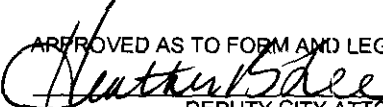


2006 JUN -1 PM 2:18


DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. 12754 C.M.S.

ORDINANCE ADOPTING A NEW KAISER PERMANENTE OAKLAND MEDICAL CENTER (KX) ZONE, REZONING THE KAISER PERMANENTE OAKLAND MEDICAL CENTER CAMPUS FROM VARIOUS DESIGNATIONS TO THE NEW KX ZONE AND TERMINATING THE PREVIOUSLY APPROVED CONTRACT REZONING.

WHEREAS, the 20.6-acre site of the Kaiser Permanente Oakland Medical Center (OMC) campus, located generally at the intersection of Broadway and MacArthur Boulevard, is currently located in the S-1 Medical Center, C-40 Community Thoroughfare Commercial, C-25 Office Commercial, R-50 Medium Density Residential, R-70 High Density Residential, R-19 Broadway Auto Row Interim Study Combining Zoning, and S-18 Mediated Design Review Combining Zone by the Oakland Zoning Regulations; and

WHEREAS, 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; and

WHEREAS, the current zoning does not provide for a consistent nor comprehensive set of regulations that recognize the OMC Campus; and

WHEREAS, the Project proposes to provide a comprehensive set of land use regulations and development standards that would be consistently applied to the long term development of the entire Oakland Medical Center; 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 a Redevelopment Plan Amendment to the Redevelopment Agency and the City Council, and recommended approval of termination of the previously approved contract rezoning, creation of a new KX zone, rezoning the OMC to the new KX zone, and approval of a Master Plan to the City Council; and

WHEREAS, the Planning Commission found, in part, that the new KX zoning district is consistent with the overall goals, objectives, and policies of the General Plan to help create, maintain and enhance an area that is appropriate for health services and medical uses, that the current zoning is inadequate and that the proposed zoning would better promote the health, safety and welfare of Oakland residents and others; and

WHEREAS, the Planning Commission also found that if adopted, the proposed KX Zoning District renders the balance of the 1992 Rezoning Agreement superfluous; 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, the Council of the City of Oakland does 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, 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 ordinance; all incorporated by reference herein.

SECTION 2. The City Council finds that it is necessary, desirable, and in the public interest to adopt a new Kaiser Permanente Oakland Medical Center (KX) Zoning District in the Oakland Planning Code for the reasons set forth herein and in the June 27, 2006 City Council Agenda Report.

SECTION 3. The City Council finds that it is necessary, desirable, and in the public interest to terminate the Rezoning Agreement authorized by Ordinance No. 11361 C.M.S., adopted July 30, 1991 for the reasons set forth herein and in the June 27, 2006 City Council Agenda Report.

SECTION 4. The City Council finds that it is necessary, desirable, and in the public interest to amend the relevant OMC Campus Zoning Map(s) for the reasons set forth herein and in the June 27, 2006 City Council Agenda Report.

SECTION 5. The Kaiser Permanente Oakland Medical Center (KX) Zoning District attached to this ordinance as *Exhibit 4* is hereby adopted, the designation and location of zones and zone boundaries on the Zoning Map(s) are hereby amended as shown on the map attached to this ordinance as *Exhibit 5*, and 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 are hereby adopted.

SECTION 6. 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 7. 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.

SECTION 8. 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..

SECTION 9. 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 10. 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 11. 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, 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

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

APN.

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.