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OFFICE OF THE CITY CLERK
OAKLAND

2015 APR 30 PM 3:58

AGENDA REPORT

TO: John A. Flores
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Children's Hospital and Research Center Oakland
Master Plan Project

DATE: April 30, 2015

Supplemental Report

City Administrator
Approval

Date

4/30/15

COUNCIL DISTRICT: 1

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and, upon conclusion, consider adopting, as recommended by the City Planning Commission:

- 1) **A Resolution (A) Certifying The Environmental Impact Report And Adopting Related CEQA Findings; (B) Amending The General Plan For A Portion Of The Project Site From Mixed Housing Type Residential To Institutional; (C) Adopting Preliminary Planned Unit Development Permit, Final Planned Unit Development Permit For Phase 1, Conditional Use Permits, Variances, Phased Vesting Tentative Tract Map And Other Development Related Land Use Permits; (D) Approving A Helistop Permit As Recommended By The City Administrator's Office; And (E) Approving A Tree Removal Permit As Recommended By The Public Works Agency, For Children's Hospital And Research Center Oakland's Master Plan, Located At 747 52nd Street, Oakland; And**

- 2) **An Ordinance (A) Adopting CEQA Findings, Including Certification Of Environmental Impact Report; And (B) Rezoning A Portion Of The Project Site From RM-2, Mixed Housing Type Residential Zone - 2 To S-1 Medical Center Zone, For Children's Hospital And Research Center Oakland's Master Plan, Located At 747-52 Street, Oakland.**

In addition, the Community and Economic Development (CED) Committee of the Oakland City Council at its April 28, 2015 meeting also recommends revised conditions of approval (as detailed later in the report) and:

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- 3) Adoption of a motion directing Planning staff to initiate Zoning text changes for the area bounded by 55th Street to the north, State Route 24 to the east, 53rd Street to the south, and Martin Luther King Jr. Way to the west and present those to the City Planning Commission and eventually the City Council at dates to be determined.

REASON FOR SUPPLEMENTAL REPORT

The Children's Hospital and Research Center Oakland's ("CHRCO" or "Hospital") proposed master plan, General Plan Amendment, rezoning, other planning-related actions ("Project"), and Environmental Impact Report (EIR), were the subject of a April 28, 2015 public hearing before the Community and Economic Development (CED) Committee of the Oakland City Council. After considering public comment, the CED Committee voted, by consensus, to forward the Project to the full Council on May 5, 2015, with specific modifications.

This supplemental report includes the following modifications: (1) amendments recommended by CED Committee, proposed by Councilmember Kalb, regarding the residential parking permit program, revisions to several Conditions of Approval, and initiation of zoning text changes north of 53rd Street and, (2) corrections to the exhibits to the resolution adopting the General Plan Amendment and to the Ordinance adopting the rezoning to conform to other documents in the Agenda Related materials. In addition, the CED Committee had a concern regarding the public transit subsidy within the Transportation Demand Management Program (TDM). These items are discussed below.

Residential Parking Permits

City staff proposed that the Hospital fund a residential parking program ("RPP") for the surrounding neighborhood as part of the TDM program (*Attachment M of the CED Committee Report*). Staff's original RPP proposal included a one-quarter mile radius around the site. The Hospital proposed a different area for the RPP at the April 1, 2015 Planning Commission meeting (*Attachment N of the CED Committee Report*). Based on additional feedback from the community, the Hospital further revised the RPP boundary to extend north to Adeline Street and west to Market Street as presented to the CED Committee (*Attachment A to this Report*).

Also at the CED Committee meeting, Councilmember Kalb introduced additional conceptual language that would modify the RPP program (*Attachment B to this Report*). These modifications included:

- Establishing an RPP Zone A and an RPP Zone B,
- Performing a Baseline Parking Study in the entire RPP area prior to the start of construction,
- Lowering the typical requirements for establishing an RPP area,

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- Performing a Post-Construction Baseline Study in the entire RPP area.
- Phasing the duration of Hospital funding for the RPP based on the Zone, issuance of the first RPP permit and end of construction.

Planning staff will continue to work with the Transportation Services staff, Councilmember Kalb's office, and the Hospital to further refine, clarify and finalize the RPP language.

Revisions to Conditions of Approval (Attachment J of the CED Committee report)

The CED Committee and Councilmember Kalb proposed amendments to Conditions of Approval #30 and #59 (***Attachment B to this Report***). The purpose of the revised language to Condition #30 is to ensure that local residents have an opportunity to provide comments and feedback on any major construction or changes to the area. The purpose of the revised language to Condition #59 is to ensure that the landscape architect provided by the Hospital to develop the visioning of Helen McGregor Park has experience designing public parks. The proposed changes are acceptable to Planning staff and the Hospital.

Proposed Revision to Zoning North of 53rd Street

The residential neighborhood north of 53rd Street is concerned with potential future Hospital expansions after construction of the master plan. To address this concern Councilmember Kalb is recommending that City Council direct staff and the Planning Commission to initiate a zoning text change requiring a Major Conditional Use Permit for medical service commercial, health care civic activities, or administrative activities associated with either medical service commercial or health care civic activities for the area bounded by 53rd and 55th Streets and Martin Luther King Jr. Way and Highway 24 and present those to the City Planning Commission and eventually the City Council at dates to be determined (***Attachment B to this Report***).

Revisions to the Exhibits to the General Plan Amendment Resolution and the Rezoning Ordinance

There was a minor clerical error on the General Plan Amendment Resolution Exhibit A and the Rezoning Ordinance Exhibit A. This error has been corrected to conform to other documents in the agenda related materials and, the revised exhibits are provided herein, along with the revised legislation.

Employee Transit Subsidy

At the April 28, 2015 public hearing, the CED Committee made a recommendation that the Hospital maximize the use of the public transit pass and make it as widely available as possible. However, it was unclear to staff whether the CED Committee was concerned that 1) the

occasional drivers would be ineligible for the transit subsidy or 2) that the transit passes be available to all employees.

If the CED Committee was concerned about the occasional driver not being eligible for the transit pass, City staff believes the TDM already addresses this concern. Specifically, the TDM gives an example where an employee could receive the subsidy, but also receive daily not weekly passes. The Hospital is amenable to developing a program that would allow the occasional driver to park on campus and still be eligible for the transit subsidy.

The TDM does, however, cap the number of daytime staff that would be eligible for the program at 200 employees. This cap was based on the number of employees that signed up for the Kaiser Medical subsidy program. The Council may increase or eliminate the cap on employees to maximize the subsidy. However, the Hospital has indicated that this would create a financial hardship and would be opposed to this amendment.

For questions regarding this report, please contact Heather Klein, Planner III, at (510)238-3659.

Respectfully submitted,



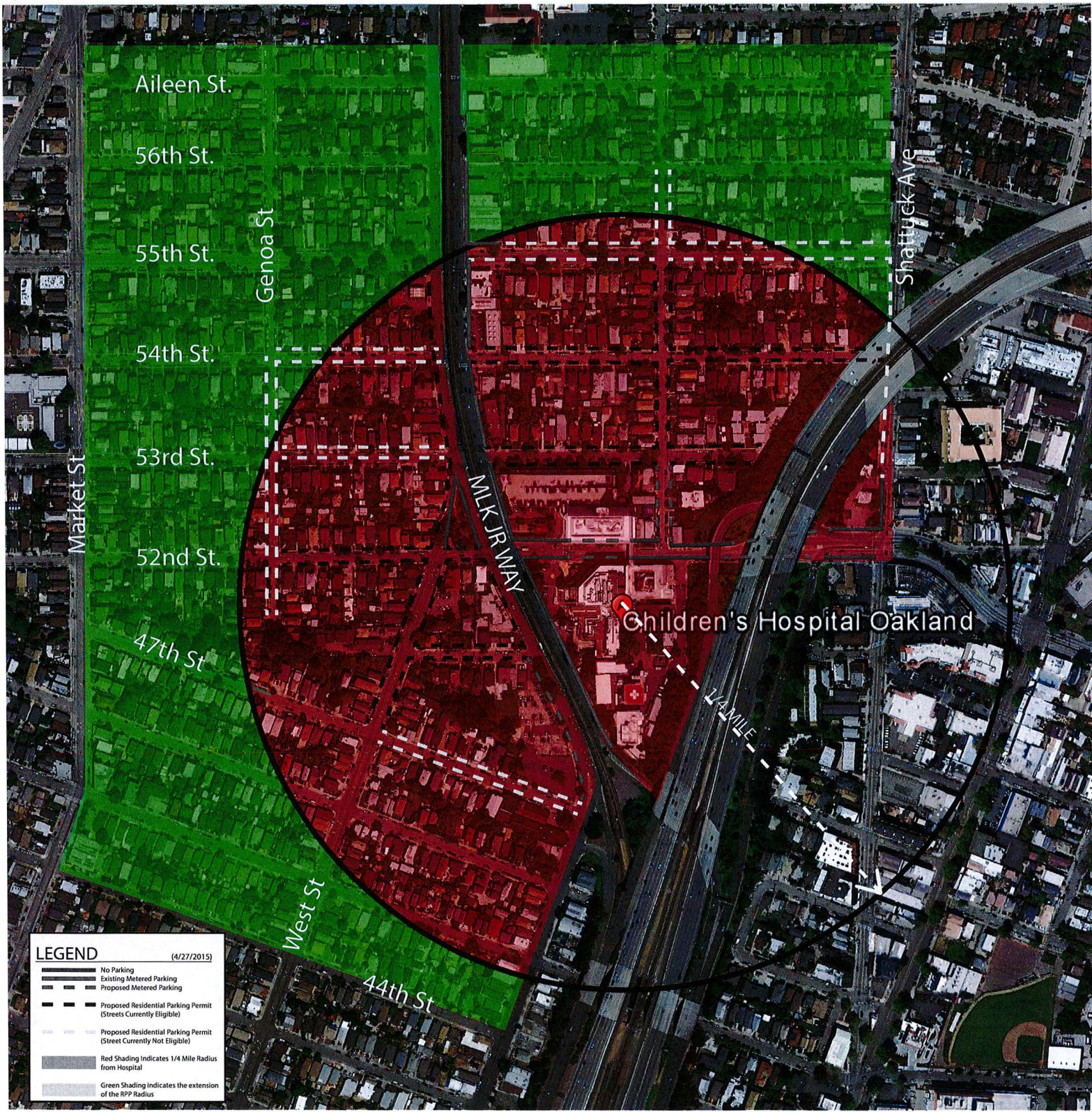
RACHEL FLYNN
Director, Planning & Building Department

Reviewed by:
Robert Merkamp, Development Planning Manager
Bureau of Planning

Prepared by:
Heather Klein, Planner III
Bureau of Planning

ATTACHMENTS:

- A: Children's Hospital further revised proposed RPP Boundary, dated April 27, 2015
- B: Councilmember Kalb's proposed modification/amendments, dated April 28, 2015



UCSF/CHILDREN'S HOSPITAL & RESEARCH CENTER OAKLAND – MasterPlan
Councilmember Kalb's proposed modifications/amendments
Community & Economic Development (CED) Committee – April 28, 2015

1. RESIDENTIAL PARKING (conceptual language to be further refined by Staff):

- **Amend and clarify the proposed Transportation Demand Management (TDM) Program, as approved by the Planning Commission and described in Attachments M and N to the April 28, 2015 CED Committee Agenda Report, as it relates to the Residential Parking Permits (RPP) program by adding the following:**

The RPP Zone consists of the blocks surrounding CHRCO deemed eligible for CHRCO-paid Residential Parking Permits as revised and submitted to the City by CHRCO on April 27 2015 consistent with the TDM program as amended.

- CHRCO shall perform a Baseline Parking Study in the RPP Zone *prior to commencement of construction* to identify current on-street parking utilization.
- The City shall modify certain requirements for establishing an RPP area in the RPP Zone:
 - City shall lower the current requirement from 75% to a lower percentage recommended by staff for all on-street parking spaces within the proposed area to be occupied during any two one-hour periods between 8:00 a.m. and 6:00 p.m.
 - City shall lower the current requirement to have at least six adjacent block fronts to be included in each area to obtain signatures representing at least 51% of the residential units in each of the blocks within the proposed Residential Permit Parking area.
 - City shall lower the requirement to have at least 80% of each eligible block front be residentially zoned.
- The RPP Zone shall be divided into RPP zone A and RPP zone B. Zone A shall include all the blocks in this RPP program except those designated as in zone B. Zone B shall include Aileen Street from Shattuck Avenue to Genoa Street, 56th Street from Shattuck Avenue to Market Street, 55th Street from Genoa Street to Market Street, Dover Street from 56th Street to Aileen Street, and Genoa Street from 55th Street to Aileen Street.
- Perform a Post-Construction Parking Study pursuant to the TDM Program in the RPP zones after construction of the project is completed taking into account differing and inter-related demand pressures depending on distance from CHRCO.
- For RPP zone A, CHRCO shall pay for the RPP permits for a duration of ten years from the start of RPP zone A (as determined by when the first RPP permit in zone A has been issued and the RPP program is enforceable), and shall include up to one year post-construction if that still is within the ten year time-frame. For RPP Zone B, CHRCO shall pay for the RPP permits for a duration of ten years from the start of RPP zone B (as determined by when the first RPP permit in zone B has been issued and the RPP program is enforceable), and shall include up to two years post-construction if that still is within the ten year time-frame. If construction last longer than ten years, CHRCO will be obligated to pay for the RPP permits for the additional length of construction.

2. ZONING IN THE AREA BETWEEN 52ND AND 53RD STREETS, DOVER STREET AND HIGHWAY 24:

Goal: To ensure that local residents have an opportunity to provide comments and feedback on any major construction or changes to the area. Require that any major changes have to be heard at the Planning Commission and be appealable to the Oakland City Council.

▪ Amend Project Condition of Approval #30 as follows:

The Project applicant shall maintain the low density residential character of the CHRCO-owned properties along 53rd Street, including 707-715 53rd Street, 671-679 53rd Street, 5222 Dover Street, 5225 Dover Street, and the new addresses for the properties relocated from 52nd Street to 53rd Street, and the sports rehabilitation department building and court. Any future additional construction of the properties or on these parcels, not approved as part of this Masterplan, shall conform to the RM-2 Zoning only with respect to setbacks and height limitations, as well as landscaping requirements, maximum impervious surface coverage within the front yard setback, and except for existing driveways used for parking at previously-residential properties, no unenclosed parking shall be permitted in the front yard setback. However, the Project Applicant may request a Minor Variance Major Conditional Use Permit to deviate from these requirements. Any construction or alteration proposal on the parcels identified above shall be presented to the adjacent community at least 30 days prior to an application to the Bureau of Planning.

3. ZONING IN THE AREA FROM NORTH SIDE 53RD STREET TO 55TH STREET, INCLUDING DOVER:

Goal: To restrict UCSF/CHRCO from expanding north of 53rd Street into the adjacent neighborhood.

- Direct staff and the Planning Commission to initiate amending the RM-2 Zone (Section 17.17.030 of the Planning Code) immediately north of 53rd Street and the UCSF/CHRCO campus to require a Major Conditional Use Permit, instead of a Minor Conditional Use Permit, for medical service commercial, health care civic activities, or administrative activities associated with either medical service commercial or health care civic activities for properties between 53rd and 55th Streets and MLK and Highway 24.

4. PARK IMPROVEMENTS:

▪ Amend Project Condition of Approval #59 as follows:

The Project applicant shall provide in-kind project management service: landscape architecture, surveyor, arborist, and grant writing services to the neighborhood to identify and design the consensus option for the city-owned park. The landscape architecture services provided by UCSF/CHRCO shall be performed by a licensed landscape architect with demonstrated experience in urban park design. The Project applicant's in-kind services shall not exceed \$100,000 dollars.

Mark P. Walsh

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OAKLAND

2015 APR 30 PM 3:58

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

Introduced by Councilmember _____

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) ADOPTING CEQA FINDINGS, INCLUDING CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT; AND (B) REZONING A PORTION OF THE PROJECT SITE FROM RM-2, MIXED HOUSING TYPE RESIDENTIAL ZONE – 2 TO S-1 MEDICAL CENTER ZONE, FOR CHILDREN’S HOSPITAL AND RESEARCH CENTER OAKLAND’S MASTER PLAN, LOCATED AT 747-52 STREET, OAKLAND

WHEREAS, Children’s Hospital and Research Center Oakland (“CHRCO”), now UCSF Benioff Children’s Hospital Oakland, is an existing hospital facility that contains a complex of medical buildings on a triangular site, located at 747 52nd Street, in the northern portion of the City of Oakland, Alameda County; and

WHEREAS, California State Senate Bill 1953 (“SB 1953”) requires all hospitals in California providing acute care to be designed and constructed to withstand a major earthquake and remain operational after the quake; and

WHEREAS, in order to comply with SB 1953, certain structures and facilities must be retrofitted, replaced, or removed from acute care services by December 31, 2019; and

WHEREAS, CHRCO has developed a Campus Master Plan Project that provides for the development of new and replacement facilities within the existing 11-acre CHRCO campus, and on or about May 2, 2014, submitted development applications for: a General Plan Amendment; Rezoning; a Preliminary Planned Unit Development Permit for Phases 1 and 2; a Final Planned Unit Development Permit for Phase 1; Conditional Use Permits to convert residential structures to non-residential in the S-1 and CN-3 Zones, permit health care use in the RM-2 and CN-3 Zones, demolish rooming units in the S-1 Zone, and permit commercial uses in the S-1 Zone; Design Review for residential facilities, non-residential facilities, Potentially Designated Historic Properties, and demolition of historic structures; Minor Variances for open facilities, number of loading berths, and Family Residence Building parking; an exception from ground floor transparency percentage in the CN-3 Zone; a Phased Vesting Tentative Tract Map; a Helistop permit; and a Tree Removal Permit for Phase 1 (“Project”); and

WHEREAS, the main purpose of the Project is to create new seismically compliant acute care facilities that meet the seismic safety requirements of SB 1953 at the earliest practical date and within mandated state deadlines; and

WHEREAS, other Project goals include renovating existing structures, constructing new and replacement hospital facilities and associated infrastructure, and redesigning the CHRCO campus' access points and internal street layout to improve site access, intermodal circulation, and pedestrian safety within the campus and adjacent City streets; and

WHEREAS, the Project will be developed in two phases; and

WHEREAS, Phase 1 of the Project would include: (a) demolition of one residential building; (b) minor rear yard additions on two residential buildings; (c) construction of a 6-story, 89,100 sq. ft. Outpatient Center ("OPC2") and a 1,100 sq. ft. addition to the Central Plant Building; (d) construction of a new entrance to the existing parking garage off Martin Luther King Jr. Way; (e) landscaping and circulation improvements; (f) renovation of 95,500 sq. ft. within the existing CHRCO site; and (g) removal of nineteen trees, preservation of seven trees, and the installation of new native landscaping and bio-filtration planting areas around the OPC2 building; and

WHEREAS, Phase 2 of the Project would include: (a) demolition of one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing heli-stop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building, and several trailers; (b) construction of a 2-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units, a 3-story 31,300 sq. ft. Clinical Support Building, a 5-story, 43,500 sq. ft. Link Building with a heli-stop on the roof; a 5-story, 101,000 sq. ft. Patient Pavilion, a 3,800 sq. ft. Central Utility Plant Building, and a 4-story, 114,900 sq. ft. parking structure with 334 stalls; (c) acquisition and improvement of 1.5 acres of Caltrans Right-of-Way; (d) improvement of site access and circulation to 52nd Street and Dover Street; (e) landscaping and utilities improvements; (f) renovation of 42,342 sq. ft. within the existing CHRCO site; (g) relocation of two residential buildings east of the Family Residence Building; and (h) removal of 89 trees, preservation of 36 trees, and the installation of new native landscaping and bio-filtration planting areas; and

WHEREAS, approximately thirty-one community meetings were held to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, CHRCO held a community visioning event to discuss the Project in July 2012, which was attended by neighbors, CHRCO patients, staff, donors, and local community leaders; and

WHEREAS, on July 26, 2013, a Notice of Preparation of a Draft Environmental Impact Report ("EIR") for the Project was published; and

WHEREAS, in order to receive comments on the scope and content of the Draft EIR for the Project, duly noticed Draft EIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board ("LPAB") on August 12, 2013; before the Oakland Bicycle and Pedestrian Advisory Committee ("BPAC") on August 15, 2013; and before the Oakland City Planning Commission on August 28, 2013; and

WHEREAS, a Combined Notice of Availability and Release of a Draft EIR and Notice of Public Hearings on the Draft EIR for the Project was published on August 4, 2014, and a Draft EIR was released on August 7, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, duly noticed public hearings on the Draft EIR for the Project were held before the Oakland LPAB on September 8, 2014; before the Oakland City Planning Commission on September 17, 2014 ; and before the Oakland BPAC on September 18, 2014; and

WHEREAS, an LPAB Design Review public hearing was held on December 8, 2014, and a hearing also was held before the Design Review Committee of the Planning Commission on December 10, 2014; and

WHEREAS, on February 27, 2015, a Notice of Availability/Notice of Release of a Final EIR, as well as a Responses to Comment/Final EIR, which responded to comments received on the Draft EIR, were published and made available for public review and comment; and

WHEREAS, on March 9, 2015 a duly noticed public hearing was attempted to be held before the LPAB to consider the EIR and Project land use entitlements, but there was no quorum. Individual members of the LPAB recommended approval of the Project, with minor revisions; and

WHEREAS, on March 18, 2015, California Airport Land Use Commission staff found the Project as currently proposed to be compatible with each of the four Airport Compatibility Planning Factors: noise, safety, airspace protection, and overflight criteria; and

WHEREAS, on April 1, 2015 a duly noticed joint public hearing was held before the City Planning Commission and City Administrator's Hearing Officer to consider the EIR and Project development applications; and

WHEREAS, on April 1, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required California Environmental Quality Act ("CEQA") findings, including certifying the EIR and rejecting alternatives as infeasible; (b) adopt the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP"); and (c) approve, as revised at the Planning Commission, the Project based, in part, upon the Project Findings and conditions of approval contained in the April 1, 2015 City Planning Commission Agenda Report and attachments ("City Planning Commission Report"); and

WHEREAS, pursuant to Chapter 5.28 of the Oakland Municipal Code, a Helistop Permit from the City Administrator's Office is necessary to relocate the existing helistop on the CHRCCO campus as part of Phase 2 of the Project; and

WHEREAS, California Public Utilities Code Section 21661.5 requires that the City Council approve the proposal to construct and operate a helistop located within City boundaries before Caltrans Division of Aeronautics can issue its final approval; and

WHEREAS, on April 6, 2015, the Hearing Officer from the City Administrator’s Office, after receiving comments from the public and the City Planning Commission at the April 1, 2015 joint public hearing, recommended that the City Council approve the Helistop Permit; and

WHEREAS, pursuant to Chapter 12.36 of the Oakland Municipal Code, a Tree Removal Permit from the Tree Services Division of the City Public Works Agency is necessary to remove protected trees on the CHRCO campus; and

WHEREAS, on April 14, 2015, the Public Works Agency Tree Services Division, after properly noticing the Tree Removal Permit, recommended that the City Council approve the Tree Removal Permit for Phase 1 of the Project; and

WHEREAS, the EIR and Project were considered at a regular, duly noticed meeting of the City Council’s Community and Economic Development Committee on April 28, 2015, which recommended certification of the EIR and approval of the Project with revised conditions of approval;

WHEREAS, the Project and EIR were considered at a regular, duly noticed, public hearing of the City Council on May 5, 2015; and

WHEREAS, immediately after closing the public hearing, the City Council, via Resolution No. XXXX C.M.S.: (a) made appropriate CEQA findings, including certification of the EIR and rejecting alternatives as infeasible; (b) adopted the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”); (c) approved, as revised at the Planning Commission and the Community and Economic Development Committee, the Project, the Helistop Permit, and the Tree Permit for Phase 1, subject to findings and conditions of approval; and (d) introduced this Ordinance;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council, as the final decision-making body for the lead agency, has independently reviewed, considered, and analyzed the Project EIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report and the City Council Agenda Reports and hereby reconfirms, readopts, and incorporates by reference into this Ordinance (as if fully set forth herein) all the CEQA findings, including certification of the Project EIR, relative to the proposed rezoning of a portion of the Project site from RM-2, Mixed Housing Type Residential Zone – 2 to S-1, Medical Center Zone, as contained in the approved City Planning Commission Report and the City Council Agenda Reports prior to adopting this Ordinance.

Section 2. The City Council hereby adopts the proposed rezoning, as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports.

Section 3. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 4. The Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies.

Section 5. The record before this Council relating to this Ordinance include, without limitation, the following:

1. The May 2, 2014 development application, as may be amended or supplemented, and all related materials, including all accompanying maps, papers and appendices;
2. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation the EIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, City Administrator's Office, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff (including the Public Works Agency Tree Division) before and during the public hearings on the Project; and
4. All matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations.

Section 6. 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) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; (b) City Administrator's Office, One Frank H. Ogawa Plaza, 11th Floor, Oakland California; (c) Public Works Agency Tree Services Division, 7101 Edgewater Dr., Bldg 4, Oakland California; and (d) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California.

Section 7. The recitals contained in this Ordinance are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, WASHINGTON, and PRESIDENT GIBSON
MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____



Planning & Building Department
 April 29, 2015 (corrected)



Children's Hospital Proposed Rezoning

EXHIBIT A

Showing Change
FILED
OFFICE OF THE CITY CLERK
OAKLAND

REVISED @ CEDC 4/28/15
Approved as to Form and Legality

Office of the City Attorney

2015 APR 30 PM 3:58

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

Introduced by Councilmember _____

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) ADOPTING CEQA FINDINGS, INCLUDING CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT; AND (B) REZONING A PORTION OF THE PROJECT SITE FROM RM-2, MIXED HOUSING TYPE RESIDENTIAL ZONE – 2 TO S-1 MEDICAL CENTER ZONE, FOR CHILDREN’S HOSPITAL AND RESEARCH CENTER OAKLAND’S MASTER PLAN, LOCATED AT 747-52 STREET, OAKLAND

WHEREAS, Children’s Hospital and Research Center Oakland (“CHRCO”), now UCSF Benioff Children’s Hospital Oakland, is an existing hospital facility that contains a complex of medical buildings on a triangular site, located at 747 52nd Street, in the northern portion of the City of Oakland, Alameda County; and

WHEREAS, California State Senate Bill 1953 (“SB 1953”) requires all hospitals in California providing acute care to be designed and constructed to withstand a major earthquake and remain operational after the quake; and

WHEREAS, in order to comply with SB 1953, certain structures and facilities must be retrofitted, replaced, or removed from acute care services by December 31, 2019; and

WHEREAS, CHRCO has developed a Campus Master Plan Project that provides for the development of new and replacement facilities within the existing 11-acre CHRCO campus, and on or about May 2, 2014, submitted development applications for: a General Plan Amendment; Rezoning; a Preliminary Planned Unit Development Permit for Phases 1 and 2; a Final Planned Unit Development Permit for Phase 1; Conditional Use Permits to convert residential structures to non-residential in the S-1 and CN-3 Zones, permit health care use in the RM-2 and CN-3 Zones, demolish rooming units in the S-1 Zone, and permit commercial uses in the S-1 Zone; Design Review for residential facilities, non-residential facilities, Potentially Designated Historic Properties, and demolition of historic structures; Minor Variances for open facilities, number of loading berths, and Family Residence Building parking; an exception from ground floor transparency percentage in the CN-3 Zone; a Phased Vesting Tentative Tract Map; a Helistop permit; and a Tree Removal Permit for Phase 1 (“Project”); and

WHEREAS, the main purpose of the Project is to create new seismically compliant acute care facilities that meet the seismic safety requirements of SB 1953 at the earliest practical date and within mandated state deadlines; and

WHEREAS, other Project goals include renovating existing structures, constructing new and replacement hospital facilities and associated infrastructure, and redesigning the CHRCO campus' access points and internal street layout to improve site access, intermodal circulation, and pedestrian safety within the campus and adjacent City streets; and

WHEREAS, the Project will be developed in two phases; and

WHEREAS, Phase 1 of the Project would include: (a) demolition of one residential building; (b) minor rear yard additions on two residential buildings; (c) construction of a 6-story, 89,100 sq. ft. Outpatient Center ("OPC2") and a 1,100 sq. ft. addition to the Central Plant Building; (d) construction of a new entrance to the existing parking garage off Martin Luther King Jr. Way; (e) landscaping and circulation improvements; (f) renovation of 95,500 sq. ft. within the existing CHRCO site; and (g) removal of nineteen trees, preservation of seven trees, and the installation of new native landscaping and bio-filtration planting areas around the OPC2 building; and

WHEREAS, Phase 2 of the Project would include: (a) demolition of one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing heli-stop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building, and several trailers; (b) construction of a 2-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units, a 3-story 31,300 sq. ft. Clinical Support Building, a 5-story, 43,500 sq. ft. Link Building with a helistop on the roof; a 5-story, 101,000 sq. ft. Patient Pavilion, a 3,800 sq. ft. Central Utility Plant Building, and a 4-story, 114,900 sq. ft. parking structure with 334 stalls; (c) acquisition and improvement of 1.5 acres of Caltrans Right-of-Way; (d) improvement of site access and circulation to 52nd Street and Dover Street; (e) landscaping and utilities improvements; (f) renovation of 42,342 sq. ft. within the existing CHRCO site; (g) relocation of two residential buildings east of the Family Residence Building; and (h) removal of 89 trees, preservation of 36 trees, and the installation of new native landscaping and bio-filtration planting areas; and

WHEREAS, approximately thirty-one community meetings were held to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, CHRCO held a community visioning event to discuss the Project in July 2012, which was attended by neighbors, CHRCO patients, staff, donors, and local community leaders; and

WHEREAS, on July 26, 2013, a Notice of Preparation of a Draft Environmental Impact Report ("EIR") for the Project was published; and

WHEREAS, in order to receive comments on the scope and content of the Draft EIR for the Project, duly noticed Draft EIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board ("LPAB") on August 12, 2013; before the Oakland Bicycle and Pedestrian Advisory Committee ("BPAC") on August 15, 2013; and before the Oakland City Planning Commission on August 28, 2013; and

WHEREAS, a Combined Notice of Availability and Release of a Draft EIR and Notice of Public Hearings on the Draft EIR for the Project was published on August 4, 2014, and a Draft EIR was released on August 7, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, duly noticed public hearings on the Draft EIR for the Project were held before the Oakland LPAB on September 8, 2014; before the Oakland City Planning Commission on September 17, 2014 ; and before the Oakland BPAC on September 18, 2014; and

WHEREAS, an LPAB Design Review public hearing was held on December 8, 2014, and a hearing also was held before the Design Review Committee of the Planning Commission on December 10, 2014; and

WHEREAS, on February 27, 2015, a Notice of Availability/Notice of Release of a Final EIR, as well as a Responses to Comment/Final EIR, which responded to comments received on the Draft EIR, were published and made available for public review and comment; and

WHEREAS, on March 9, 2015 a duly noticed public hearing was attempted to be held before the LPAB to consider the EIR and Project land use entitlements, but there was no quorum. Individual members of the LPAB recommended approval of the Project, with minor revisions; and

WHEREAS, on March 18, 2015, California Airport Land Use Commission staff found the Project as currently proposed to be compatible with each of the four Airport Compatibility Planning Factors: noise, safety, airspace protection, and overflight criteria; and

WHEREAS, on April 1, 2015 a duly noticed joint public hearing was held before the City Planning Commission and City Administrator's Hearing Officer to consider the EIR and Project development applications; and

WHEREAS, on April 1, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required California Environmental Quality Act ("CEQA") findings, including certifying the EIR and rejecting alternatives as infeasible; (b) adopt the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP"); and (c) approve, as revised at the Planning Commission, the Project based, in part, upon the Project Findings and conditions of approval contained in the April 1, 2015 City Planning Commission Agenda Report and attachments ("City Planning Commission Report"); and

WHEREAS, pursuant to Chapter 5.28 of the Oakland Municipal Code, a Helistop Permit from the City Administrator's Office is necessary to relocate the existing helistop on the CHRCCO campus as part of Phase 2 of the Project; and

WHEREAS, California Public Utilities Code Section 21661.5 requires that the City Council approve the proposal to construct and operate a helistop located within City boundaries before Caltrans Division of Aeronautics can issue its final approval; and

WHEREAS, on April 6, 2015, the Hearing Officer from the City Administrator’s Office, after receiving comments from the public and the City Planning Commission at the April 1, 2015 joint public hearing, recommended that the City Council approve the Helistop Permit; and

WHEREAS, pursuant to Chapter 12.36 of the Oakland Municipal Code, a Tree Removal Permit from the Tree Services Division of the City Public Works Agency is necessary to remove protected trees on the CHRCO campus; and

WHEREAS, on April 14, 2015, the Public Works Agency Tree Services Division, after properly noticing the Tree Removal Permit, recommended that the City Council approve the Tree Removal Permit for Phase 1 of the Project; and

WHEREAS, the EIR and Project were considered at a regular, duly noticed meeting of the City Council’s Community and Economic Development Committee on April 28, 2015, which recommended certification of the EIR and approval of the Project with revised conditions of approval;

WHEREAS, the Project and EIR were considered at a regular, duly noticed, public hearing of the City Council on May 5, 2015; and

WHEREAS, immediately after closing the public hearing, the City Council, via Resolution No. XXXX C.M.S.: (a) made appropriate CEQA findings, including certification of the EIR and rejecting alternatives as infeasible; (b) adopted the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”); (c) approved, as revised at the Planning Commission and the Community and Economic Development Committee, the Project, the Helistop Permit, and the Tree Permit for Phase 1, subject to findings and conditions of approval; and (d) introduced this Ordinance;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council, as the final decision-making body for the lead agency, has independently reviewed, considered, and analyzed the Project EIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report and the City Council Agenda Reports and hereby reconfirms, readopts, and incorporates by reference into this Ordinance (as if fully set forth herein) all the CEQA findings, including certification of the Project EIR, relative to the proposed rezoning of a portion of the Project site from RM-2, Mixed Housing Type Residential Zone – 2 to S-1, Medical Center Zone, as contained in the approved City Planning Commission Report and the City Council Agenda Reports prior to adopting this Ordinance.

Section 2. The City Council hereby adopts the proposed rezoning, as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports.

Section 3. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 4. The Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies.

Section 5. The record before this Council relating to this Ordinance include, without limitation, the following:

1. The May 2, 2014 development application, as may be amended or supplemented, and all related materials, including all accompanying maps, papers and appendices;
2. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation the EIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, City Administrator's Office, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff (including the Public Works Agency Tree Division) before and during the public hearings on the Project; and
4. All matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations.

Section 6. 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) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; (b) City Administrator's Office, One Frank H. Ogawa Plaza, 11th Floor, Oakland California; (c) Public Works Agency Tree Services Division, 7101 Edgewater Dr., Bldg 4, Oakland California; and (d) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California.

Section 7. The recitals contained in this Ordinance are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, WASHINGTON, and PRESIDENT GIBSON
MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

2015 APR 30 PM 4:00

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING RELATED CEQA FINDINGS; (B) AMENDING THE GENERAL PLAN FOR A PORTION OF THE PROJECT SITE FROM MIXED HOUSING TYPE RESIDENTIAL TO INSTITUTIONAL; (C) ADOPTING PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT, FINAL PLANNED UNIT DEVELOPMENT PERMIT FOR PHASE 1, CONDITIONAL USE PERMITS, VARIANCES, PHASED VESTING TENTATIVE TRACT MAP AND OTHER DEVELOPMENT RELATED LAND USE PERMITS; (D) APPROVING A HELISTOP PERMIT AS RECOMMENDED BY THE CITY ADMINISTRATOR'S OFFICE; AND (E) APPROVING A TREE REMOVAL PERMIT AS RECOMMENDED BY THE PUBLIC WORKS AGENCY, FOR CHILDREN'S HOSPITAL AND RESEARCH CENTER OAKLAND'S MASTER PLAN, LOCATED AT 747 52ND STREET, OAKLAND

WHEREAS, Children's Hospital and Research Center Oakland ("CHRCO"), now UCSF Benioff Children's Hospital Oakland, is an existing hospital facility that contains a complex of medical buildings on a triangular site, located at 747 52nd Street, in the northern portion of the City of Oakland, Alameda County; and

WHEREAS, California State Senate Bill 1953 ("SB 1953") requires all hospitals in California providing acute care to be designed and constructed to withstand a major earthquake and remain operational after the quake; and

WHEREAS, in order to comply with SB 1953, certain structures and facilities must be retrofitted, replaced, or removed from acute care services by December 31, 2019; and

WHEREAS, CHRCO has developed a Campus Master Plan Project that provides for the development of new and replacement facilities within the existing 11-acre CHRCO campus, and on or about May 2, 2014, submitted development applications for: a General Plan Amendment; Rezoning; a Preliminary Planned Unit Development Permit for Phases 1 and 2; a Final Planned Unit Development Permit for Phase 1; Conditional Use Permits to convert residential structures to non-residential in the S-1 and CN-3 Zones, permit health care use in the RM-2 and CN-3 Zones, demolish rooming units in the S-1 Zone, and permit commercial uses in the S-1 Zone; Design Review for residential facilities, non-residential facilities, Potentially Designated Historic Properties, and demolition of historic structures; Minor Variances for open facilities, number of loading berths, and Family Residence Building parking; an exception from ground floor

transparency percentage in the CN-3 Zone; a Phased Vesting Tentative Tract Map; a Helistop permit; and a Tree Removal Permit for Phase 1 (“Project”); and

WHEREAS, the main purpose of the Project is to create new seismically compliant acute care facilities that meet the seismic safety requirements of SB 1953 at the earliest practical date and within mandated state deadlines; and

WHEREAS, other Project goals include renovating existing structures, constructing new and replacement hospital facilities and associated infrastructure, and redesigning the CHRCO campus’ access points and internal street layout to improve site access, intermodal circulation, and pedestrian safety within the campus and adjacent City streets; and

WHEREAS, the Project will be developed in two phases; and

WHEREAS, Phase 1 of the Project would include: (a) demolition of one residential building; (b) minor rear yard additions on two residential buildings; (c) construction of a 6-story, 89,100 sq. ft. Outpatient Center (“OPC2”) and a 1,100 sq. ft. addition to the Central Plant Building; (d) construction of a new entrance to the existing parking garage off Martin Luther King Jr. Way; (e) landscaping and circulation improvements; (f) renovation of 95,500 sq. ft. within the existing CHRCO site; and (g) removal of nineteen trees, preservation of seven trees, and the installation of new native landscaping and bio-filtration planting areas around the OPC2 building; and

WHEREAS, Phase 2 of the Project would include: (a) demolition of one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing heli-stop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building, and several trailers; (b) construction of a 2-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units, a 3-story 31,300 sq. ft. Clinical Support Building, a 5-story, 43,500 sq. ft. Link Building with a heli-stop on the roof; a 5-story, 101,000 sq. ft. Patient Pavilion, a 3,800 sq. ft. Central Utility Plant Building, and a 4-story, 114,900 sq. ft. parking structure with 334 stalls; (c) acquisition and improvement of 1.5 acres of Caltrans Right-of-Way; (d) improvement of site access and circulation to 52nd Street and Dover Street; (e) landscaping and utilities improvements; (f) renovation of 42,342 sq. ft. within the existing CHRCO site; (g) relocation of two residential buildings east of the Family Residence Building; and (h) removal of 89 trees, preservation of 36 trees, and the installation of new native landscaping and bio-filtration planting areas; and

WHEREAS, thirty-one community meetings were held to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, CHRCO held a community visioning event to discuss the Project in July 2012, which was attended by neighbors, CHRCO patients, staff, donors, and local community leaders; and

WHEREAS, on July 26, 2013, a Notice of Preparation of a Draft Environmental Impact Report (“EIR”) for the Project was published; and

WHEREAS, in order to receive comments on the scope and content of the Draft EIR for the Project, duly noticed Draft EIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board (“LPAB”) on August 12, 2013; before the Oakland Bicycle and Pedestrian Advisory Committee (“BPAC”) on August 15, 2013; and before the Oakland City Planning Commission on August 28, 2013; and

WHEREAS, a Combined Notice of Availability and Release of a Draft EIR and Notice of Public Hearings on the Draft EIR for the Project was published on August 4, 2014, and a Draft EIR was released on August 7, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, duly noticed public hearings on the Draft EIR for the Project were held before the Oakland LPAB on September 8, 2014; before the Oakland City Planning Commission on September 17, 2014 ; and before the Oakland BPAC on September 18, 2014; and

WHEREAS, an LPAB Design Review public hearing was held on December 8, 2014, and a hearing also was held before the Design Review Committee of the Planning Commission on December 10, 2014; and

WHEREAS, on February 27, 2015, a Notice of Availability/Notice of Release of a Final EIR, as well as a Responses to Comment/Final EIR, which responded to comments received on the Draft EIR, were published and made available for public review and comment; and

WHEREAS, on March 9, 2015 a duly noticed public hearing was attempted to be held before the LPAB to consider the EIR and Project land use entitlements, but there was no quorum. Individual members of the LPAB recommended approval of the Project, with minor revisions; and

WHEREAS, on March 18, 2015, California Airport Land Use Commission staff found the Project as currently proposed to be compatible with each of the four Airport Compatibility Planning Factors: noise, safety, airspace protection, and overflight criteria; and

WHEREAS, on April 1, 2015 a duly noticed joint public hearing was held before the City Planning Commission and City Administrator’s Hearing Officer to consider the EIR and Project development applications; and

WHEREAS, on April 1, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required California Environmental Quality Act (“CEQA”) findings, including certifying the EIR and rejecting alternatives as infeasible; (b) adopt the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”); and (c) approve, as revised at the Planning Commission, the Project based, in part, upon the Project Findings and conditions of approval contained in the April 1, 2015 City Planning Commission Agenda Report and attachments (“City Planning Commission Report”); and

WHEREAS, pursuant to Chapter 5.28 of the Oakland Municipal Code, a Helistop Permit from

the City Administrator's Office is necessary to relocate the existing helistop on the CHRCO campus as part of Phase 2 of the Project; and

WHEREAS, California Public Utilities Code Section 21661.5 requires that the City Council approve the proposal to construct and operate a helistop located within City boundaries before Caltrans Division of Aeronautics can issue its final approval; and

WHEREAS, on April 6, 2015, the Hearing Officer from the City Administrator's Office, after receiving comments from the public and the City Planning Commission at the April 1, 2015 joint public hearing, recommended that the City Council approve the Helistop Permit; and

WHEREAS, pursuant to Chapter 12.36 of the Oakland Municipal Code, a Tree Removal Permit from the Tree Services Division of the City Public Works Agency is necessary to remove protected trees on the CHRCO campus; and

WHEREAS, on April 14, 2015, the Public Works Agency Tree Services Division, after properly noticing the Tree Removal Permit, recommended that the City Council approve the Tree Removal Permit for Phase 1 of the Project; and

WHEREAS, the EIR and Project were considered at a regular, duly noticed meeting of the City Council's Community and Economic Development Committee on April 28, 2015, which recommended certification of the EIR and approval of the Project with revised conditions of approval;

WHEREAS, the Project and EIR were considered at a regular, duly noticed, public hearing of the City Council on May 5, 2015; now, therefore be it

RESOLVED, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered, and analyzed the Project EIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report, the April 28, 2015 City Council's Community and Economic Development Committee's Agenda Report and attachments and the May 5, 2015 Supplemental City Council Agenda Report and Attachments (collectively "City Council Agenda Reports"); and be it

FURTHER RESOLVED, that the City Council, as the final decision-making body for the lead agency, hereby confirms, adopts, and incorporates by reference into this Resolution (as if fully set forth herein) all the CEQA findings contained in the approved City Planning Commission Report and the City Council Agenda Reports prior to taking action in approving the Project; and be it

FURTHER RESOLVED, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the Project, the SCAMMRP contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts the General Plan Amendment as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts all the Project's planning-related permits/approvals, the Helistop Permit, and the Tree Removal Permit for Phase 1, based in part on the findings identified above as well as the approved City Planning Commission Report and the City Council Agenda Reports, the April 6, 2015 City Administrator Helistop Permit recommendation, and the April 14, 2015 Public Works Agency Tree Removal Permit recommendation; and be it

FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law; and be it

FURTHER RESOLVED, that the Environmental Review Officer, or designee, 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 these actions include, without limitation, the following:

1. The May 2, 2014 development application, as may be amended or supplemented, and all related materials, including all accompanying maps, papers and appendices;
2. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation the EIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, City Administrator's Office, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff (including the Public Works Agency Tree Division) before and during the public hearings on the Project;
4. All matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal 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) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; (b) City Administrator's Office, One Frank H. Ogawa

Plaza, 11th Floor, Oakland California; (c) Public Works Agency Tree Services Division, 7101 Edgewater Dr, Bldg 4 Oakland California; and (d) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California; 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, WASHINGTON, and PRESIDENT GIBSON
MCELHANEY

NOES –

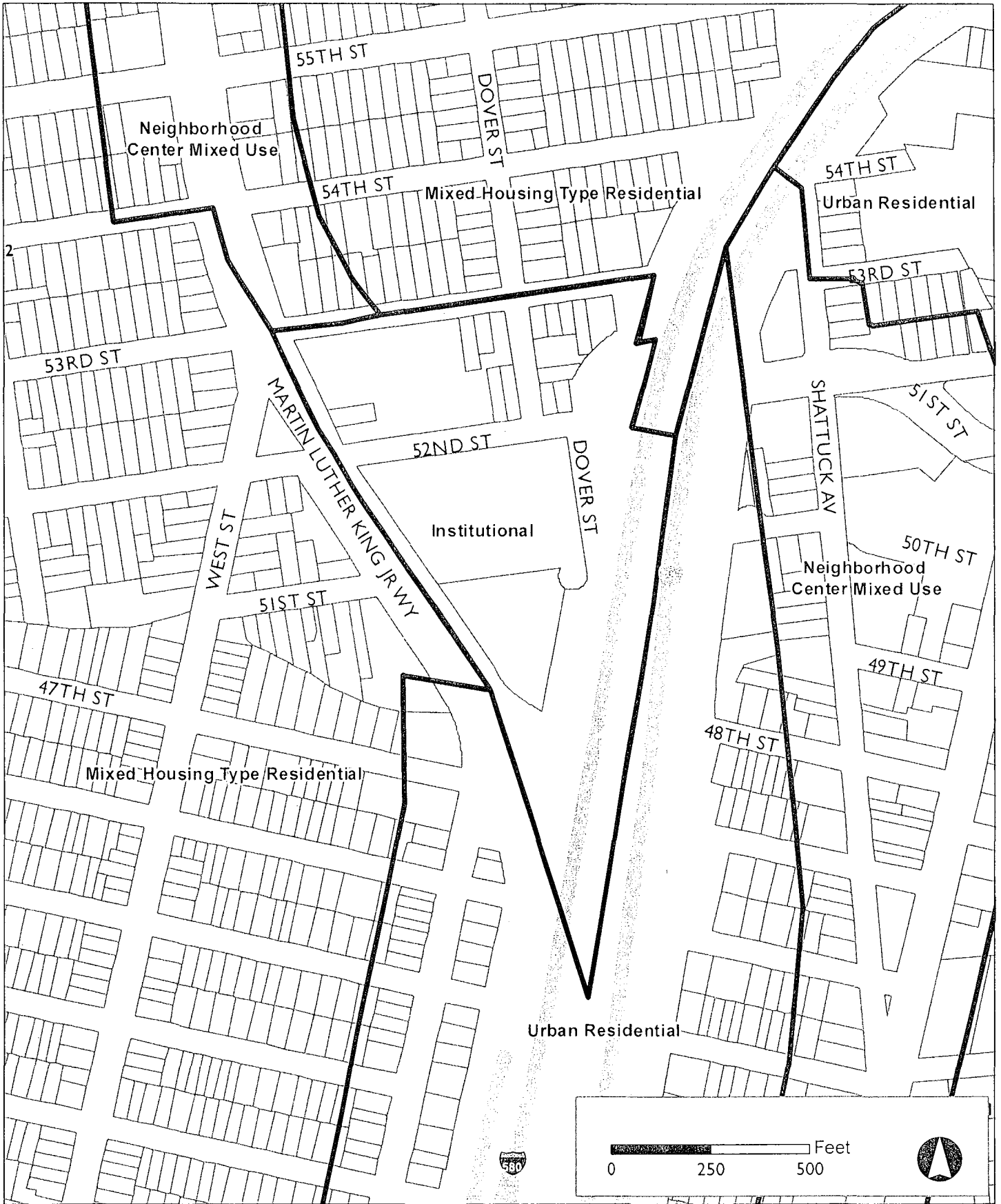
ABSENT –

ABSTENTION –

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____



Planning & Building Department
 April 29, 2015 (corrected)



Showing Changes

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Office of the City Attorney

2015 APR 30 PM 4:00

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING RELATED CEQA FINDINGS; (B) AMENDING THE GENERAL PLAN FOR A PORTION OF THE PROJECT SITE FROM MIXED HOUSING TYPE RESIDENTIAL TO INSTITUTIONAL; (C) ADOPTING PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT, FINAL PLANNED UNIT DEVELOPMENT PERMIT FOR PHASE 1, CONDITIONAL USE PERMITS, VARIANCES, PHASED VESTING TENTATIVE TRACT MAP AND OTHER DEVELOPMENT RELATED LAND USE PERMITS; (D) APPROVING A HELISTOP PERMIT AS RECOMMENDED BY THE CITY ADMINISTRATOR’S OFFICE; AND (E) APPROVING A TREE REMOVAL PERMIT AS RECOMMENDED BY THE PUBLIC WORKS AGENCY, FOR CHILDREN’S HOSPITAL AND RESEARCH CENTER OAKLAND’S MASTER PLAN, LOCATED AT 747 52ND STREET, OAKLAND

WHEREAS, Children’s Hospital and Research Center Oakland (“CHRCO”), now UCSF Benioff Children’s Hospital Oakland, is an existing hospital facility that contains a complex of medical buildings on a triangular site, located at 747 52nd Street, in the northern portion of the City of Oakland, Alameda County; and

WHEREAS, California State Senate Bill 1953 (“SB 1953”) requires all hospitals in California providing acute care to be designed and constructed to withstand a major earthquake and remain operational after the quake; and

WHEREAS, in order to comply with SB 1953, certain structures and facilities must be retrofitted, replaced, or removed from acute care services by December 31, 2019; and

WHEREAS, CHRCO has developed a Campus Master Plan Project that provides for the development of new and replacement facilities within the existing 11-acre CHRCO campus, and on or about May 2, 2014, submitted development applications for: a General Plan Amendment; Rezoning; a Preliminary Planned Unit Development Permit for Phases 1 and 2; a Final Planned Unit Development Permit for Phase 1; Conditional Use Permits to convert residential structures to non-residential in the S-1 and CN-3 Zones, permit health care use in the RM-2 and CN-3 Zones, demolish rooming units in the S-1 Zone, and permit commercial uses in the S-1 Zone; Design Review for residential facilities, non-residential facilities, Potentially Designated Historic Properties, and demolition of historic structures; Minor Variances for open facilities, number of loading berths, and Family Residence Building parking; an exception from ground floor

transparency percentage in the CN-3 Zone; a Phased Vesting Tentative Tract Map; a Helistop permit; and a Tree Removal Permit for Phase 1 (“Project”); and

WHEREAS, the main purpose of the Project is to create new seismically compliant acute care facilities that meet the seismic safety requirements of SB 1953 at the earliest practical date and within mandated state deadlines; and

WHEREAS, other Project goals include renovating existing structures, constructing new and replacement hospital facilities and associated infrastructure, and redesigning the CHRCO campus’ access points and internal street layout to improve site access, intermodal circulation, and pedestrian safety within the campus and adjacent City streets; and

WHEREAS, the Project will be developed in two phases; and

WHEREAS, Phase 1 of the Project would include: (a) demolition of one residential building; (b) minor rear yard additions on two residential buildings; (c) construction of a 6-story, 89,100 sq. ft. Outpatient Center (“OPC2”) and a 1,100 sq. ft. addition to the Central Plant Building; (d) construction of a new entrance to the existing parking garage off Martin Luther King Jr. Way; (e) landscaping and circulation improvements; (f) renovation of 95,500 sq. ft. within the existing CHRCO site; and (g) removal of nineteen trees, preservation of seven trees, and the installation of new native landscaping and bio-filtration planting areas around the OPC2 building; and

WHEREAS, Phase 2 of the Project would include: (a) demolition of one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing heli-stop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building, and several trailers; (b) construction of a 2-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units, a 3-story 31,300 sq. ft. Clinical Support Building, a 5-story, 43,500 sq. ft. Link Building with a heli-stop on the roof; a 5-story, 101,000 sq. ft. Patient Pavilion, a 3,800 sq. ft. Central Utility Plant Building, and a 4-story, 114,900 sq. ft. parking structure with 334 stalls; (c) acquisition and improvement of 1.5 acres of Caltrans Right-of-Way; (d) improvement of site access and circulation to 52nd Street and Dover Street; (e) landscaping and utilities improvements; (f) renovation of 42,342 sq. ft. within the existing CHRCO site; (g) relocation of two residential buildings east of the Family Residence Building; and (h) removal of 89 trees, preservation of 36 trees, and the installation of new native landscaping and bio-filtration planting areas; and

WHEREAS, thirty-one community meetings were held to create dialogue with community members, provide information and updates on the Project, and address concerns; and

WHEREAS, CHRCO held a community visioning event to discuss the Project in July 2012, which was attended by neighbors, CHRCO patients, staff, donors, and local community leaders; and

WHEREAS, on July 26, 2013, a Notice of Preparation of a Draft Environmental Impact Report (“EIR”) for the Project was published; and

WHEREAS, in order to receive comments on the scope and content of the Draft EIR for the Project, duly noticed Draft EIR scoping hearings were held before the Oakland Landmarks Preservation Advisory Board (“LPAB”) on August 12, 2013; before the Oakland Bicycle and Pedestrian Advisory Committee (“BPAC”) on August 15, 2013; and before the Oakland City Planning Commission on August 28, 2013; and

WHEREAS, a Combined Notice of Availability and Release of a Draft EIR and Notice of Public Hearings on the Draft EIR for the Project was published on August 4, 2014, and a Draft EIR was released on August 7, 2014, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, duly noticed public hearings on the Draft EIR for the Project were held before the Oakland LPAB on September 8, 2014; before the Oakland City Planning Commission on September 17, 2014 ; and before the Oakland BPAC on September 18, 2014; and

WHEREAS, an LPAB Design Review public hearing was held on December 8, 2014, and a hearing also was held before the Design Review Committee of the Planning Commission on December 10, 2014; and

WHEREAS, on February 27, 2015, a Notice of Availability/Notice of Release of a Final EIR, as well as a Responses to Comment/Final EIR, which responded to comments received on the Draft EIR, were published and made available for public review and comment; and

WHEREAS, on March 9, 2015 a duly noticed public hearing was attempted to be held before the LPAB to consider the EIR and Project land use entitlements, but there was no quorum. Individual members of the LPAB recommended approval of the Project, with minor revisions; and

WHEREAS, on March 18, 2015, California Airport Land Use Commission staff found the Project as currently proposed to be compatible with each of the four Airport Compatibility Planning Factors: noise, safety, airspace protection, and overflight criteria; and

WHEREAS, on April 1, 2015 a duly noticed joint public hearing was held before the City Planning Commission and City Administrator’s Hearing Officer to consider the EIR and Project development applications; and

WHEREAS, on April 1, 2015, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council: (a) adopt the required California Environmental Quality Act (“CEQA”) findings, including certifying the EIR and rejecting alternatives as infeasible; (b) adopt the Project Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”); and (c) approve, as revised at the Planning Commission, the Project based, in part, upon the Project Findings and conditions of approval contained in the April 1, 2015 City Planning Commission Agenda Report and attachments (“City Planning Commission Report”); and

WHEREAS, pursuant to Chapter 5.28 of the Oakland Municipal Code, a Helistop Permit from

the City Administrator's Office is necessary to relocate the existing helistop on the CHRCO campus as part of Phase 2 of the Project; and

WHEREAS, California Public Utilities Code Section 21661.5 requires that the City Council approve the proposal to construct and operate a helistop located within City boundaries before Caltrans Division of Aeronautics can issue its final approval; and

WHEREAS, on April 6, 2015, the Hearing Officer from the City Administrator's Office, after receiving comments from the public and the City Planning Commission at the April 1, 2015 joint public hearing, recommended that the City Council approve the Helistop Permit; and

WHEREAS, pursuant to Chapter 12.36 of the Oakland Municipal Code, a Tree Removal Permit from the Tree Services Division of the City Public Works Agency is necessary to remove protected trees on the CHRCO campus; and

WHEREAS, on April 14, 2015, the Public Works Agency Tree Services Division, after properly noticing the Tree Removal Permit, recommended that the City Council approve the Tree Removal Permit for Phase 1 of the Project; and

WHEREAS, the EIR and Project were considered at a regular, duly noticed meeting of the City Council's Community and Economic Development Committee on April 28, 2015, which recommended certification of the EIR and approval of the Project with revised conditions of approval;

WHEREAS, the Project and EIR were considered at a regular, duly noticed, public hearing of the City Council on May 5, 2015; now, therefore be it

RESOLVED, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered, and analyzed the Project EIR and the CEQA findings of the City Planning Commission contained in the approved City Planning Commission Report, and the April 28, 2015 City Council's Community and Economic Development Committee's Agenda Report and attachments and the May 5, 2015 Supplemental City Council Agenda Report and Attachments (collectively "City Council Agenda Reports"); and be it

FURTHER RESOLVED, that the City Council, as the final decision-making body for the lead agency, hereby confirms, adopts, and incorporates by reference into this Resolution (as if fully set forth herein) all the CEQA findings contained in the approved City Planning Commission Report and the City Council Agenda Reports prior to taking action in approving the Project; and be it

FURTHER RESOLVED, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the Project, the SCAMMRP contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts the General Plan Amendment as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Reports; and be it

FURTHER RESOLVED, that the City Council hereby adopts all the Project's planning-related permits/approvals, the Helistop Permit, and the Tree Removal Permit for Phase 1, based in part on the findings identified above as well as the approved City Planning Commission Report and the City Council Agenda Reports, the April 6, 2015 City Administrator Helistop Permit recommendation, and the April 14, 2015 Public Works Agency Tree Removal Permit recommendation; and be it

FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law; and be it

FURTHER RESOLVED, that the Environmental Review Officer, or designee, 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 these actions include, without limitation, the following:

1. The May 2, 2014 development application, as may be amended or supplemented, and all related materials, including all accompanying maps, papers and appendices;
2. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation the EIR and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland LPAB, BPAC, City Planning Commission, City Administrator's Office, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff (including the Public Works Agency Tree Division) before and during the public hearings on the Project;
4. All matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal 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) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; (b) City Administrator's Office, One Frank H. Ogawa

Plaza, 11th Floor, Oakland California; (c) Public Works Agency Tree Services Division, 7101 Edgewater Dr, Bldg 4 Oakland California; and (d) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California; 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, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, WASHINGTON, and PRESIDENT GIBSON
MCELHANEY

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____