

OFFICE OF THE CITY CLERK
CITY OF OAKLAND
AGENDA REPORT

2006 JUN 15 PM 5:11

TO: Office of the City/Agency Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: June 27, 2006

RE: **RECOMMENDATIONS OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE AND THE OAKLAND PLANNING COMMISSION REGARDING THE KAISER PERMANENTE OAKLAND MEDICAL CENTER MASTER PLAN AND RELATED CITY APPROVALS**

SUMMARY

On Wednesday, June 7, 2006 the members of the Planning Commission voted unanimously to adopt the CEQA findings for the Kaiser Permanente Oakland Medical Center Master Plan and to certify the EIR, and recommended that the Oakland City Council/Redevelopment Agency approve the General Plan Amendment, approve the Broadway / MacArthur / San Pablo Redevelopment Plan Amendment, approve the new Kaiser Permanente Oakland Medical Center (KX) Zoning District, approve the Kaiser Permanente Oakland Medical Center Campus Master Plan, and terminate the 1992 contract rezoning, subject to conditions of approval and the Mitigation Monitoring and Reporting Program. As part of the Commissions actions of June 7th, the Commission also recommended modifications to the Kaiser materials as included in both the Planning Commission and City Council agenda packets.

On Tuesday June 13, 2006 the Community and Economic Development Committee considered the Planning Commission actions and recommended further modifications to the Kaiser materials. Committee Chair Jane Brunner offered a list of 23 separate issues needing modifications or further clarification. This list was negotiated with and agreed to by Kaiser's representatives and agreed to in principle by the Committee. The Committee directed staff to incorporate these modifications and clarifications into the appropriate approval documents.

The following document is a compendium of all changes or modifications to each of the Draft Kaiser documents as recommended by the Planning Commission and CED Committee. An explanation or key to the modifications is as follows:

- Section A identifies those changes recommended by the CED Committee as moved by Chair Brunner. The changes recommended by the Committee are shown in shaded text (either ~~strikeout~~ or underline). Numbers in the left hand column refer to each of the 23 separate issues included in Chair Brunner's motion. Other changes that are shown in standard redline format (~~strike out of deleted language~~ and underscore of new language) over the original Draft document text consist of those changes on the same issue recommended by the Planning Commission at their June 7th hearing.

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- Section B identifies additional changes recommended by the Planning Commission at their June 7th hearing. As indicated for Section A, these changes are shown in standard redline format (~~strike-out of deleted language~~ and underscore of new language) over the original Draft document text.

Section A: Changes Recommended by the CED Committee

1. **Design Review Appeals** (Design Review appeals to the City Council was already included in the original language, but the following modifications are intended for further clarification)

KX Zoning 17.XX.060 D.1

- a) If the project requires preparation of a Subsequent or Supplemental Environmental Impact Report, or involves twenty-five thousand (25,000) square feet or more of floor area, or includes a proposed skybridge, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision.

KX Zoning 17.XX.060 D.1

- e) A determination by the Director shall become final ten days after the date of decision unless appealed to the City Planning Commission in accordance with the procedures in Section 17.136.080. The decision of the Planning Commission on appeal is final and is itself not subject to appeal.
- f) An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.

2. **Design Review Exemptions**

KX Zoning 17.XX.060 B.2:

- B. Exemptions from Design Review. The following changes to existing nonresidential buildings are exempt from design review:
 2. Alterations or additions of floor area or footprint that are determined by the Director of City Planning to be visible from the street or from other public areas, but which comprises less than ten percent (10%) of the total floor area, or anything under 25,000 square feet, whichever is smaller, of that particular story (or floor) of the building or facility

3. Broadway Garage

Master Plan

Pg. 1: KX-1 Zone:

- Approximately ~~15,000 square feet~~ 7,700 square feet of retail space primarily located along the Broadway street frontage. The street level retail use shall be included in the design and construction of Phase 1 and the space shall be actively marketed by Kaiser.

Guideline 7.2.2: Consideration shall be given to combining the design of the medical office building and the parking garage into one integrated building. ~~with~~ Whether an integrated building or freestanding parking garage, street-level retail use shall be included along as much of the Broadway frontage as possible. The street level retail use shall be included in the design and construction of Phase 1 and the space shall be actively marketed by Kaiser.

Guideline 7.2.3: If a free-standing parking garage is determined acceptable during Design Review, the height of any freestanding garage should be a maximum of 2 stories (3 decks above ground with rooftop parking); parking structure should be designed to incorporate the following:

- a) The parking structure shall be set back from the face of the Medical Office Building by at least 3 feet.
- b) There may be 2 stories of parking above the retail ground floor (3 decks of parking above retail with rooftop parking). ~~height of any freestanding garage should be a maximum of 3 stories (4 decks above ground with rooftop parking).~~
- c) Rooftop parking shall include a wall or solid barricade of 4 feet in height (or no higher than the headlights of a Sports Utility Vehicle).

4. Skybridges

KX Zoning 17.XX.150 Skybridges

A. One pedestrian skybridge over the public right of way of Broadway, adjacent to Highway 580, (connecting KX-1 and KX-2) is permitted in the KX zone and no conditional use permit shall be required pursuant to Section 17.102.200. Authority pursuant to Chapter 12.08 is also granted for this pedestrian skybridge. While the exact location has not yet been determined, the general location of the skybridge is shown in the *Kaiser Permanente Oakland Medical Center Master Plan*. The design and final location will be determined during the Design Review Process.

B. No other skybridge over Broadway shall be permitted.

C. ~~The two other proposed pedestrian skybridges over the public right of way on MacArthur Boulevard is are~~ not needed until the completion of Phase 3 of the project (KX-3 Zone). ~~Design Review for Phase 1 and Phase 2 should consider means to ensure that a choice of skybridges versus tunnels versus surface street crossings at this location is preserved. The need for and final design and final location of thea potential MacArthur Boulevard se two skybridges versus tunnels or surface street crossings will be determined during the Design Review Process and pursuant to Conditional Use permits for Phase 3.~~

D. ~~The Director of City Planning shall refer all Design Review processes regarding skybridges to the City Planning Commission for initial decision. An initial decision of the Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with the procedures in Section 17.136.090.~~

5. **Howe Street Closure**

Condition of Approval #14: Reducing Cut-through Traffic on Howe Street

~~Kaiser shall monitor traffic volumes and speeds on Howe Street just north of the Kaiser Medical Center, after each phase of the project is in full operations. The City shall, upon approval of the Master Plan and in consultation with local residents, and in accordance with all legal requirements, initiate all steps necessary to close Howe Street as a through street between MacArthur Boulevard and 38th Street. appropriate traffic calming measures, such as speed humps, or roadway closures, should be considered if and when excessive traffic volumes or speeding are observed. If approved by the City, Kaiser shall fund the improvements.~~

6. **Phase 3 Height Limit**

KX Zoning 17.XX.070 Maximum height for new construction

~~Height Limit in KX-3: 85 ft-70 feet (5 stories at 14 feet/story), except as further limited as more fully described below.~~

~~In the KX-3 zone, all structures shall be set back from the adjacent R-50 residential area by a minimum of 12 feet. No structure may exceed 30 feet in height unless additional setbacks are provided equivalent to an additional horizontal distance of one foot beyond the 12-foot setback for each foot that the structure extends above 30 feet, up to the maximum allowable height. Parking structures following the above height and setback requirements shall also be limited to a maximum of 53 feet.~~

7. **Landscaping of Utility Sheds**

New Condition of Approval #18.1: Landscape on Broadway

~~Prior to issuance of Phase 1 building permit, Kaiser shall submit a landscaping plan for the utility shed area near the current patient entrance to the existing hospital on Broadway~~

for City review and approval. If approved by the City, Kaiser shall fund and implement the improvements immediately.

8. Manila Residential

KX Zoning 17.XX.020 Special Regulations Governing Use and Development in the KX-4 Zone

A. The properties in the KX-4 zones are zoned R-70 and shall remain subject to the regulations of the R-70 District contained in Chapter 17.28, except that while the properties are included as a part of the Kaiser Permanente Oakland Medical Center the properties may only be used for the following activities: (i) single family residential uses; (ii) sleeping rooms for medical center staff; or (iii) temporary housing for families of members receiving long-term care at the Kaiser Permanente Oakland Medical Center.

B. The existing single family residential buildings on the east side of Manila within the KX-4 Zone shall remain.

9. Medians and Mosswood Park Improvements

New Condition of Approval #18.2: Landscape and Park Improvements

Kaiser shall add landscaping to the medians around the project area, and make a negotiated financial contribution to the City towards the maintenance of the medians and Mosswood Park as set forth in an agreement to be reached before the issuance of any building permit for Phase 1.

10. Public Notice

KX Zoning 17.XX.060.D.2

b) Notice of public and/or administrative hearings shall be given by posting notices thereof within three hundred (300) feet of the property involved in the application; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing, if such is to be held, or, if not, for decision on the application by the Director or the Commission, as the case may be.

KX Zoning 17.XX.080

E) Notice of public hearings required herein shall be given by (1) newspaper; (2) posting notices thereof within three hundred (300) feet of the property involved in the

application; and (3) by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved. Notice shall also be given by e-mail, mail or delivery to all persons previously requesting to be notified of actions related to the Kaiser OMC Campus through public workshops, community meetings or other direct requests to the Planning Department. All such notices shall be given not less than fifteen (15) days prior to the date set for the hearing on the application before the Commission or City Council, as the case may be.

11 & 12. Litter Plan

Condition of Approval #23: Litter Control

Prior to issuance of the first building permit for each Phase: A litter control plan that ensures that the premises and surrounding area are kept free of litter shall be submitted to and approved by the Zoning Administrator. The Plan shall include, but not be limited to:

- a) Distribution of proposed locations of litter receptacles on site and in the public right-of-way;
- eb) A management schedule for keeping the premises and surrounding area in a one-block radius free from litter originating from the operation of the future medical center activities. The number of times per day litter is to be collected will be based on the results of a baseline study, to be completed by Kaiser within two months of Master Plan approval; and
- c) Sweeping and trash collection of the premises, the public sidewalk, and the gutter area of the public street immediately adjacent to the project, as needed to keep the area free of litter.

13. Piedmont Garage Improvements

Condition of Approval #18: Piedmont Avenue/Howe Street Parking Garage

Prior to issuance of permits for Phase 2, Kaiser shall submit improvement plans for the existing Piedmont Avenue/Howe Street parking garage. Such improvements may include, but are not limited to landscaping and streetscape enhancements, façade beautification improvements, adding retail space into the ground floor subject to a physical feasibility analysis for such a use, and shall include additional lighting and signage and other appropriate amenities for the existing pedestrian path connecting between Howe and Piedmont. All identified improvements shall be subject to additional Design Review and shall be completed prior to occupancy of Phase 2.

14. Broadway Garage Exits

Condition of Approval #11: Reducing Traffic Conflicts, at Broadway MOB

Prior to issuance of Building Permits for Phase I and Subject to City Design Review and approval, final design and construction for the parking facility associated with the new Broadway medical office building should consider the following: shall provide for:

- a) Safe and efficient vehicular and pedestrian movements at the Broadway entrance.
- b) Entrance gates for the West Broadway parking garage on Broadway shall be inside the garage to reduce potential for queuing on Broadway.
- c) The 38th Street driveway for West Broadway garage shall generally be limited to employees only, with exceptions of radiation therapy patients.
- d) Create design solutions to encourage drivers exiting the garage heading northbound to use Broadway rather than using Manila or Shafter Streets.

15. Serenity Garden

New Condition of Approval #18.3 Serenity Garden

The serenity garden as proposed by Kaiser along Manila Street shall remain as a private open space garden and shall not be used or redeveloped for any other use.

16 & 17. Traffic Monitoring

Condition of Approval #12: Reducing Traffic Conflicts on Manila Avenue and Shafter Avenue

Subject to City review and approval, public improvements to be provided as part of Phase 1 shall include the extension of extend the existing median on MacArthur Boulevard at the intersections with Shafter Avenue and Manila Avenue to eliminate left turns to and from these roadways.

- a) Kaiser shall monitor traffic volumes and speeds on Manila Avenue and Shafter Avenue between MacArthur Boulevard and 38th Street prior to October 31, 2006 to establish a baseline, and then immediately after completion of Phase I and then annually for a period of 2 years after the West Broadway MSB and Garage are in full operation.
- b) In consultation with local residents, and in accordance with all legal requirements, appropriate traffic calming measures, such as speed humps, prohibitions on right turns from MacArthur Boulevard onto Manila or Shafter Avenues, or other potential roadway or turning movement closures, should be considered if and when excessive traffic volumes or speeding are observed. If determined necessary and approved by the City, Kaiser shall fund the improvements.

Condition of Approval #13. Reducing Traffic Conflicts on Richmond Boulevard Neighborhoods

Subject to City review and approval, public improvements to be provided as part of Phase 2 shall include the extension of ~~extend~~ the existing median on MacArthur Boulevard at this intersection to eliminate left turns from westbound MacArthur Boulevard to Richmond Boulevard and a "no U-turn" sign at the median opening at Leighton to prohibit hospital traffic from using residential streets in this neighborhood.

- a. Kaiser shall regularly monitor traffic volumes and speeds on Richmond Boulevard and Westall Avenue prior to October 31, 2006 to establish a baseline, and then immediately after completion of Phase 2 and then annually for a period of 2 years after the Replacement Hospital is in full operation and shall also provide written reports to the city, prepared by a qualified traffic engineer.
- b. In consultation with local residents and in accordance with all legal requirements, appropriate traffic calming measures such as speed humps or other potential roadway or turning movement closures should be considered if and when excessive cut-through traffic volumes or speeding, or vehicles traveling the wrong way on a one way street are observed. If determined necessary and approved by the City, Kaiser shall fund the improvements.

18. **Lower Piedmont Avenue** (Lower Piedmont Avenue improvements were included as part of the Planning Commission recommendations shown below. No additional changes are highlighted.)

Master Plan, pg.7:

Guideline 1.1.2: Massing of the buildings should relate to each other in scale, and work together to help define a coherent street edge along Broadway, ~~and~~ MacArthur Boulevard and Piedmont Avenue.

Master Plan, pg. 8:

Objective #2: Activate pedestrian activity on Broadway, and MacArthur Boulevard and Piedmont Avenue. As this is an urban campus, there is the opportunity to contribute to good urban setting, and to an already pedestrian friendly neighborhood.

Master Plan, pg. 9:

Guideline 2.1.4: Buildings along Broadway and MacArthur Boulevard and at the MacArthur/Piedmont corner should have ground floor active uses that are visible from the public streets.

19. **Construction Period** (A prohibition on construction on Sundays and holidays was included as part of the Planning Commission recommendations shown below, see item d. No additional changes are highlighted.)

MMRP, Standard Condition D.1a:

The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department.

a) Such activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. Pile driving shall not be permitted but pile/pier drilling shall be permitted.

- Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior authorization of the Building Services Division.

b) Construction activity shall not occur on Saturdays, with the following possible exceptions:

- Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division.
- After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior authorization of the Building Services Division, and only then until, and then only within the interior of the building with the doors and windows closed, without prior authorization of the Building Services Division, and n

c) No extreme noise generating activities shall be allowed on Saturdays, with no exceptions.

d) No construction activity shall take place on Sundays or Federal holidays.

For clarification, construction activities include but are not limited to: tuck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

20. Residential Permit Parking

Condition of Approval #16: Residential Parking Permits.

Kaiser shall work with the City of Oakland to implement, expand or further continue a Residential Parking Permit (RPP) or Residential Parking Benefits Assessment District (RPBAD) program in the residential neighborhoods west of Broadway, north of MacArthur Boulevard, east of Piedmont Avenue and south of 42nd Street, including the Richmond neighborhood immediately east of the Phase 2 hospital site. Streets to be included in the RPP program are specifically listed in Attachment A. The RPP restricts on-street parking by non-residents to less than two hours during the weekdays. If approved by the City, Kaiser shall fund the RPP programs for 50 years the . Kaiser funding shall be used for establishment efforts needed to create or expand the RPP/RPBAD area, as well as increased enforcement and maintenance of the program, including the annual permit fee for residents (including those residents who already have their fee paid by Kaiser as mitigation for the Fabiola Building). If approved, the RPP programs should be considered for implementation before the demolition of the MVB Center parking garage or upon completion of the Phase 2 parking garage, depending on the , taking into account the level of success that the TDM program may achieve as well as the level of success that Kaiser may achieve in their efforts to locate additional satellite parking. To the extent possible, the City will explore using surplus/excess revenues from enforcement of the RPP program to reimburse Kaiser for costs of establishing and maintaining the RPP programs.

[NOTE: The RPP Program will include a list (Attachment A) of streets that correct and/or clarify the map shown as shown in the Final EIR, Figure 20. This list is being developed by staff and is not yet complete as of staff's submittal of this memo to the City Council, but will be submitted prior to the June 27th hearing on this item.]

21. Construction Parking

MMRP, Condition B.10:

Prior to the issuance of each demolition, grading or building permit, the project applicant and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements:

- Subject to City review and approval, prior to start of construction, a construction worker transportation demand management (TDM) program shall be implemented to encourage require that construction workers ~~to~~ carpool or use alternative transportation modes in order to reduce the overall number of vehicle trips associated

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with construction workers. The Sears parking garage, located at Telegraph Avenue and 27th Street, with access from 27th Street, was recently acquired by Kaiser to provide construction worker parking. This garage has a capacity of about 560 striped parking spaces, with the potential to provide a minimum of 120 additional spaces with stacked, or valet parking, for a total of 680 parking spaces. Shuttles would transport workers between the parking garage and construction site. As part of their construction worker TDM program, Kaiser shall create a monitoring program to ensure that construction workers are indeed parking in the Sears Garage and not in the surrounding neighborhood. The monitoring program shall be subject to review and approval by the City and shall identify appropriate documentation methods and corrective actions as may be necessary.

22. TDM Penalties

Conditions of Approval, Exhibit B: May 2006 Nelson/Nygaard Report, Kaiser Oakland TDM Recommendations (imposed as Mitigation Measure B.1.b and Condition of Approval #9; Recommendation 7, Pg.16:

7. In determining whether a financial penalty or other type of remedy is appropriate, the City shall not impose a penalty if Kaiser has made good faith effort to achieve the required alternative mode use and/or comply with the TDM Program. The City would only have the ability to impose a monetary penalty after a cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City toward the implementation of the TDM Plan.

June 27, 2006 City Council Staff Report, pg.11, 1st full paragraph:

In addition to the requirements outlined above, staff also recommends that failure to make good faith efforts to comply with the TDM program meet the TDM goals result in a potential financial penalty. Specifically, if periodic evaluation results indicate that the TDM program is not meeting the mandated performance goals, and Kaiser cannot demonstrate that it has made all good faith efforts to comply with the program, then the City would have the ability to impose a monetary penalty, after a cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. The monetary penalty could only be used for TDM-related purposes. During that period, Kaiser could implement other measures to achieve the TDM goals.

23. Floor Area of Phase 2

Master Plan, Pg.2: KX-2 Zone

New construction within this zone will include:

- the new Replacement Hospital Building of up to a maximum of 957,000 square feet in size. An additional 60,000 square feet of space may be added to this building (to a maximum of 1,107,000 square feet) provided that Kaiser submit a schematic

development plan that delineates the development program for Phase 3. In order to qualify for this option, the schematic development plan for Phase 3 must be submitted for review by the City Planning Commission prior to occupancy of the Phase 2 parking garage. The Replacement Hospital Building This space would include approximately 700,000 square feet of new hospital space (346 hospital beds), approximately 197,000 square feet of new outpatient service space and approximately 60,000 square feet for the new central utility plant, and the remaining space used as new outpatient services. Up to 50,000 square feet An interstitial floor of strictly mechanical space is excluded from the maximum building size.

KX Zoning 17.XX.100: Maximum floor area.

- A. The maximum floor area of new construction in the KX-1 Zone shall be 172,700 square feet 180,000 square feet (165,000 square feet of medical office space and a maximum of 7,700 square feet 15,000 sq.ft retail)
- B. The maximum floor area of new construction in the KX-2 Zone shall be 957,000 square feet. An additional 60,000 square feet of space may be added to this building (to a maximum of 1,107,000 square feet) provided that Kaiser submit a schematic development plan that delineates the development program for Phase 3. In order to qualify for this option, the schematic development plan for Phase 3 must be submitted for review by the City Planning Commission prior to occupancy of the Phase 2 parking garage.
- C. The maximum floor area of new construction in the KX-3 Zone shall be 223,000 square feet. However, should Kaiser select to add the additional 60,000 square feet of space to Phase 2 as described in B above, then the maximum floor area of Phase 3 would be correspondingly reduced by as much as 60,000, to a maximum of 163,000 square feet.

Section B: Other Changes as Recommended by the Oakland Planning Commission

Modifications to City Council Staff Report:

Page 7, conclusion of Staff Recommendation regarding Issue 1: Project Phasing and Community Alternative #4:

... The substantial evidence supporting the infeasibility of this alternative is compiled in Appendix E Appendix A of the Final EIR and has been incorporated by reference into the required CEQA findings pertaining to the rejection of alternatives (see Attachment D).

Pg. 20, to be added before “Sustainable Opportunities”: Termination of the 1992 Contract Rezoning Agreement

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. The Medical Office Building has long since been completed. If adopted, the proposed KX Zoning District and related Master Plan render the balance of Rezoning Agreement as it pertains to the Kaiser OMC Campus properties superfluous. Therefore, it is recommended that the terms of the Rezoning Agreement, which relate to mitigation measures and conditions of approval be terminated. The actual rezoning of properties that was authorized by Ordinance No. 11361 C.M.S. is NOT affected by the termination of the Rezoning Agreement. The only properties that are proposed for rezoning are those Kaiser-related properties depicted in Attachment F; no other properties will be rezoned and the termination of the Rezoning Agreement does not rezone properties.

Other Modifications to Conditions of Approval/MMRP:

3. Effectiveness

Except for the general plan amendment and Agency approval of the Redevelopment Plan amendment, each of the Approvals shall not become effective unless and until all the Approvals are all granted/adopted by the Oakland City Council and/or Oakland Redevelopment Agency, as appropriate.

8. Existing Hospital Tower Demolition

Prior to issuance of Design Review approvals for Phase 2, Kaiser shall provide to the City of Oakland adequate assurances that Kaiser has sufficient financial resources to completely demolish the existing Hospital (Tower and Podium level), and completely clear and landscape the site, within thirty-six months of completion of Phase 2. This plan must include appropriate financial guarantees assuring faithful performance, such as corporate guaranty from a corporate entity with a net worth of at least \$2 billion or an Irrevocable Letter of Credit, in form and amounts which are acceptable to the City. Kaiser shall complete the demolition, site clearance and landscape beautification of the former hospital structure within the specified timeframes. The City of Oakland shall condition the issuance of a final certificate of occupancy (or its equivalent) for the parking garage serving the new hospital in Phase 2, on the actual demolition, site clearance and landscape beautification of the former hospital structure within ~~thirty-six months from the date of completion of Phase 2.~~ the specified timeframes

9. Transportation Demand Management (TDM) Program and Shuttle

Final approvals for Phase 1 shall be conditioned upon implementation of an aggressive and enforceable TDM program to be implemented by Kaiser and effectively monitored by the City, as required in MMRP Mitigation Measure B.1.a, which is the May 24, 2006

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Nelson-Nygaard Report (but not the May 23, 2006 Alternative Transportation Solutions (Altrans) report), as revised herein. Funding for monitoring, reporting and review of the TDM program shall be provided by Kaiser through an escrow-type funding mechanism with the City. The escrow-type account should be funded for five (5) years in advance assuming a cost of \$20,000 for the survey and \$10,000 for the City review, or \$30,000 per year for 5 years, = \$150,000. The fund shall be replenished by Kaiser such that it does not drop to below \$50,000. Enforcement of the TDM program, as with other conditions of approval, shall be in accordance with the enforcement process outlined in Planning Code Chapter 17.152.

10. Reducing Traffic Conflicts at New Hospital

Prior to issuance of Building Permits for Phase 2 and subject to City Design Review and approval, final design and construction for the new Replacement Hospital and parking garage should consider the following: shall provide for:

New Condition of Approval 18.4: Central Utility Plant

As described in the Kaiser Master Plan Project EIR, the design and construction of the Central Utility Plant (CUP) shall include:

- a) Cooling towers shall be located within the enclosed structure of the CUP to meet the Oakland Noise Ordinance standards.
- b) Boilers shall be of the low nitrogen oxide (NOx) type to control nitrogen oxide emissions and shall be natural gas fired to minimize particulate matter emissions.
- c) Operations of the CUP shall be subject to permits pursuant to the Bay Area Air Quality Management District's Regulation 2 requirements.

New Condition of Approval 18.5: Ambulance Sirens

Consistent with current Kaiser policy and practice, it shall be the continuing policy to encourage all ambulances turn off sirens within 3 blocks of the hospital.

28. Parking and Driveways

- b) Closure of Parking Lot after Hours, Ongoing: The project is approved with more than ten on-site parking spaces, and the project site is located within the area designated, therefore, to discourage loitering, all openings to the parking lot used for the ingress or egress of motor vehicles. To the extent practical, parking lots or portions of parking lots not used for 24-hour hospital operations shall be secured by an approved barrier chain and locking device within one (1) hour after the close of business and shall remain secured until one (1) hour prior to the opening of business, pursuant to the standards included in City Ordinance No. 12390, with access only granted to tenants and police. This condition shall not apply to necessary hospital-related parking facilities.

- f) Uncovered Rooftop Parking, *Ongoing*: Parking on the top level of the West Broadway parking structure shall be prohibited after 6:00 pm. The applicant shall place signage at conspicuous location within the garage stating this limitation ~~and shall erect physical barrier to the top level to restrict vehicular access.~~

Mitigation Measure B.1.a

Is clarified such that it is the May 24, 2006 Nelson-Nygaard Report that is the City-adopted TDM program and **not** the May 23, 2006 Alternative Transportation Solutions (Altrans) report. Therefore, the Altrans report should be deleted from the MMRP.

Standard Condition D.1c:

To further mitigate potential pier drilling, ~~pile driving~~ and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant.

Master Plan:

Pg.13:

Guideline 7.3.2: The large parking structure should be located near the freeway, with a pedestrian bridge from the parking structure to the hospital. Entry to the parking structure should generally be limited to the main hospital entrance off of Broadway.

Guideline 7.3.5: Active type uses are encouraged at the ground level of the Hospital building, potentially along Broadway and MacArthur and at the MacArthur/Piedmont corner.

Guideline 7.3.7: Subject to City review and approval, public improvements to be provided as part of Phase 2 should include streetscape improvements along lower Piedmont Avenue between West MacArthur and the I-580 freeway. Such improvements may include widened sidewalks, landscaped medians and planter strips, permanent streetscape furniture, improved bus stops/shelters, and improved street lighting.

Kaiser Permanente (KX) Zoning Ordinance

17.XX.060 Design Review


- G. Revocation/Enforcement.** In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, or if the activity causes a public nuisance, the City may, after holding a public hearing, revoke any design review approval or other approval or

take other enforcement actions in accordance with the procedures in Chapter 17.152 in accordance with Section 17.136.110.

17.XX.115 Parking and Loading Areas

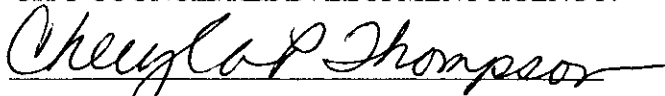
- A. Parking shall be determined on a KX District-wide basis and the amount, location and distribution of parking shall be determined as part of the Design Review Process. The parking demand study prepared for adoption of the KX district determined that upon completion of new construction to the full 1.78 million square foot total, approximately a minimum of 3,584 parking spaces will be required.
- B. Unless otherwise permitted pursuant to a conditional use permit, deliveries that rely on the use of loading areas or driveways within 200 feet of a residentially zoned property shall be limited to the hours of 5:00 a.m. to 7:00 p.m.

Respectfully submitted,



CLAUDIA CAPPIO
Director of Development
Community and Economic
Development Agency

APPROVED AND FORWARDED TO THE
CITY COUNCIL/REDEVELOPMENT AGENCY:



OFFICE OF THE CITY/AGENCY ADMINISTRATOR

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