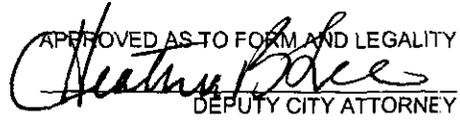


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APPROVED AS TO FORM AND LEGALITY  
  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. 12753 C.M.S.

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**ORDINANCE ADOPTING AN AMENDMENT TO THE BROADWAY/MacARTHUR/SAN PABLO REDEVELOPMENT PLAN, AMENDING THE LAND USE DESIGNATION FOR THE KAISER PERMANENTE OAKLAND MEDICAL CENTER CAMPUS FROM VARIOUS DESIGNATIONS TO INSTITUTIONAL**

**WHEREAS**, the City Council of the City of Oakland (“City Council”) adopted a Redevelopment Plan for the Broadway/MacArthur/San Pablo Redevelopment Project Area (“Redevelopment Plan”) as a redevelopment plan for the Broadway/ MacArthur/San Pablo Redevelopment Project Area (“Project Area”) pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

**WHEREAS**, the Redevelopment Plan includes a Redevelopment Land Use Map attached to the Redevelopment Plan, which sets forth land use designations for the Project Area; and

**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**, it is necessary and desirable to amend the Land Use Map designation for the Project site from these various designations to Institution (“Amendment”) for the reasons set forth in the staff report accompanying this Resolution; and

**WHEREAS**, the land use designation for the Project site in the Oakland General Plan has been or will be revised, and the Redevelopment Agency desires that the Redevelopment Land Use Map in the Redevelopment Plan be consistent with the Oakland General Plan; and

**WHEREAS**, the Redevelopment Agency has submitted to the City Council this proposed Amendment to the Redevelopment Plan; and

**WHEREAS**, Health and Safety Code Section 33450, et seq., authorizes a legislative body to amend a redevelopment plan after holding a public hearing; and

**WHEREAS**, this proposed Amendment does not propose any additional property for inclusion in the Project Area, nor does it increase or reduce the Project Area or affect the Redevelopment Agency's authority to claim tax increment revenues; 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 approval of a General Plan amendment to the City Council, recommended approval of this Redevelopment Plan Amendment to the Redevelopment Agency and the City Council, and recommended approval of termination of the previously approved contract rezoning, rezoning to a new KX zone, and approval of a Master Plan to the City Council; 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 the proposed Amendment, as permitted under Health and Safety Code Section 33458, on June 27, 2006; and

**WHEREAS**, the City has provided the published and mailed notice of the hearing and this Amendment as required by Health and Safety Code Section 33452;

**NOW, THEREFORE,** the Council of the City of Oakland does hereby ordain as follows:

**SECTION 1.** 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 Ordinance, and (ii) the Conditions of Approval and Mitigation Monitoring and Reporting Program for the Project attached as *Exhibit 2* of this Ordinance; all incorporated by reference herein.

**SECTION 2.** The City Council hereby adopts the Amendment to the Redevelopment Plan for the Broadway/MacArthur/San Pablo Redevelopment Project Area by substituting the map attached to this Resolution as *Exhibit 3* for the Redevelopment Land Use Map attached to the Redevelopment Plan and designating the attached map as the Redevelopment Land Use Map for the Broadway/MacArthur/San Pablo Redevelopment Project Area, and adopts the findings of the Planning Commission, as summarized in the above recitals, as well as findings in the June 27, 2006 City Council/Redevelopment Agency Agenda Report.

**SECTION 3.** The City Council finds that it is necessary and desirable to amend the Redevelopment Plan for the Broadway/MacArthur/San Pablo Redevelopment Project Area for the reasons set forth herein and in the staff report accompanying this Ordinance.

**SECTION 4.** The City Council finds and determines that this Ordinance complies with CEQA and the Environmental Review Officer 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 action 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 or her 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 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 Broadway/MacArthur/San Pablo Area Redevelopment Plan; (b) the General Plan; (c) Oakland Municipal Code, including, without limitation, the Oakland real estate

regulations, Oakland Fire Code; (d) Oakland Planning Code; (e) other applicable City policies and regulations; and (f) 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) Community & Economic Development Agency, 250 Frank H. Ogawa Plaza, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> floor, Oakland, CA..

**SECTION 7.** If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

**SECTION 8.** This Ordinance shall be in full force and effect immediately upon its passage as provided by Section 216 of the City Charter, if adopted by at least six members of Council, or upon the seventh day after final adoption if adopted by fewer votes.

**SECTION 9.** That, 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, JUL 18 2006, 2006

**PASSED BY THE FOLLOWING VOTE:**

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

Introduction Date:  
JUN 27 2006

ATTEST: Latonda Simmons

LATONDA SIMMONS  
City Clerk and Clerk of the  
Council  
of the City of Oakland, California

APM.

## Notice and Digest

### **City Ordinance adopting the First Amendment to the Broadway/MacArthur/San Pablo Area Redevelopment Plan revising the Land Use Designation for the Kaiser Permanente Oakland Medical Campus from various designations to Institutional**

The purpose of this ordinance is to revise the land use designations for the Kaiser Permanente Oakland Medical Center as indicated on the Broadway/MacArthur/San Pablo Area Redevelopment Plan Land Use Diagram from various designations to Institutional.

### **City Ordinance establishing the Kaiser Permanente Oakland Medical Center Zoning District (KX Zone) as Chapter 17.XX in the Oakland Planning Code, rezoning the Project site from various zones to the KX Zone and terminating the March 1992 Contract Rezoning Agreement (authorized by Ordinance No. 11361 C.M.S.)**

The purpose of this ordinance is to establish a new Kaiser Permanente Oakland Medical Center Zoning District (KX Zone) as Chapter 17.XX in the Oakland Planning Code. It is also intended to rezone the Kaiser Permanente Oakland Medical Center from various zones to the new KX Zone and terminate the March 1992 Contract Rezoning Agreement as authorized by Ordinance No. 11361 C.M.S.