plan Land Use Diagram; and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), the City issued a Notice of Preparation ("NOP"), indicating an intent to prepare an Environmental Impact Report ("EIR") on the Project; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the scope of the Draft EIR ("DEIR") on April 13, 2005; and

WHEREAS, a DEIR on the Project, SCH #2005032134, was released by the City and circulated for public review and comment from March 2, 2006 to April 17, 2006; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the DEIR and the Project on March 22, 2006; and

WHEREAS, the Final EIR (“FEIR”) was published on May 26, 2006; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the FEIR and the Project on June 7, 2006; and

WHEREAS, on June 7, 2006, the Planning Commission certified the EIR and adopted related CEQA findings, and recommended the City Council approve a General Plan amendment (from various designations to Institutional), a Redevelopment Plan amendment, termination of the previously approved contract rezoning, rezoning to a new KX zone, and a Master Plan; and

WHEREAS, the Planning Commission found, in part, that the Project is consistent with the amended General Plan land use designation as proposed, and that the proposed General Plan amendment will not cause the General Plan to become internally inconsistent; and

WHEREAS, the Planning Commission also found, in part, that the proposed General Plan amendment is consistent with the overall goals, objectives, and policies of the General Plan in that the proposed General Plan amendment will help create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses; and

WHEREAS, the Community and Economic Development Committee of the City Council held a duly noticed meeting on June 13, 2006; and

WHEREAS, the City Council and the Oakland Redevelopment Agency held a duly noticed joint public hearing on June 27, 2006; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing was closed by the City Council and the Redevelopment Agency on June 27, 2006; now, therefore, be it

RESOLVED: That the City Council, as the final decision-making body of the lead agency, confirms and adopts (i) the environmental findings made and adopted by the Planning Commission, as set forth in *Exhibit 1* (“CEQA Findings”) of this resolution, prior to taking action on the Project and (ii) the Conditions of Approval and Mitigation Monitoring and Reporting Program attached as *Exhibit 2* of this resolution, all incorporated by reference herein; and be it.

FURTHER RESOLVED: That the City Council amends the General Plan land use designation of the Project site from Institutional, Community Commercial, Mixed Housing Type Residential, and Neighborhood Center Mixed Use to Institutional as shown on the map attached to this resolution as *Exhibit 3*, and adopts the findings of the City Planning Commission, as

summarized in the above recitals, as well as findings in the June 27, 2006 City Council Agenda Report; and be it

FURTHER RESOLVED: That the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That the record before this Council relating to this Project application includes, without limitation, the following:

1. the Project application, including all accompanying maps and papers;
2. all plans submitted by the Project applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the EIR and supporting technical studies, and all related/supporting materials, and all notices relating to the Project application and attendant hearings;
4. all oral and written evidence received by the City staff, City Planning Commission and City Council before and during the public hearings on the application and appeal;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA; and be it

FURTHER RESOLVED: That the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 27 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- **BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL,
REID, QUAN, AND PRESIDENT DE LA FUENTE — 8**

NOES- *0*

ABSENT- *0*

ABSTENTION- *0*

ATTEST: *Latonda Simmons*
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California