

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY PRESIDENT PRO TEMPORE KALB AND COUNCILMEMBER
FIFE

A RESOLUTION DIRECTING THE CITY ADMINISTRATOR OR THEIR DESIGNEE TO STUDY AND PRESENT TO THE PLANNING COMMISSION, AND ULTIMATELY THE CITY COUNCIL, A PLANNING CODE AMENDMENT ESTABLISHING A ZONING OVERLAY OR SIMILAR PLANNING MECHANISM THAT REQUIRES A MAJOR CONDITIONAL USE PERMIT (“MAJOR CUP”) FOR HEALTH CARE CIVIC ACTIVITIES IN THE AREA BOUNDED BY TELEGRAPH AVENUE, BROADWAY, INTERSTATE 580, AND 29th STREET, TO BE PRESENTED IN THE CITY’S UPDATE TO THE LAND USE AND TRANSPORTATION ELEMENT (“LUTE”) OF THE CITY’S GENERAL PLAN

WHEREAS, there are four large hospitals in Oakland, including Alta Bates Summit Medical Center, as well as several urgent care and community clinics; and

WHEREAS, residents living near large medical facilities should have noticed opportunities to attend a public hearing to provide substantive input and recommendations if/when such medical facilities that may have neighborhood impacts are considering expansion; and

WHEREAS, requiring a Major Conditional Use Permit (“Major CUP”) for hospital expansions involving Health Care Civic Activities in facilities larger than 2,500 square feet in the Summit/Pill Hill area of Oakland would give City officials the authority to hear the proposal in a public hearing format at Planning Commission and potentially City Council (if appealed), while also having the opportunity to closely scrutinize the proposal and negotiate and impose reasonable conditions on any expansion; and

WHEREAS, requiring a Minor Conditional Use Permit (“Minor CUP”) for expansions involving Health Care Civic Activities in facilities less than 2,500 square feet safeguards the public’s review of such expansions, while also providing some processing flexibility to the applicant if the expansion is not impactful on the community and thus not appealed to the Planning Commission; and

WHEREAS, a Rapid Health Impact Assessment on the possible closure of the Alta Bates Berkeley Hospital campus indicated that such closure could lead to substantial impacts to patient

services and potential overcrowding at the Emergency Room at the Alta Bates Summit campus in Oakland, which may in turn add increased traffic and noise impacts that have not been studied in the Pill Hill area and may impact working conditions at either hospital; and

WHEREAS, Samuel Merritt University, which rents buildings in the Pill Hill neighborhood adjacent to Alta Bates Summit Hospital Campus, is moving to a newly constructed downtown campus and will be vacating their health sciences campus in the Pill Hill neighborhood once the campus is transferred downtown, thereby potentially freeing up potential space for a hospital expansion; and

WHEREAS, health care workers -- including nurses, medical technicians, and hospital support service workers at the Alta Bates Berkeley and Alta Bates Summit campuses -- are represented by certain labor unions such as the California Nurses Association and SEIU United Healthcare Workers West may be impacted by any Alta Bates hospital expansion and have a right to receive notice and an opportunity to comment by public hearing; and

WHEREAS, unionized healthcare workers in the Pill Hill neighborhood--including members of the CA Nurses Association and members of SEIU United Healthcare Workers West--are residents, community members, and public servants of Oakland and the surrounding East Bay communities, and have a genuine interest in improving equitable access to quality healthcare for all nearby communities; and

WHEREAS, hospital expansion by a large healthcare business without conditions and guardrails could lead to a selective reduction of healthcare services and quality union jobs for nearby communities, as has happened in the past when large healthcare corporations purchase or open new facilities only to then shut down their other nearby medical centers; and

WHEREAS, large healthcare businesses--whether for profit or not-for-profit--should be accountable to their patients, their workers, and the surrounding communities including residents who may become patients; and, therefore, be it

RESOLVED: That the City Council hereby adopts the above findings along with this Resolution; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator to study and present to the Planning Commission, and ultimately the City Council, Planning Code amendment(s) establishing a zoning overlay or similar planning mechanism that requires a Major CUP for Health Care Civic Activities, as that term is defined at Oakland Municipal Code (“O.M.C.”) Section 17.10.220, for activities occupying facilities larger than 2,500 square feet and a Minor CUP for those occupying facilities less than 2,500 square feet, in the area bounded by Telegraph Avenue, Broadway, Interstate 580, and 29th Street; and be it

FURTHER RESOLVED: That the Planning Code amendment(s) establishing the zoning overlay or similar planning mechanism for this area be presented as part of the package presented to the Planning Commission and City Council for the City’s update to the Land Use and Transportation Element (“LUTE”) of the City’s General Plan; and be it

FURTHER RESOLVED: That the City Council finds that this Resolution is exempt from the California Environmental Quality Act (“CEQA”; Pub. Res. Code, § 21000 et seq) and the CEQA Guidelines (14 CCR, § 15000 et seq) as set forth specifically in the following CEQA Guidelines Sections: Section 15061(b)(3) (“common sense exemption”), Section 15306 (“information collection”), and Section 15301 (“existing facilities”), since this Resolution simply directs the City Administrator to study and present options for Planning Code amendment(s) that would require a more robust public process before the approval of Health Care Civic Activities in existing facilities located in a specifically defined area of the City, the Pill Hill area, which is bounded by Telegraph Avenue, Broadway, Interstate 580, and 29th Street. As such, there is no possibility that this action would have the potential to have a significant effect on the physical environment since it directs information collection and a more robust planning review process for the use of existing facilities.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California