

## A. Land Use, Plans and Policies

This section describes the existing land uses, adopted General Plan land use classifications, and zoning designations on and around the Kaiser Permanente Oakland Medical Center (OMC), the project site. This section also describes the applicable plans and policies that guide development in the project area and evaluates the project's consistency with these plans and policies and other existing land use regulations.

Following the discussion of the project's relationship to various plans and policies, this section identifies any potentially significant land use impacts and, if necessary, appropriate mitigation measures or standard conditions of approval. Pursuant to the City's recent amendment to the Oakland General Plan (City of Oakland, 2005a), as well as Section 15358(b) of the CEQA Guidelines, mitigation measures are proposed only to address *physical* impacts that may result for the project (emphasis added). In addition, "the fact that a specific project does not meet all General Plan goals, policies, and objectives does not inherently result in a significant effect on the environment within the context of [CEQA]."

### Introduction

#### Land Use Classifications and Zoning

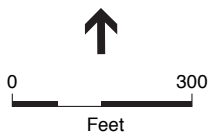
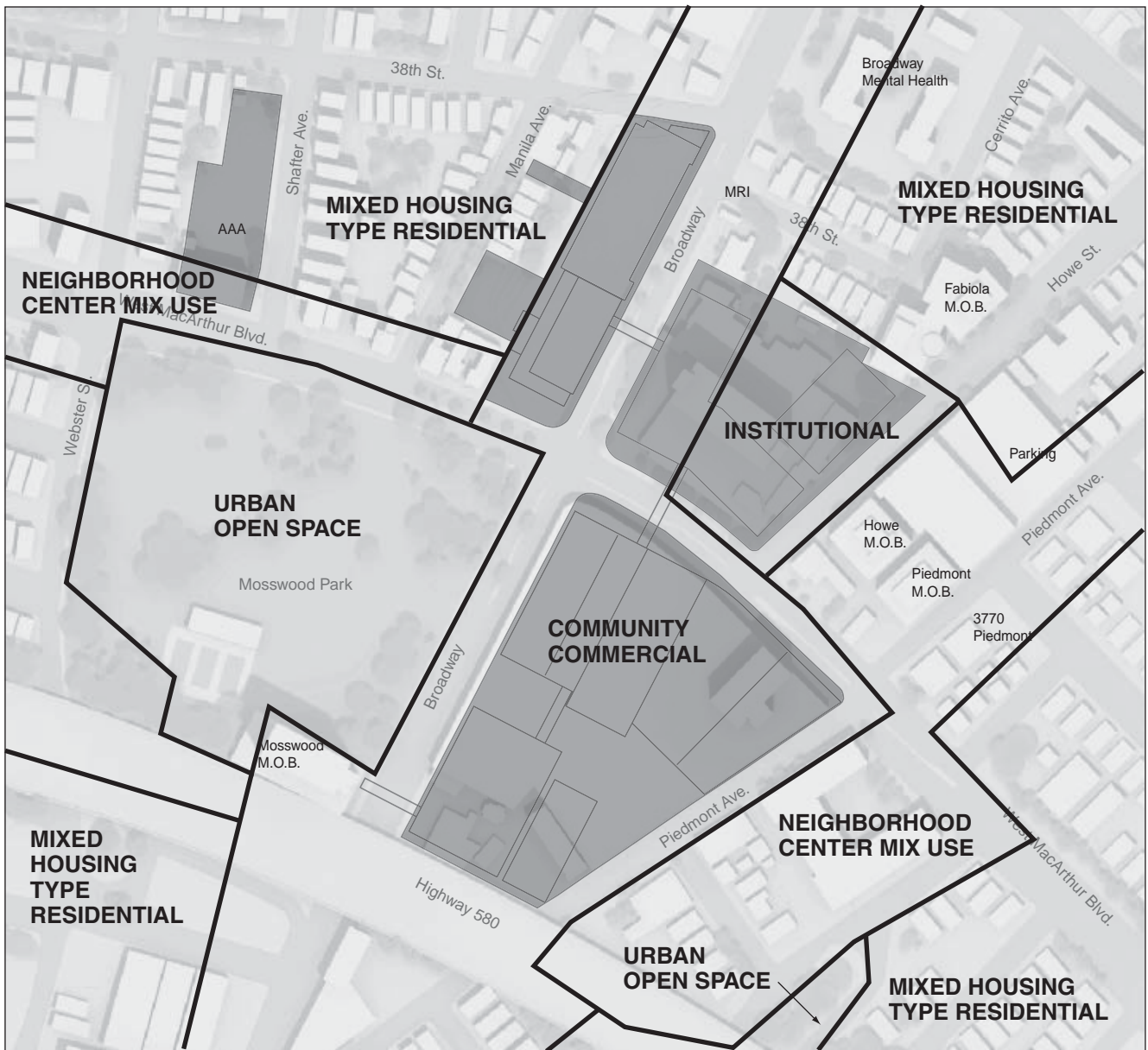
The project site is located in northern portion of the City of Oakland, approximately one mile north<sup>3</sup> of downtown (see [Figure III-1](#)), generally at the intersection of Broadway and MacArthur / West MacArthur Boulevard.<sup>4</sup> According to the City of Oakland's General Plan Land Use and Transportation Element (LUTE), the project site lies within the North Oakland Planning District. The General Plan land use classification of the existing hospital and its immediate medical services buildings is *Institutional*. As depicted in [Figure IV.A-1](#), large portions of the project site and surrounding areas are within the *Community Commercial* land use classification (generally along Broadway), and relatively smaller areas lie within *Mixed Housing Type Residential* classification (along Manila Avenue) and within the *Neighborhood Center Mixed Use* classification (along Piedmont Avenue and West MacArthur Boulevard).

[Figure IV.A-2](#) delineates the current zoning designations that apply to the project site and surrounding area: S-1 Medical Center, which applies to the existing hospital and immediately adjacent supporting uses; C-40 Community Thoroughfare Commercial, which applies to the most of the site along Broadway, including the MacArthur/Broadway (M/B) Center; C-25 Office Commercial along the West MacArthur Boulevard corridor; and R-70 High Density Residential, in the abutting residential areas to the west and east of the project site. The S-18 Mediated Design Review Combining Zone is combined with several of these zones in the project area, and the Open Space (Community Park-CP) Zone applies to Mosswood Park.

Generally, the project site is comprised of several noncontiguous properties, including the existing 16.3-acre medical center property owned by Kaiser (some are leased). Kaiser has recently acquired most of the

<sup>3</sup> For purposes of this EIR, and following Oakland convention, Broadway runs north-south, and MacArthur Boulevard and streets parallel to it run east-west.

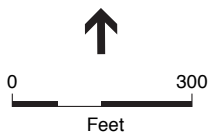
<sup>4</sup> West MacArthur Boulevard runs west from Broadway to approximately San Pablo Avenue; MacArthur Boulevard runs east from Broadway to the Oakland-San Leandro city limit border.



SOURCE: ESA; Environmental Vision

Kaiser Permanente OMC Master Plan Project . 204438

**Figure IV.A-1**  
Existing General Plan Land Use  
Classifications



SOURCE: ESA; Environmental Vision

Kaiser Permanente OMC Master Plan Project . 204438

**Figure IV.A-2**  
Existing Zoning Designations

properties on the 4.3 acres that is currently not part of the existing medical center, and is still in process of acquiring the few remaining properties. Upon completion of the project, the expanded Kaiser Permanente OMC would consist of approximately 20.6 acres of hospital and medical service uses and support facilities (parking, utilities, etc.).

## Land Use Approvals

As discussed in Chapter III, the City approvals that the project sponsor is seeking for the project include the following, without limitation:

- **General Plan Amendment to the Land Use and Transportation Element and Map** (Government Code Section 65350)
- **Rezoning and Planning Code Amendment** (Oakland Planning Code Chapter 17.144)
- **Redevelopment Plan Amendment** to the *Broadway/MacArthur/San Pablo Redevelopment Plan* (Health and Safety Code Section 33450)
- **Master Plan, and Preliminary Development Plan (PDP) and Final Development Plan (FDP)** (pursuant to the proposed new Kaiser Permanente OMC Zoning District Regulations, generally consistent with existing Oakland Planning Code Chapter 17.140, Planned Unit Development Procedure)
- **Conditional Use Permits not addressed by proposed zoning district** (Planning Code Chapter 17.134)
- **Variances not addressed by proposed planned development zone** (Planning Code Chapter 17.148)
- **Subdivision Map** (Oakland Municipal Code Title 16)
- **Tree Removal Permit** (Oakland Municipal Code Chapter 12.36)
- **Creek Protection Permit** (Oakland Municipal Code Chapter 13.16)
- **Encroachment Permits** (Oakland Municipal Code Chapter 12.08)
- **Demolition Permits** (Oakland Municipal Code Chapter 15.36)
- **Excavation Permits** (Oakland Municipal Code Chapter 12.12)
- **P-Job Permit** (Oakland Municipal Code Chapter 12.20)

## Setting

### Site Vicinity Land Uses

The project site lies at the intersection of two major transportation corridors: Broadway and MacArthur / West MacArthur Boulevard. Broadway and MacArthur Boulevard lead to Interstate 580 (I-580), Interstate 980 (I-980) and Highway 24 access within approximately one-quarter mile of their intersection. The project vicinity (generally one-half mile around the project site) contains a mix of commercial, institutional, and residential uses.

Generally, major corridors in this area provide a variety of commercial activities and bound residential neighborhoods that have a mix of housing types and densities. The other significant institutional use in the vicinity is the Alta Bates-Sutter Medical Center. The MacArthur BART Station is approximately one-half mile east at Telegraph Avenue.

### *East of the Project Site*

Piedmont Avenue is generally the east edge of the project site. Uses along this corridor, north of MacArthur, include local-serving retail, restaurants, office buildings, and three to five-story apartment buildings (often with ground-floor retail). South of MacArthur Boulevard, uses along Piedmont Avenue include a mortuary, auto repair, and a five-story, high-density residential complex (Piedmont Apartments) at the southeast corner of MacArthur Boulevard. East of Piedmont Avenue, along its length, are residential neighborhoods comprised of multifamily and single-family residences, and an eastern branch of Glen Echo Creek south of MacArthur Boulevard. MacArthur Boulevard to the east primarily contains one- and two-unit residences and varied commercial uses: convenience market/gas station, childcare, personal services, and motel use typical to major vehicular corridors in proximity to highway access.

### *South of the Project Site*

An elevated portion of I-580 (approximately one story above street level) is the southern border of the project site, and uses south of I-580 are primarily commercial service activities that include furniture sales, automotive-related uses (sales, services, and repair), a restaurant, bank, and martial arts center along Broadway Auto Row. A paint store and residences are along Piedmont Avenue, south of I-580. The Alta Bates-Summit Medical Center is approximately one-quarter mile (approx. three blocks) south and west of I-580 at Broadway. Downtown Oakland is approximately one mile south along Broadway.

### *West of the Project Site*

Directly west (and south, west of Broadway) of the project site is the 11-acre Mosswood Park, a community park that provides open space area and recreational facilities at the southwest corner of Broadway and West MacArthur Boulevard. Kaiser Permanente's existing 12-story Mosswood Medical Services Building (MSB) abuts the southeast corner of the park and fronts Broadway.

Further west of the project site (north and south of West MacArthur Boulevard) are residential neighborhoods that are primarily one- and two-unit residences in a dense development pattern, with some low-rise apartment buildings (two to four stories) throughout. A number of single-family residences abut

the west edge of the project site. These properties also abut the daylighted (natural and open) 145-foot segment of a western branch of Glen Echo Creek. The daylighted segment runs north-south along the project site's western edge, between Broadway and 38th Street, and at the rear of the single-family residences on Manila Avenue. West MacArthur Boulevard west of the project site and Broadway is fronted by motel and auto-related commercial uses, residences, a large building of worship, and an administrative office building (AAA) that is part of the project site (discussed below).

### ***North of the Project Site***

Uses north of the project site include residential neighborhoods of primarily one- and two-unit residences with low-rise apartment buildings in a dense development pattern. A number of single-family residences abut the existing medical center along the north (generally 38th Street). This area also contains a variety of commercial services, medical offices, retail, and service uses. A number of high-density apartment/condominium developments exist along 40th Street, a significant east-west arterial located nearly one-quarter mile north of MacArthur Boulevard.

### **Project Site Land Use**

The 20.6-acre project site, including the existing 16.3-acre Kaiser OMC, is *generally* bound by I-580 on the south, 38th Street on the north, Piedmont Avenue on the east, and Manila Avenue on the west. The AAA property sits at Shafter Avenue and West MacArthur Boulevard, one block west of Manila Avenue. Most land uses on the existing Kaiser OMC (approximately 1.16 million square feet [msf] of floor area) are devoted to Kaiser-related medical uses, however, the medical center currently includes approximately 284,000 sq.ft. of the M/B Center, the remainder of which is non-Kaiser related use.

The following description of uses on the project site considers the existing medical center as well as properties recently acquired (or pending) for inclusion.

### ***Existing Medical Center Uses on the Project Site (Sites 1 through 5 and Site 8)***

Medical uses and facilities on the existing Kaiser OMC include the 41,000-sq.ft. Broadway Mental Health building (Site 1) located one block north of the primary medical center facilities; the existing 346-bed hospital and adjacent 612,000 sq.ft. of medical offices located generally north of MacArthur Boulevard, between Howe Street and Broadway (Site 2); approximately 106,028 sq.ft. of existing medical office and administrative buildings generally between Howe Street and Piedmont Avenue (Site 3); nearly 284,000 sq.ft. of medical offices in the M/C Center (part of Site 4); the 166,744-sq.ft. Mosswood medical office building on Broadway at the I-580 overpass (Site 5); and the 1,600-sq.ft. magnetic resonance imaging (MRI) trailer near 38th Street and Broadway (Site 8).

Existing parking facilities that support the medical center include a 65-space parking lot at the Broadway Mental Health building (Site 1); a seven-story parking structure between Howe Street and Piedmont Avenue (1,173 spaces) (Site 3); the seven-story M/B Center parking structure (1,176 spaces); and a 252 parking spaces within the Mosswood medical office building (Site 5). A 6,300-sq.ft. central utility plant and loading dock facilities along Broadway (Site 2) currently serve the medical center.

### **Existing Non-Medical Uses on the Project Site (Sites 4, 7, 9, and certain abutting properties)**

Non-medical uses and facilities currently exist on the 4.3-acres of property that Kaiser has recently acquired (or is in process of acquiring) for the project site. These include approximately 30,000 sq.ft. of retail use (clothing apparel sales, grocery store, personal care service uses, construction contractor's training) in the M/B Center along MacArthur Boulevard (Site 4). South of the M/B Center is a 7,500-sq.ft. strip mall (currently containing a Kaiser-related construction management office), a dry cleaning pick-up facility, and three residential units (Site 4, fronting Broadway). Also south of the M/B Center is a 30-unit apartment building and a 110-space Kaiser-employee parking lot owned by Caltrans (Site 4, fronting Piedmont Avenue).

The one block on the west side of Broadway, between West MacArthur Boulevard and 38th Street, contains a vacant auto sales and service facility at West MacArthur Boulevard (occupied by a Honda dealership until April 2005), other auto service uses, a pet boarding facility, and an applied research business (**Site 7**). Two vacant parcels extend west to Manila Avenue and are also part of the project site. Uses adjacent to Site 7 that are considered part of the project site for purposes of rezoning (but not redevelopment or General Plan land use classification change) include a two-story motel and a two-story, 4-unit apartment building at the northeast corner of Manila Avenue and West MacArthur Boulevard (adjacent to Site 7).

The property containing an existing automotive repair use at the northeast corner of Howe Street and MacArthur Boulevard, directly east of the existing hospital and north of the M/B Center, is also proposed for rezoning as part of the project (but not redevelopment or General Plan land use classification change), and is therefore included in the project site for this consideration only (Adjacent to Site 3).

As mentioned above, an existing two-story administrative office building (AAA) and its associated surface parking lot (75 spaces) are part of the project site, located one block west of Site 7 (Site 9).

### **City Plans, Policies, and Regulations**

Applicable plans and major policies and regulations that pertain to the Kaiser Permanente OMC Project are presented below, followed by a discussion of the project's overall consistency (or inconsistency) with each plan. Several land use plans, policies, and regulations apply to the project site. Consistent with CEQA, every Oakland General Plan policy that *could* apply to the project is not included here. The policies listed below are those that most directly pertain to the project and that emerged as points of interest or controversy during the environmental review and community input processes.

The General Plan, by its comprehensive nature, contains a number of competing policies. City decision-makers must determine whether, "on balance, the project is consistent (i.e., in general harmony) with the General Plan." (City of Oakland, 2005a) As stated in the introduction to this EIR section, the "the fact that a specific project does not meet all General Plan goals, policies, and objectives does not inherently result in a significant effect on the environment within the context of [CEQA]." (City of Oakland, 2005a). However, all projects must be consistent with the General Plan, even if the City determines that it may not be fully consistent with specific General Plan policies.

To the extent that a General Plan policy is also a significance criterion or contains a regulatory threshold that the project must meet, the project's consistency with such policies is addressed within the relevant impact analysis discussions throughout Chapter IV and is summarized here.

### **City of Oakland General Plan**

The Oakland General Plan establishes comprehensive, long-term land use policies for the City. Consistent with state law, the General Plan includes the Land Use and Transportation Element (adopted March 24, 1998 and amended June 21, 2005); the *Estuary Policy Plan* (adopted June 8, 1999 as an element of the General Plan); the Historic Preservation Element (adopted March 8, 1994 and amended July 21, 1998); the Open Space, Conservation, and Recreation Element (adopted June 11, 1996); the Safety Element (adopted November 2004); the Housing Element (adopted June 14, 2004); the Noise Element (adopted June 21, 2005); the *Bicycle Master Plan* (adopted July 1999); the *Pedestrian Master Plan* (adopted November 2002 as part of the Land Use and Transportation Element); and the Scenic Highways Element (adopted September 3, 1974). Each of the General Plan elements is discussed below, except for the *Estuary Policy Plan*, since the project is not located in proximity to the Oakland waterfront.

### **Land Use and Transportation Element**

The City adopted the Land Use and Transportation Element (LUTE) of the General Plan on March 24, 1998. The LUTE identifies policies for utilizing Oakland's land as change takes place and sets forth an action program to implement the land use policy through development controls and other strategies. According to the LUTE, the project site lies within the within the North Oakland Planning District, which is the area of the city north of I-580, generally west of the city of Piedmont city limit and Broadway, and north to the Berkeley city limit (generally Alcatraz Avenue). As introduced above, the LUTE shows the project site within a number of General Plan land use classifications (see **Figure IV.A-1**). The intent and desired character of each classification is described below, as well as specific development or land use activity<sup>5</sup> limitations (as summarized from the LUTE).

- **Institutional:** The intent of *Institutional* is "to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses...." The desired character includes "...institutions, health services, and medical facilities...[and] under certain conditions, mixed use housing and commercial development that supports these institutional areas may be allowed." Maximum floor-area ratio (FAR)<sup>6</sup> is 8.0, and "appropriate development standards that reflect the nature of the institutional facility and contain appropriate standards to address edge conditions adjacent to residential areas, and the need for expansion space, are all important factors that will be address by zoning." Health Care, Medical Service, and Administrative Activities conform to the *Institutional* classification. (*Institutional applies to the existing hospital and medical service buildings on Howe Street. The project proposes to amend the General Plan land use map to apply Institutional to all portions of the project site.*)
- **Community Commercial:** The intent of *Community Commercial* is "to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the

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<sup>5</sup> The proposed project would involve the following primarily land use activities: Health Care Civic Activity (e.g., hospital) (OPC Sec.17.10.220), Medical Service Commercial Activity (physician's office) (OPC Sec.17.10.330), and Administrative Commercial Activity (general office) (OPC Sec.17.10.390).

<sup>6</sup> Floor-area ratio (FAR) is gross floor area of a building divided by total site area, excluding parking.

City’s major corridors and in shopping districts or centers.” The desired character includes “larger scale retail and commercial uses, such as auto related businesses, business and person services, health services and medical uses, educational facilities, and entertainment uses. Community Commercial can be complemented by...urban residential development and compatible mixed use development.” Maximum FAR is 5.0. Health Care, Medical Service, and Administrative Activities conform to the *Community Commercial* classification. (*Community Commercial applies along Broadway and on the M/B Center.*)

- **Mixed Housing Type Residential (MHTR):** The intent for the MHTR is “to create, maintain, and enhance residential areas typically located near the City’s major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.” The desired character is “primarily residential, with live-work...small commercial enterprises, schools, and other small scale, compatible civic uses. Existing areas of lower density housing should be preserved through appropriate zoning designations.” The General Plan is “silent” on whether Health Care, Medical Service, and Administrative Activities conform to the MHTR classification. No maximum FAR applies. (*MHTR applies along Manila Avenue and generally north of the existing hospital.*)
- **Neighborhood Center Mixed Use (NCMU):** The intent for the NCMU is “to identify, create, maintain, and enhance mixed use neighborhood commercial centers...typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses.” The desired character should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods....” Maximum FAR is 4.0. Administrative Activity conforms to NCMU; the General Plan is “silent” on whether Health Care and Medical Service Activities conform to the NCMU classification. (*NCMU applies along Piedmont Avenue and West MacArthur Boulevard.*)

LUTE objectives and policies that apply to the project are listed and discussed below:<sup>7</sup>

- Existing businesses and jobs within Oakland which are consistent with the long range acceptance of this Plan should, whenever possible, be retained. (*Policy 1C1.2, Retaining Existing Buildings*)
- The height and bulk of commercial development in the “Neighborhood Mixed Use Center” and “Community Commercial” areas should be compatible with that which is allowed for residential development. (*LUTE Policy N1.8 Making Compatible Development*)
- As Institutional uses are among the most visible activities in the City and can be sources of community pride, high quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other use. (*Policy N2.1, Designing and Maintaining Institutions*)

<sup>7</sup> The LUTE includes objectives and policies that pertain to five policy areas: Industry and Commerce (I/C), Transportation and Transit-Oriented Development (T), Downtown (D), Waterfront (W), and Neighborhoods (N). LUTE objectives and policies are indicated by these alpha designators.

- The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses. (*Policy N2.3, Supporting Institutional Facilities*)
- New large-scale community, governmental, and institutional uses should be located outside of areas that are predominantly residential. Preferably, they should be located among major thoroughfares with easy access to freeways and public transit or in the Downtown. (*LUTE Policy N2.4, Locating Services along Major Streets*)
- When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects upon the immediate surrounding area. (*Policy N2.5, Balancing City and Local Benefits of Institutions*)
- The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development. (*LUTE Policy N8.2, Making Compatible Interfaces between Densities*)
- The City should include bikeways and pedestrian walks in the planning of new, reconstructed, or realigned streets, wherever possible. (*Policy T3.5, Including Bikeways and Pedestrian Walks*)
- The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling, and walking. (*Policy T4.1, Incorporating Design Features for Alternative Travel*)
- The City should make efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian oriented, including lighting, directional signs, trees, benches, and other support facilities. (*LUTE Policy T6.2, Improving Streetscapes*)
- New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity. (*LUTE Policy D3.2, Incorporating Parking Facilities*)

#### Project Consistency with LUTE Policies

The project would be consistent with various LUTE policies identified above that support the continued existence of the Kaiser Permanente OMC campus within the city of Oakland and that serve the Oakland community. In support of this overarching City policy, the project would transform currently underutilized commercial properties (e.g., M/B Center, and outdoor auto-related sales at the intersection of two major transportation corridors) with substantial, new, well-designed health care facilities, thus promoting many of the applicable LUTE policies. (Consistency with the General Plan land use classifications and diagram is discussed in the analysis of *Land Use Impacts* provided in the latter part of this Section.)

Sensitivity to Surrounding Residential Uses. Regarding sensitivity to adjacent existing uses, particularly residential uses and neighborhoods, the design and configuration of new development has considered and been continually revised to minimize potential effects. On Site 7 (Phase 1), which abuts Glen Echo Creek and single-family residences that front Manila Avenue (west of the Site 7), the currently proposed project

eliminated a portion of the West Broadway MSB that was originally proposed to “step down” from four stories on Broadway to one story along Manila Avenue (where it would have been immediately adjacent to residential uses). The proposed MSB structure is five stories with a 34-space employee parking lot extending to Manila Avenue. Additionally, to date, the project has reduced the West Broadway Parking Garage height by two stories (nearly 23 feet) and increased its setback from the creek and Manila Avenue residences (by approximately 5 to 7 feet). On Site 2, the existing hospital building would not be retained. Instead, a new Central Administration MSB (ranging from between 70,000 and 230,000 square feet) would be constructed on this site. This new maximum four-story structure (maximum development scenario) would be oriented to eliminate existing shadow impacts on the 38th Street residences directly north of the project site. As a result, the proposed project, particularly as revised since publication of the NOP, is designed to minimize adverse effects on residential uses adjacent to and nearby the project site. (See **Table III-1** in Chapter III, Project Description, for a comparison of the original project<sup>8</sup> to the project analyzed in this EIR.)

The project would be required to obtain Design Review approvals from the City, which will evaluate the project against specific criteria related to bulk, height, aesthetics and appropriateness within its setting. The new planned development (PD) zoning district (discussed below) proposed would include development standards and design guidelines would address minimum setbacks, buffering, and architectural treatments where sensitive adjacencies would occur.

Street-Level Design and Activity. Proposed buildings and primary entrances are oriented toward the street, with about 7,700 sq.ft. of active ground-floor retail space on Site 7 (at 38th Street and Broadway). Design guidelines would ensure that non-active ground level activities (e.g., parking and certain medical facility constrained by required health care operations) are minimized, attractive, and safe. The overhead pedestrian bridges proposed by the project are primarily intended to facilitate the safe and efficient transfer of in patients between the new hospital and diagnostic services located on other sites within the medical campus. They would also serve as alternative paths for visitors and patients during inclement weather (see Chapter III, Project Description). The City would need to consider whether these benefits balance the potential impact they could have on reducing pedestrian activity on the street and the continued existing practice of transferring hospital patients within the medical center by City streets via ambulance, as mandated by law. This consideration would occur as part of the City’s consideration of the Conditional Use Permit required for pedestrian bridges constructed over city streets (Oakland Planning Code Section 17.102.200).

Alternative Transportation. The project would support the City’s clear policies that encourage the use of alternative transportation modes. The project would implement an expanded Transportation Demand Management (TDM) program aimed at reducing employee vehicle trips by promoting transit, bicycles, carpooling, and walking as alternative modes of transportation by Kaiser Permanente employees and visitors (and in turn reducing parking demand and spill-over into the neighborhoods). Kaiser’s current Transportation Demand Management (TDM) program components would *continue* in the future and be modified to maintain the employee alternative mode share (carpool, transit, bike, walk, etc.) at current levels as the Kaiser OMC population grows. Additionally, Kaiser shall *expand* (or supplement) the existing TDM program to include more expanded TDM measures that would encourage more Kaiser employees to

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<sup>8</sup> Original project as described in the Notice of Preparation of this EIR (provided as Appendix A to this EIR).

switch from driving alone to other modes. Existing measures that would be modified or continued, and expanded components would include but not be limited to the existing Kaiser shuttle service (available to the public) between the project site and the MacArthur BART Station, commuter check and commuter tax incentives, bicycle parking, preferential carpool parking, and optional valet parking, employee awareness programs, direct transit sales, providing a guaranteed ride home program, and charging more for parking oversight by a TDM coordinator. As part of the roadway improvements required adjacent to the project site, sidewalks, bus stop amenities (benches, shelters, landscaping, etc.) determined in coordination with AC Transit would occur. (See also *Bicycle Master Plan*, *Pedestrian Master Plan*, and Oakland's "Transit First" Policy, discussed below.)

In summary, new development resulting with the project would not be detrimental to adjacent residential communities or uses. To the extent that the project would pose any adverse environmental impacts on adjacent or nearby communities, these physical impacts, and mitigation measures to and/or conditions of approval reduce these impacts, are identified in the various environmental topic sections in this EIR.

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### **Historic Preservation Element (HPE)**

The City adopted the Historic Preservation Element (HPE) on March 8, 1994, and amended it on July 21, 1998. The Preservation Element provides a strategy for preserving historically significant resources throughout the city. HPE objectives and policies that apply to the project are listed and discussed below:

- To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features. (*HPE Historic Preservation Goal 2*)
- *Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions.* The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties, which could result from private or public projects requiring discretionary City actions. (*HPE Policy 3.1*)
- *Historic Preservation and Discretionary Permit Approvals.* For additions or alterations to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical, to the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood. (*HPE Policy 3.5*)

- *Property Relocation Rather than Demolition.* As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site. (*HPE Policy 3.7*)

#### Project Consistency with HPE Policies

The Broadway Mental Health facility (former King's Daughters Home) at 3900 Broadway is an historic resource (as defined for CEQA purposes) on the project site. Historic resources in proximity to the project site include the J. Mora Moss House within Mosswood Park, the Albert Brown Co. Mortuary at 3467 Piedmont Avenue, the Kivett & Rasmussen-Field & Lund garage at 3500-12 Piedmont Avenue, and the Koenig-Broadway Wholesale Cleaners at 316-22 38th Street. The project would not impact any of these identified resources. The project would demolish the Honda dealership at 3741 Broadway, the former 1919 Early Auto Co./Superior Tile Co. building designed by local architect Clay Burrell. However, while the building is not considered a historic resource due to its local listing, State Office of Historic Preservation rating, or updated survey and evaluation conducted by Architectural Resources Group (ARG), architectural preservation consultants (ARG, 2006) (**Appendix D**), this EIR assumes it to be an historic resource for CEQA purposes, pending LPAB review. The analysis of the project's potential impacts on these historic resources is detailed in Section IV.E, Cultural Resources, of this EIR, and concludes that the project would conservatively result in a significant unavoidable impact resulting from the demolition of 3741 Broadway building. Therefore, the project would not avoid adverse historic preservation impacts related to discretionary City actions (*HPE Policy 3.1*).

The above HPE policies generally encourage, but do not mandate, the preservation of Oakland's historic resources, within the context of, and consistent with, other General Plan goals, objectives, and policies. For example, the admonition in HPE Goal 2 against "the unnecessary destruction" of historic buildings and the direction in HPE Policy 3.1 to employ "all reasonable efforts to avoid or minimize adverse effects" on historic resources are reviewed against LUTE Neighborhood Policy N2.5, that directs City officials to consider the overall benefit of the city's institutions as it review land use permit applications for expansion.

Also, the Planning Commission and City Council's determination of consistency with the above policies must precede a finding that the project satisfies the findings required by HPE Policy 3.5, enumerated above. The City will assess the project's ability to meet one or more of these findings, which are not physical environmental considerations to be considered in the EIR.

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#### **Open Space, Conservation and Recreation Element (OSCAR)**

The City adopted the Open Space, Conservation and Recreation Element (OSCAR) on June 11, 1996. The OSCAR addresses the management of open land, natural resources, and parks in Oakland. Many of the policies directly relate to significance criteria, and where applicable, the project's consistency with those

policies are summarized here and referenced to the appropriate impact analysis section in this EIR. OSCAR policies that apply to the project are listed and discussed below<sup>9</sup>:

- Maintain existing open space buffers along Oakland’s freeways to absorb noise and emissions and enhance the scenic quality of the roadways. (*Policy OS-3.6, Open Space Buffers along Freeways*)
- Support programs to restore or “daylight” sections of creek that have been culverted or buried in the storm drain system, provided that the following conditions exist: (1) broad-based community support for the project; (2) availability of financial resources for the project; (3) no significant health, safety, flooding, or erosion hazards would result from the project. Place priority for daylighting on properties where additional opportunities for recreational access would be created (*Policy OS-8.2, Creek Daylighting*)
- Particular attention should be paid to (a) views of the Oakland Hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard. (*Policy OS-10.1*)
- New development should minimize adverse visual impacts and take advantage of opportunities for new vistas and scenic enhancement. (*Policy OS-10.2*)
- Discourage the removal of large trees on already developed sites unless removal is required for biological, public safety, or public works reasons. (*Policy CO-7.4, Tree Removal*)
- Regulate new development in a manner which protects soil from degradation and misuse or other activities which significantly reduce its ability to support plant and animal life. Design all construction activities to ensure that soil is well secured so that unnecessary erosion, siltation of streams, and sedimentation of water bodies does not occur. (*Policy CO-1.1, Soil Loss in New Development.*)
- Encourage groundwater recharge by protecting large open space areas, maintaining setbacks along creeks and other recharge features, limiting impervious surface where appropriate, and retaining natural drainage patterns within newly developing areas. (*Policy CO-5.1, Protection of Groundwater Recharge*)
- Employ a broad range of strategies, compatible with the ACCWP, to: (a) reduce water pollution associated with stormwater runoff; (b) reduce water pollution associated with hazardous spills, runoff from hazardous material areas, improper disposal of household hazardous wastes, illicit dumping, and marina “live-aboards”; and (c) improve water quality in Lake Merritt to enhance the lake’s aesthetic, recreational, and ecological functions. Actions are pretreatment of runoff, storm drain maintenance, litter and debris removal, street sweeping improvements, mitigation of road construction and dredging impacts, hazardous spills prevention, cleanup of estuary hot spots, litter law enforcement, public education of urban runoff hazards, Lake Merritt catch basins and trash receptacles, improved sewage collection and treatment, and intergovernmental coordination. (*Policy CO-5.3, Control of Urban Runoff*)
- Protect Oakland’s remaining natural creek segments by retaining creek vegetation, maintaining creek setbacks, and controlling bank erosion. Design future flood control projects to preserve the natural character of creeks and incorporate provisions for public access, including trails, where feasible. Strongly discourage project that bury creeks or divert them into concrete channels. (*Policy CO-6.1, Creek Management*)

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<sup>9</sup> The OSCAR policies that pertain to the project address Open Space (OS) and Conservation C), and are indicated by these alpha designators.

- Protect rare, endangered, and threatened species by conserving and enhancing their habitat and requiring mitigation of potential adverse impacts when development occurs within habitat areas. (*Policy CO-9.1, Habitat Protection*)
- Promote land use patterns and densities which help improve regional air quality conditions by: a) minimizing dependence on single passenger autos; (b) promoting projects which minimize quick auto starts and stops, such as live-work development, and office development with ground-floor retail space; (c) separating land uses which are sensitive to pollution from the sources of air pollution; and (d) supporting telecommuting, flexible work hours, and behavioral changes which reduce the percentage of people in Oakland who must drive to work on a daily basis. (*Policy CO-12.1, Land Use Patterns which Promote Air Quality*)
- Expand existing transportation system management and transportation demand management strategies which reduce congestion, vehicle idling, and travel in single passenger autos (*Policy CO-12.3, Transportation Systems Management*)
- Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency (*Policy CO-13.3, Construction Methods and Materials*).

The project site is not located within or in proximity to an area guided by a Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the project would not conflict with such plans.

#### Project Consistency with OSCAR Element Policies

As discussed throughout Chapter IV of this EIR, the project would result in a number of significant and potentially significant impacts for topics addressed by the above OSCAR policies. These include water quality and flooding (Section IV.G), geologic and seismic hazards and soil constraints (Section IV.F), hazardous materials (Section IV.H), creek restoration (Section IV.I), views of the Oakland Hills (Section IV.K), and regional air quality emissions and construction-related dust emissions (Section IV.C). Adequate standard conditions of approval or mitigation measures are identified to reduce each of these impacts to less than significant, except for the significant and unavoidable impact on air quality emissions (PM-10) that would occur even with implementation of transportation demand measures proposed by the project (Impact C.2).

Special Status Species. The OSCAR encourages the conservation and enhancement of rare, endangered, and threatened species' habitats that may be impacted by development (Policy CO-9.1) and calls for the preparation of pre-development surveys, where appropriate (Action CO-9.1.2). The proposed bypass culvert that would be required (Standard Condition G.1c) to help mitigate water quality impacts would temporarily disturb pond turtle habitat that may exist within the Glen Echo Creek waterway (Impact I.2). Also, the removal of existing trees and other vegetation for the project would incidentally disturb nesting habitat for Cooper's hawk (Impact I.3). Both the pond turtle and Cooper's hawk are special status species. As discussed in Section IV.I, Biological Resources, under *Impacts to Special Status Species*, the project would reduce these potentially significant impacts to less than significant with the implementation of pre-construction surveys to confirm presence or absence of these species prior to construction, ensure suitable avoidance measures, and establish appropriate monitoring.

Large Tree Removal. The OSCAR discourages the removal of large trees except in certain circumstances (*Policy CO-7.4*). The project would remove and replace several existing "protected trees" in accordance

with the City's Tree Removal and Preservation Permit requirements (Impact I.4) (See Section IV.I, Biological Resources).

On Site 7 (Phase 1), large trees proposed for removal include four large trees: one 21-inch diameter at breast height (dbh) Cypress tree on Manila Avenue near West MacArthur Boulevard, a 22-inch dbh Maple tree (showing evidence of decay), and two Eucalyptus trees (not "protected trees") of 42- and 76-inch dbh within Glen Echo Creek.

On Site 2 (Phase 3) (along MacArthur Boulevard), large trees to be removed include three Sweetgum trees of 25 and 28 inches dbh, a Cork Oak of 21 inches dbh, and a Weeping Podocarpus of 24 inch dbh on Howe Street.

No large trees exist on Site 4 (Phase 3), however, 30 to 70 foot-tall redwood trees exist along I-580, adjacent to Site 4. As discussed in detail in Section IV.I, Biological Resources (Impact I.4) and in Section IV.K, Visual Quality and Wind) (Impact K.2), potentially 13 of these trees may be severely and adversely impacted due to their proximity to where construction activity may occur and result in the cutting of existing tree roots that encroach onto the project site. This may occur despite the implementation of tree and root protection measures identified by the consulting project arborist (Batchelder, 2006c, provided in **Appendix E** to this EIR). Final determinations for tree removal would be based on observation of actual roots that are severed or impacted.

In summary, the project proposes to remove nine large trees: seven "protected trees" generally ranging from 20 to 30-inches dbh, and two non-protected trees (Eucalyptus) of 42- and 76-inch dbh. Consistent with the City's Tree Ordinance, the project would plant a replacement tree for each protected tree removed and will implement standard tree preservation conditions of approval to minimize adverse affects on other trees. The project would not conflict with OSCAR Policy CO-7.4.

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### **Oakland Safety Element**

The City adopted the Safety Element of the Oakland General Plan in November 2004. The Safety Element includes goals that address the effects that safety hazards can pose to the health and safety of Oakland's populations, Oakland's economic welfare, and Oakland's natural resources. Specific policies and detailed actions are identified to address public safety, geologic hazards, fire hazards, hazardous materials, and flooding hazards. Given the topics that are addressed in the Safety Element, most of its policies generally apply citywide. However, Safety Element policies that apply to the project are listed and discussed below:

- Continue, enhance or develop regulations and programs designed to minimize seismically related structural hazards from new and existing buildings. (*Safety Policy GE-3*)
- Maintain and enhance the city's capacity to prepare for, mitigate, respond to, and recover from disasters and emergencies. (*Safety Policy PS-1*)
- Minimize the potential risk to human and environmental health and safety associated with the past and present use, handling, storage and disposal of hazardous materials. (*Safety Policy HM-1*)

- Continue to strengthen city programs that seek to minimize the storm-induced flooding hazards. (*Safety Policy FL-2*)

Project Consistency with Safety Element Policies

The project would not conflict with any of the above Safety Element policies. The impetus for the proposed project is state law Senate Bill 1953 (SB 1953) that requires the seismic upgrade or replacement of the hospital facility in order for the hospital to maintain in acute care status. The project sponsor proposes the Kaiser Permanente OMC Project to comply with the mandated SB 1953 Regulations. Existing buildings would be seismically upgraded as needed, and new structures would be built in compliance with applicable seismic code standards prescribed by categories of building use.

Implementation of the project would wholly support the City's policies related to maximizing the health and safety of Oakland's populations. Furthermore, this EIR addresses the project's specific effects regarding subjecting people and property to hazardous conditions (Section IV.F, Geology, Soils, and Seismicity; Section IV.H, Public Health and Safety) and flooding hazards (Section IV.G, Hydrology and Water Quality), all of which are less than significant or reduced to less than significant after implementation of mitigation measures or standard conditions of approval.

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**Housing Element**

In June 2004, the City adopted an update to the Housing Element of the Oakland General Plan, as required by state law. As also required by state law, the Housing Element includes "a review and assessment of the City's performance in implementing the previous Housing Element (adopted in 1992), an assessment of current and future housing needs, an inventory of resources (including sites suitable for development of housing for all economic levels), governmental and non-governmental constraints to meeting those needs, and a statement of the City's goals, policies and quantified objectives for meeting its housing needs for the period 1999-2006." (Oakland, 2004)

The Housing Element contains a number of policies that address the provision of housing throughout the city and that focus on actions to be conducted by the City. The proposed project does not involve the provision of housing, however it will involve the removal of existing dwelling units from the currently housing supply. Additionally, the increased employment opportunities created by the project may generate increased demand for housing in Oakland. Housing Element policies that apply to the project are listed and discussed below:

- Encourage the relocation of structurally sound housing units scheduled for demolition to compatible neighborhoods where appropriate land can be found. (*Housing Policy 4.4, Housing Preservation*)

Project Consistency with Housing Element Policies

Housing Displacement. The project would require the demolition of 33 housing units (and 41 residents) on Site 4 for development of the Replacement Hospital, parking structure, and central utility plant. As discussed in detail in Section IV.J, Population, Employment, and Housing, this amount of housing removal (and resident displacement) would not require the construction of replacement housing elsewhere, in excess of that anticipated in the City's Housing Element. Approximately 2,300 of the recent and anticipated new housing units in Oakland (2000 through 2010) have and will occur in areas surrounding

the Kaiser Permanente OMC. The construction of replacement housing for the 33 units to be removed as a result of the project, would not be in excess of that anticipated in the City's Housing Element and related General Plan policies. Furthermore, the displacement of 33 housing units and 41 residents would not represent "substantial" numbers in the context of a total of approximately 162,500 housing units in Oakland at the end of 2005 (about 91,000 of which are renter-occupied), and the construction of more than 21,000 additional housing units over the next 20 years.

Housing Element Policy 4.4. Kaiser has acquired a 30-unit apartment building at 3459 Piedmont Avenue (south of the M/B Center) that will be demolished to accommodate construction of the new hospital. Relocating this multi-story structure would be highly infeasible with regard to cost and structural feasibility. Given its age, Kaiser's structural engineer indicates a high probability that an effort to move this building would damage its remaining structural integrity, which would be further compromised by the need for the building to be dismantled and moved in multiple segments. Also, moving such a structure would not necessarily meet an underlying premise of the Housing Element Policy, which is that moving saves an existing residential structure and allows its continued use in a manner that is cheaper and more sustainable than new construction. Given the expense and risk of irreparable structural damage that would likely occur with moving any multi-story building of similar age and building type as the apartment building at 3459 Piedmont would not outweigh the cost and benefit of new construction.

Relocation Assistance. As discussed in Section IV.J, Population, Housing and Employment, Kaiser completed the processes required for removal of the building from the rental market under the Ellis Act (Government Code sections 7060-7060.7) and the City of Oakland's Ellis Act Ordinance (Oakland Municipal Code sections 8.22.400-8.22.480). Although Kaiser is not currently subject to the requirements of the California Relocation Assistance Act (Government Code sections 7260-7277), Kaiser elected to administer the relocation assistance to the existing tenants of the apartment building in compliance with the Act and the California Relocation Assistance and Real Property Acquisition Guidelines (California Code of Regulations, Title 25, Division 1, Chapter 6, sections 6000 *et seq.*). Under such, Kaiser provided replacement housing benefit payments and reimbursement for moving expenses to all eligible tenants.

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## Noise Element

The City adopted Oakland's Noise Element on June 21, 2005. The Noise Element analyzes and quantifies current and projected noise levels from various sources that contribute to the community noise environment. These noise levels are depicted on noise contour maps that are used to guide land use decisions to reduce noise impacts, especially on sensitive receptors. The Noise Element also includes a land use-noise compatibility matrix that illustrates the degree of acceptability of exposing various sensitive land uses to noise. The Noise Element contains policies and actions that direct the City's (or other appropriate agencies') efforts to carry out the noise policies. However, the overall Noise Element policy that applies to the project is the following:

- Ensure the compatibility of existing and, especially, of proposed development projects, not only with neighboring land uses, but also with their surrounding noise environment. (*Noise Policy 1*)

Project Consistency with the Noise Element Policies

The project site is generally located in a noise environment along major transportation corridors, including I-580. The noise analysis provided in Section IV.G of this EIR finds that increased noise resulting from the project (traffic related and operational) would result in a less-than-significant impact. Consistent with the City's Noise Ordinance and the Oakland Noise Element, standard conditions of approval would be implemented to the extent feasible, and that would reduce temporary construction impacts to less than significant levels.

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**Bicycle Master Plan**

In July 1999, the City Council adopted the Oakland Bicycle Master Plan (BMP). Among other standards, the Bicycle Master Plan contains a series of recommendations, including spaces for short-term and long-term parking for bicycles. However the City has not adopted the recommended bicycle parking ratios into its Zoning Regulations but is considering adopting requirements that would be lower than the current recommended ratios. An update of the 1999 Bicycle Master Plan is underway by the City. Until completion of the update, the 1999 Bicycle Master Plan includes the following policy-supporting actions that specifically apply to the project:

- Create, enhance and maintain the recommended bicycle network. (*BMP Policy 1*)
- Include provisions for safe and direct bicycle access to special development areas and key corridors [including the Broadway Corridor]. (*BMP Policy 4*)
- Promote secure and conveniently located bicycle parking at destinations throughout Oakland (*BMP Policy 5*)
- Insure that the needs of bicyclist are considered in the design of new development and redevelopment projects. (*BMP Policy 8*)

Project Consistency with the Bicycle Master Plan Policies

Planned Class II bicycle lanes on Broadway are included in the adopted 1999 Bicycle Master Plan (BMP). The project would require improvements and alterations to Broadway to accommodate site access and vehicular and pedestrian safety. A number of scenarios were evaluated for this environmental analysis. Some of the proposed conceptual plans for Broadway along the project frontage may preclude installation of planned Class II bicycle lanes on Broadway at the project site in the future, north of I-580. As a result, the project would not fully implement the bicycle network currently envisioned in the City's 1999 BMP, or that may likely be proposed in the City's pending update of that plan. The proposed Broadway configuration could result in proposed Class II facilities being interrupted for as much as 100 feet, which is not atypical for many of similar facilities in the urbanized area of the city where there is significant vehicular traffic circulation constraints to continuous paths.

While, this would not result in a significant environmental impact pursuant to the criteria provided in Appendix G of the CEQA Guidelines, the City must consider this policy issue as it is challenged to balance the need for bicycle lanes with competing needs for other travel modes such as automobiles, transit, or pedestrians. Considering the limited right-of-way available on Broadway, other travel modes may not be accommodated if bicycle lanes are provided.

As discussed under *LUTE Policies*, above, the project would incorporate onsite bicycle parking facilities at onsite locations at a level determined by the City and in a manner consistent with the City's practices or adopted, updated standards and regulations at the time of project construction.

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### **Pedestrian Master Plan**

In November 2002, the City Council adopted the Pedestrian Master Plan as part of the LUTE. The Pedestrian Master Plan identifies policies and implementation measures for achieving LUTE policies that promote a walkable city. The Plan designates a Pedestrian Route Network throughout Oakland and identifies a "City Route" on Broadway north of MacArthur Boulevard, and a "District Route" on Piedmont Avenue. The following Pedestrian Master Plan policies are most relevant to the project:

- Improve pedestrian crossings in areas of high pedestrian activity where safety is an issue. (*PMP Policy 1.1, Crossing Safety*)
- Use traffic signals and their associated features to improve pedestrian safety at dangerous intersections (*PMP Policy 1.2, Traffic Signals*).
- Avoid the use of pedestrian overpasses and underpasses for pedestrian crossings on surface streets (*Action 2.1.4*)
- Implement pedestrian improvements along major AC Transit lines and at BART stations to strengthen connections to transit. (*PMP Policy 2.3, Safe Routes to Transit*)

#### *Project Consistency with Pedestrian Master Plan Policies*

To summarize from Section IV.B, Transportation, Circulation and Parking, in this EIR, facilities for pedestrians, including sidewalks approximately 10 to 13 feet wide on all of the surrounding streets. To minimize potential adverse effect on pedestrians, signalized intersections provide striped crosswalks and pedestrian crossing signals. In support of the above policies, where new signals are installed or existing signals are modified, pedestrian crossing signals would ensure adequate time for pedestrians to cross the streets, audible signals, countdown signals, and pedestrian push-buttons if necessary. (See also "Transit First" Policy, below.)

The project proposes three overhead pedestrian bridges. Pedestrian bridges are intended to provide a number of benefits, such as safe and efficient pedestrian connections between various Kaiser buildings and reduced ambulance trips needed to transport patients between buildings. The bridges would also provide for safe, weather-protected pedestrian passage. Since Action 2.1.4 directs that avoidance of underpasses (tunnels) as well as overpasses (bridges), the City's apparent goal is to encourage the use of pedestrian activity on public streets (rather than above or below street-level). Main entrances to the Kaiser buildings would continue to be on the street level, and the project would implement a number of pedestrian-related improvements (discussed above) and introduce attractive street-level building facades, including new street-level retail uses. Also, the overhead bridges would only be accessed from within Kaiser buildings, which would be inconvenient to the general public to access. Therefore, it is unlikely that a pedestrian walking on the street would opt to enter a Kaiser building to access the overhead bridge (which would be

accessed from the third floors, generally) to cross the street. Thus, any general pedestrian activity on the street would not be significantly reduced by the existence of pedestrian bridges.

Overall, the project may be found consistent with the intent of Action 2.1.4 of the Pedestrian Master Plan. The City will consider the project's relationship to this action statement, in balance with all other General Plan policies and the merits of the project. (See also *Underground Tunnels Sub-Alternative* in Chapter V, Alternatives.)

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### Scenic Highways Element

In September 1974, the City adopted the Scenic Highways Element, which sets a framework for designated and potential scenic highways and routes throughout the City and policies for establishing and preserving such routes. Prior to the City adopting the Element, the state legislature included the MacArthur Freeway (I-580) in its entirety in the State Scenic Highways System in 1970 by an act of the State legislature. The 1974 Element identifies I-580 as a designated scenic route and includes the following "specific policies related to MacArthur Freeway" that pertain to the project:

- The signs within the scenic corridor that are visible from the freeway should be for identification purposes only; no advertising should be permitted. (*Scenic Highways/MacArthur Policy 1*)
- Visual intrusion within the scenic corridors should be removed, converted, buffered or screened from the motorist's view. (*Scenic Highways/MacArthur Policy 2*)
- Panoramic vistas and interesting views now available to the motorist should not be obliterated by new structures. (*Scenic Highways/MacArthur Policy 3*)
- New construction within the scenic corridor should demonstrate architectural merit and a harmonious relationship with the surrounding landscape. (*Scenic Highways/MacArthur Policy 4*)

#### Project Consistency with Scenic Highways Policies

The proposed project would construct a new eight-story new hospital parking structure and central utility plant in proximity to I-580. The view analysis provided in Section IV.K, Visual Quality and Wind, of this EIR depicts an I-580 westbound motorist's vantagepoint of the project (**Figure IV.K-4**). The project would not obliterate existing views from I-580, particularly since, as recognized in the Scenic Highways Element, "it is difficult to specify exact perimeters of scenic vantagepoints on the freeway since the vistas are taken in at high speeds and the scenery, in a sense, is always moving." The Element continues, "since the vistas sweep the landscape, the imposition of a single structure would not substantially obstruct the view."

The analysis in the visual analysis discusses the *potential* for inadvertent damage occurring to approximately 13 redwood trees located south of the project site (Site 4) along I-580, a state-designated scenic highway. Damage may result from the cutting of existing tree roots that encroach onto the project site, despite the implementation of tree and root protection measures (Standard Condition 1.4g) identified by the consulting project arborist (Batchelder, 2006c, provided in **Appendix E** to this EIR) and implementation of standard tree protection measures required by Oakland's Tree Preservation and

Removal Ordinance (Oakland Municipal Code Chapter 12.36). Final determinations for tree removal would be based on observation of actual roots that are severed or impacted.

Therefore, the project would not conflict with the applicable policies of the Scenic Highways Element which primarily address visual intrusion and view obliteration (*Policies 2 and 3*), which would not result from the proposed project. (From I-580, approximately the top 20 to 30 feet of the tallest trees appear above the roadway and block views from certainly vantagepoints along the roadway when full season.) Additionally, the design of the project, particularly the replacement development where the M/B Center currently exists, will be of high architectural quality and compatible with its surroundings (*Policy 4*).

The project would be required to obtain City Design Review approval through which the City would evaluate the project against specific criteria related to bulk, height, aesthetics and appropriateness within its setting. The project does not propose advertising signage other than that identifying the Kaiser Permanente facility.

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### **Oakland “Transit First” Policy**

The “Transit First” resolution, passed by the City Council on October 29, 1996, recognizes the importance of striking a balance between economic development opportunities and the mobility needs of those who travel by means other than the private automobile. The policy favors modes that have the potential to provide the greatest mobility for people, rather than vehicles.

#### Project Consistency with “Transit First” Policy

The project site is served by major AC Transit lines along Broadway, MacArthur Boulevard, Piedmont Avenue, Telegraph Avenue, and 40th Street. The MacArthur BART Station is approximately one-half mile east at Telegraph Avenue, and the Kaiser employee/visitor shuttle currently services the BART Station. As indicated in Section IV.B, Transportation, Circulation and Parking, the existing availability of transit facilities around the site in addition to Kaiser’s shuttle system that provides additional transit connectivity to BART, each further the goals of both the City of Oakland and AC Transit. It should be noted, however, that many elderly and infirm patients and visitors require access to medical care and public transit is not always on appropriate transit mode for such individuals.

As summarized in the above *LUTE Policies* discussion, Kaiser’s current Transportation Demand Management (TDM) program components would *continue* in the future and be modified to maintain the employee alternative mode share (carpool, transit, bike, walk, etc.) at current levels as the Kaiser OMC population grows. Existing components being implements (and that would expanded or modified as appropriate) include the BART Shuttle, commuter checks, commuter tax incentives, bicycle parking, preferential carpool parking, and concierge services (valet parking), and oversight by a TDM coordinator. Additionally, Kaiser proposes expand the existing TDM program to include more expanded TDM measures that would encourage more Kaiser employees to switch from driving alone to other modes. Potential *expanded* (or alternative) TDM measures include, but are not limited to, increasing transit ticket subsidies, employee awareness programs, direct transit sales, providing a guaranteed ride home program, and charging more for parking. The specific components and implementation of the expanded TDM program have not been determined yet and are not identified in this EIR for purposes of reducing

significant impacts to less than significant. Therefore, given the existing, continued, and expanded measures aimed at promoting transit as one alternative mode of transportation by Kaiser Permanente employees and visitors, the project would support the City's "Transit First" Policy.

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## Zoning Regulations

As shown on **Figure IV.A-2**, the major areas of the project site proposed for development are within the S-1 Medical Center Zone and the C-40 Community Thoroughfare Commercial Zone:

- **S-1 Medical Center Zone:** The S-1 Zone is intended to "create, preserve, and enhance areas devoted primarily to medical facilities and auxiliary uses, and is typically appropriate to compact areas around large hospitals." Maximum FAR is 4.0, with increases allowed in certain situations (i.e., corner lots, proximity to public parks) or upon approval of a conditional use permit (notwithstanding limits established by the General Plan, see below). In the S-1 Zone, Health Care and Medical Service Activities are permitted, and Administrative (office) activities are conditionally permitted (Oakland Planning Code Chapter 17.74). (*S-1 Zone applies to the existing hospital and medical service buildings on Howe Street.*)
- **C-40 Community Thoroughfare Commercial Zone:** The C-40 Zone is intended to "create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares." Maximum FAR is 3.0, with increases allowed in certain situations (i.e., corner lots, proximity to public parks) or upon approval of a conditional use permit (notwithstanding limits established by the General Plan, see below). In the C-40 Zone, Medical Service, Administrative (office), and Health Care Activities are permitted. (Oakland Planning Code Chapter 17.54). (*C-40 generally applies along Broadway and on the M/B Center.*)
- **S-18 Mediated Residential Design Review Combining Zone:** The S-18 Zone provides property owners an opportunity for mediation to resolve projects involving one or two dwelling units on a lot (Oakland Planning Code Section 17.101B.010). (*The S-18 Zone is combined with the S-1 Zone and C-40 Zone north of MacArthur Boulevard, however, it would not pertain to proposed project, which does not involve residential development.*)

Other small portions of the project site (or areas not proposed for redevelopment) are within the following zoning designations, each combined with the S-18 Zone which is not applicable to the project:

- **C-25 Office Commercial Zone:** The C-25 Zone is intended to "create, preserve and enhance areas containing a mixture of professional and administrative offices and high-density residences within attractive settings..." Maximum FAR is 3.0, with increases allowed in certain situations (i.e., corner lots, proximity to public parks) or upon approval of a conditional use permit (notwithstanding limits established by the General Plan, see below). In the C-25 Zone, Medical Service and Administrative (office) Activities are permitted, and Health Care Activity is conditionally permitted (Oakland Planning Code Section 17.40). (*C-25 applies to the AAA administration building at West MacArthur Boulevard and Shafter Avenue.*)
- **R-50 Medium Density Residential Zone:** The R-50 Zone is intended "to create, preserve, and enhance areas for apartment living at medium densities settings, and is typically appropriate to areas of existing medium density residential development." No FAR is prescribed since

commercial activities are not permitted in the R-50 Zone.<sup>10</sup> In the R-50 Zone, Health Care Activity is conditionally permitted; Medical Service and Administrative (office) Activities are not permitted. (Oakland Planning Code Section 17.24). (*R-50 applies to the existing Broadway Mental Health building.*)

- **R-70 High Density Residential Zone:** The R-70 Zone is intended “to create, preserve, and enhance areas for apartment living at high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and major shopping and community centers.” Maximum FAR is 2.25, with increases allowed in certain situations (i.e., corner lots, proximity to public parks) or upon approval of a conditional use permit (notwithstanding limits established by the General Plan, see below). In the R-70 Zone, Health Care, Medical Service, and Administrative (office) Activities are conditionally permitted (Oakland Planning Code Section 17.28). (*R-70 applies to lots fronting Manila Avenue, excluding that fronting West MacArthur Boulevard.*)

The project sponsor proposes to create and rezone the project site and certain adjacent properties to a new planned development (PD) zoning district called the “Kaiser Permanente Oakland Medical Center (OMC) Zoning District.” The proposed Kaiser Permanente OMC Zoning District Regulations would include land use regulations, and may include development standards and design guidelines. The proposed Kaiser Permanente OMC District standards, which would apply to the entire medical center (or specific sites, where appropriate), would provide a comprehensive and internally-consistent set of regulations for the project site.

#### **Guidelines for Determining General Plan Conformity in Oakland**

Because the General Plan was updated more recently than the Zoning Regulations, the two may conflict in some cases in terms of allowable land uses and certain development standards (i.e., FAR and density). Overall, the current zoning on the project site is consistent with the current General Plan land use classifications on the site. As a general rule, whenever there is an express conflict between the General Plan and the Zoning Regulations, a project must conform with the General Plan (Oakland Planning Code Section 17.01.030), and the City has adopted *Guidelines for Determining General Plan Conformity* (General Plan Guidelines) (amended through July 15, 2003) to provide direction to the City whenever there is an express conflict between the General Plan and the Zoning Regulations.

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#### ***Broadway/MacArthur/San Pablo Redevelopment Plan***

The *Broadway/MacArthur/San Pablo Redevelopment Plan* is implemented by the Oakland Redevelopment Agency in accordance with the California Community Redevelopment Law (state law). Portions of the project site located within the Plan Area’s “Subarea 1”<sup>11</sup> include the M/B Center and the Broadway corridor north of I-580. The Redevelopment Plan is consistent with the existing Oakland General Plan land use classifications on the project site. Since the Kaiser Permanente OMC Project proposes to amend the General Plan (to apply *Institutional* land use classification to the all areas of the proposed expanded

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<sup>10</sup> Pursuant to specific sections of the Oakland Planning Code, floor-area ratio (FAR) applies to facilities containing non-residential activities, or in some cases, facilities containing both and residential and non-residential activities.

<sup>11</sup> Subarea 1 of the Redevelopment Plan Area includes “the area commonly known as Broadway Auto Row, with properties on both sides of the commercial strip along Broadway, from 27th to 42nd Streets. It also includes the area between 27th Street, I-580, I-980, and the rear property lines on the east side of Broadway.”

medical center), amendments to the Redevelopment Plan will be needed to maintain consistency between the Redevelopment Plan and the amended General Plan.

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## Land Use Impacts Discussion

### Significance Criteria

The project would result in a significant impact related to land use and plans if it would:

- Physically divide an established community;
- Fundamentally conflict with any applicable land use plan, policy (*when considered in balance*<sup>12</sup>), or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and result in a physical change in the environment; or
- Fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan.

As previously indicated (under *OSCAR Policies*), the project is not located in or near an area guided by a Habitat Conservation Plan or Natural Community Conservation Plan. This topic is not addressed elsewhere in this EIR.

### Approach to Analysis

This EIR analysis evaluates the project's compatibility with applicable plans and policies in order to determine the potential for significant environmental impacts. As discussed in the *Setting* section of this chapter, the General Plan has determined that the "the fact that a specific project does not meet all General Plan goals, policies, and objectives does not inherently result in a significant effect on the environment within the context of [CEQA]" (City of Oakland, 2005a). In addition, the project site and its proposed uses were evaluated in terms of their compatibility with existing land uses adjacent and in proximity to the project site.

The proposed amendments to the General Plan Land Use Map, the Zoning Regulations and the Zoning Map are described. The proposed Kaiser Permanente Oakland Medical Center (OMC) Zoning District to which the project would comply is described generally.

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<sup>12</sup> Pursuant to the Oakland General Plan, as amended June 2005, the Oakland General Plan recognizes that it contains policies that may in some cases compete with each other, and that decision-makers must determine whether, "on balance, the project is consistent (i.e., in general harmony) with the General Plan." Further, "the fact that a specific project does not meet all General Plan goals, policies, and objectives does not inherently result in a significant effect on the environment within the context of [CEQA]" (City of Oakland, 2005a).

## Impacts and Mitigation Measures

### *Physical Division of an Established Community*

**Impact A.1: The project would develop new and different uses and buildings adjacent to existing neighborhoods east and west of the project, but would not result in the physical division of an existing community. (Less than Significant)**

The Kaiser Permanente OMC Project would expand the existing medical center toward properties that are in proximity to existing neighborhoods. The sites where new Kaiser development would occur are currently developed with commercial uses and buildings that would be demolished for the project.

These existing neighborhoods in proximity to where new development/redevelopment would occur include the cohesive residential neighborhoods located 1) north of West MacArthur Boulevard and west of Broadway ; and 2) east of Piedmont and south of MacArthur Boulevard. The project also would abut the existing residential areas immediately north of the existing, along 38th (east of Broadway), however, for purposes of this impact assessment, areas that could be potentially “divided” by new development are considered.

Overall, the project would result in substantially taller and larger structures on the M/B Center (Site 4) and various commercial uses exist on the west side of Broadway between West MacArthur Boulevard and 38th Street (Site 7). Each of these sites respects the existing “edges” of their respective adjacent neighborhoods and would not result in their division. Further, the design and configuration of the new hospital on Site 4 would, in fact, “open up” new visual and pedestrian connections between the Richmond area and Broadway and Mosswood Park – connections that are currently prohibited by the solid mass of the M/B Center structure.

From a broader context, the proposed expansion of the existing medical center still would not result in any broader “community division,” physically or perceptually.

**Mitigation:** None Required.

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### ***Consistency with Plans, Policies, and Regulations (Pertaining to Physical Environmental Effects)***

**A.2: The project generally would be consistent with the General Plan land use classifications and existing zoning district regulations that apply to the project site, but may require variances authorized by the Oakland Planning Code.. (Less than Significant)**

#### **Plans and Policies**

The detailed discussions of the project’s consistency with General Plan policies are provided in the *Setting* discussion of this chapter (pursuant to CEQA Guidelines Section 15125(d)).

Conflicts with a General Plan or other relevant plans do not inherently result in a significant effect on the environment within the context of CEQA. Section 15358(b) of the CEQA Guidelines states that “effects analyzed under CEQA must be related to a physical change.” Appendix G of the CEQA Guidelines makes explicit the focus on *physical* environmental policies and plans, asking if the project would “conflict with any applicable land use plan, policy, or regulation...*adopted for the purpose of avoiding or mitigating an environmental effect*” (emphasis added). As such, the project’s conflict or inconsistency with a policy could indicate that an environmental threshold has been exceeded. To the extent that the project exceeds an environmental threshold and physical impacts may result from a policy conflict or inconsistency, such physical impacts have been identified and fully analyzed in the relevant topical sections of Chapter IV.

The Oakland General Plan contains many policies that in some cases address different or competing goals. The Planning Commission and City Council, in deciding whether to approve the project applications, must assess whether the project is consistent with the overall policies of the General Plan and must balance competing General Plan goals and objectives as part of its consideration. Additionally, the General Plan states that a specific project that does not meet all General Plan goals, policies, and objectives does not inherently result in a significant effect on the environment in the CEQA context (City of Oakland, 2005a).

#### Project’s Consistency with General Plan Policies

The project would be fully consistent with most of the applicable General Plan policies. However, the project may not fully support the following, as discussed in the *Setting*:

- **Pedestrian Master Plan Action 2.1.4:** Avoid the use of pedestrian overpasses and underpasses for pedestrian crossings on surface streets.
- **Historic Preservation Element Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions.** The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties, which could result from private or public projects requiring discretionary City actions.

Pedestrian Master Plan Action 2.1.4. The project proposes three overhead pedestrian bridges. As previously discussed under *Project Consistency with Pedestrian Master Plan Policies* (see *Setting*), while the project may therefore not appear fully consistent with Action 2.1.4, the pedestrian bridges are intended to provide a number of benefits. These include the safe, efficient, weather-protected pedestrian connections between various Kaiser buildings and reduced ambulance trips needed to transport patients between buildings.

Since Action 2.1.4 directs that avoidance of underpasses (tunnels) as well as overpasses (bridges), the City’s apparent goal is to encourage the use of pedestrian activity on public streets (rather than above or below street-level). The potential effect of these facilities could be the reduced pedestrian activity on the street, which is encouraged by LUTE Policy T6.2. However, as outlined in the policy discussion in the *Setting*, the main entrances to the Kaiser buildings would continue to be on the street level, and the project would result in attractive new street-level building facades, including new retail frontage that can encourage pedestrian activity. Also, the project would implement a number of pedestrian-related improvements (striped crosswalks, pedestrian crossing signals, audible signals, countdown signals, pedestrian push-buttons, etc.). It is unlikely that the overhead bridges would significantly reduce pedestrian

street activity since the bridges would only be accessible from within Kaiser buildings (and from approximately the third floors), making it an impractical alternative route for pedestrians already on the street. As a result, the project does not appear inherently in conflict with the intent of Action 2.1.4 of the Pedestrian Master Plan.

The City will consider these benefits of the proposed bridges, balanced with the degree to which they would likely reduce pedestrian activity on the street and the practice of transferring hospital patients within the medical center by City streets via ambulance. Overall, the City will consider the project's relationship to the Pedestrian Master Plan action statement, and balance them with all other General Plan policies and the merits of the project. The analysis in this EIR does not identify any significant environmental impacts (construction or operational) that would occur as a result of the proposed bridges. To the extent that their construction would contribute to construction-related impacts, they are adequately reduced to less than significant through the implementation of standard conditions of approval and mitigation measures identified in this document. (See also *Underground Tunnels Sub-Alternative* in Chapter V, Alternatives.)

Historic Preservation Element Policy 3.1. The project would demolish the Honda dealership at 3741 Broadway, which this EIR assumes to be an historic resource for CEQA purposes, pending LPAB review. As a result, the project would result in a significant unavoidable impact resulting from the demolition of this building, would therefore not be fully consistent with HPE Policy 3.1, even with the implementation of mitigation measures.

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### **General Plan Use and Development Standards**

The land uses and development intensity proposed by the project do not conflict with the existing General Plan land use classifications that apply to the project site, as summarized in **Table IV.A-1**. To establish a clear and consistent delineation of the Kaiser Permanente OMC on the General Plan Land Use Diagram (map), the project sponsor proposes to amend the map to apply the *Institutional* land use classification to all portions of the project site. The proposed amendment to the General Plan would not result in changes to the projected growth in citywide population nor vehicle miles traveled (VMT) assumptions in the current General Plan.

The *Institutional* classification permits the Health Care Activity, Medical Service Activity, and Administrative Commercial Activity proposed by the project. This change would confirm that Health Care Activity and the Medical Service Activity would be consistent with the land use classification on the all areas of the project site. Currently, the General Plan is “silent” or “unclear” regarding these two activities in the *Mixed Housing Type Residential* along Manila Avenue (parking lot for Site 7), and in the *Neighborhood Center Mixed Use* along Piedmont Avenue (existing medical offices not proposed for change) and West MacArthur Boulevard (existing AAA administrative office building).

The existing maximum development intensity allowed by the existing General Plan classifications would accommodate that proposed by the project. The proposed amendment would increase the maximum allowable FAR on each site to that allowed by *Institutional*: 8.0. Although this would be a maximum allowable, actual development would be restricted by the limits, standards, and guidelines (building height

and setbacks, etc.) prescribed by the applicable zoning designation (see *Zoning Regulations*, below) and at the discretion of the City through the discretionary review process of the project.

**Zoning Regulations**

The land uses and FAR proposed by the project are consistent with the current zoning designations on the project site (notwithstanding that land use and development intensity is ultimately limited by the General Plan, pursuant to the City’s adopted Guidelines for Determining General Plan Conformity, for situations where the General Plan and zoning conflict). The proposed development may exceed certain development regulations set forth by the applicable zoning designations and would therefore need approval of appropriate variances or other exceptions under the existing zoning.

**TABLE IV.A-1  
EXISTING ZONING AND GENERAL PLAN USE AND FAR, BY SITE**

ZONING			GENERAL PLAN	
Site No. (Proposed FAR)	Designation	Use Allowance	Land Use Classification	Use Allowance
<b>Site 1</b>	C-40 Community Thoroughfare Commercial / S-18 Mediated Design Review Combining (3.0 – 3.6 FAR)  R-50 Medium Density Residential/ S-18 Mediated Design Review Combining (No FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li>   <li>• Health Care (CP)</li> </ul>	Community Commercial (5.0 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>
<b>Site 2 (0.8 FAR)</b>	S-1 Medical Center / S-18 Mediated Design Review Combining (4.0 – 4.8 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative (CP)</li> </ul>	Institutional (8.0 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>
<b>Site 3</b>	S-1 Medical Center / S-18 Mediated Design Review Combining (4.0 – 4.8 FAR)  C-40 Community Thoroughfare Commercial / S-18 Mediated Design Review Combining (3.0 – 3.6 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative (CP)</li>   <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>	Neighborhood Center Mixed Use (4.0 FAR)	<ul style="list-style-type: none"> <li>• Health Care (S)</li> <li>• Medical Service</li> <li>• Administrative (S)</li> </ul>
<b>Site 4 (3.5 FAR)</b>	C-40 Community Thoroughfare Commercial (3.0 – 3.6 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>	Community Commercial (5.0 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>
<b>Site 5</b>	C-40 Community Thoroughfare Commercial (3.0 – 3.6 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>	Community Commercial (5.0 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>
<b>Site 7 (1.5 FAR)</b>	C-40 Community Thoroughfare Commercial / S-18 Mediated Design Review Combining (3.0 – 3.6 FAR)  R-70 High Density Residential/ S-18 Mediated Design Review Combining (2.25 – 2.7 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li>   <li>• Health Care (CP)</li> <li>• Medical Service (CP)</li> <li>• Administrative (CP)</li> </ul>	Community Commercial (5.0 FAR)  Mixed Housing Type Residential (No FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li>   <li>• Health Care (S)</li> <li>• Medical Service</li> <li>• Administrative (S)</li> </ul>
<b>Site 8</b>	C-40 Community Thoroughfare Commercial / S-18 Mediated Design Review Combining (3.0 – 3.6 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>	Community Commercial (5.0 FAR)	<ul style="list-style-type: none"> <li>• Health Care</li> <li>• Medical Service</li> <li>• Administrative</li> </ul>
<b>Site 9</b>	C-25 Office Commercial / S-18 Mediated Design Review Combining (3.0 – 3.6 FAR)	<ul style="list-style-type: none"> <li>• Health Care (CP)</li> <li>• Medical Service</li> <li>• Administrative (office)</li> </ul>	Neighborhood Center Mixed Use 4.0 FAR)	<ul style="list-style-type: none"> <li>• Health Care (S)</li> <li>• Medical Service</li> <li>• Administrative (S)</li> </ul>

FAR – Floor-area Ratio

CP – Conditionally Permitted (requires conditional use permit approval)

S – General Plan is “silent” or “unclear”

SOURCE: City of Oakland, Oakland Planning Code

The project sponsor proposes to rezone the project site and certain adjacent properties to the “Kaiser Permanente Oakland Medical Center (OMC) Zoning District.” The new zoning district is intended to achieve a comprehensive set of land use regulations, and possibly development standards and design guidelines that would be consistent for the long term development of the entire medical center and that would incorporate tailored regulations for specific issue areas. This would ensure that the Kaiser Permanente OMC Project would be architecturally and functionally a state-of-the-art medical center serving the greater Oakland and Alameda area while remaining integrated and compatible with the existing surrounding neighborhood until future redevelopment for medical center uses is approved by the City. The new zoning district would include all properties within the Kaiser Permanente OMC that are currently owned by Kaiser Permanente. For properties that are not owned by Kaiser Permanente, and that are proposed to be rezoned<sup>13</sup>, the new zoning district would be applied as an overlay district or combining zone district, which would allow the existing (underlying) zoning designation and regulations to apply.

The zoning district standards shall be consistent with the applicable General Plan land use classification (which is proposed to be *Institutional*) and would generally be consistent with the development proposed by the project.

### **Summary**

The potential policy conflict identified above regarding the development of overhead pedestrian bridges and demolition of an historic resource would not, in and of itself, directly result in physical changes to the environment that are not analyzed elsewhere in this EIR. The City will determine the appropriateness of the project in light of the Pedestrian Master Plan (Action 2.1.4) and Historic Preservation Element (Policy 3.1), in balance with all other General Plan policies.

The project is not inconsistent with the existing General Plan land use classifications. However, the project proposes an amendment to the General Plan Land Use Map even though such an amendment would not be required for development of the project.

The project sponsor also proposes to amend the Oakland Planning Code to add the “Kaiser Permanente Oakland Medical Center Zoning District” and associated regulations, and to amend the Oakland Zoning Map to apply the Kaiser Permanente OMC Zone to the geographic area of the project site in order to implement the Kaiser Permanente OMC Master Plan.

The project would be required to adhere to the Kaiser Permanente OMC Zone Regulations and any development standards, design guidelines, or other requirements that it may include. This could include allowable uses, requirements for building heights, maximum FAR, and parking. If approved, the change in zoning from the existing S-1 Medical Center, C-40 Community Thoroughfare Commercial; C-25 Office Commercial; R-50 Medium Density Residential Zone, and R-70 High Density Residential Zone districts to the Kaiser Permanente OMC Zoning District would eliminate any inconsistencies that may exist between the proposed project with the current zoning district standards.



### **Significant after Mitigation:** Less than Significant

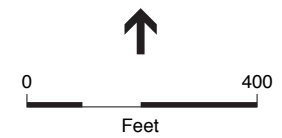
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<sup>13</sup> These would include a motel and apartment building at the northeast corner of Manila Avenue and West MacArthur Boulevard; and an automotive repair use at the northeast corner of Howe Street and MacArthur Boulevard. None of these properties are proposed for redevelopment or General Plan Amendment as part of the proposed project.



Legend

-  Proposed Kaiser Permanente OMC Zoning District and General Plan Amendment Boundary
-  Properties requested by the City of Oakland for analysis in EIR for inclusion in the Zoning District and General Plan Land Use Classification



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## References – Land Use, Plans and Policies

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