

ATTACHMENT “D”

Project Name: Kaiser Permanente Hospital (Phase 2), Design Review

Location: The full block between Broadway and Piedmont Avenue, and between I-580 and West MacArthur Boulevard

Proposal: Demolition of all existing structures and construction of a new, approximately 1.06 million square foot hospital, hospital support building and medical office building, an associated parking structure and central utility plant. The proposed new hospital is the 2nd phase of the Kaiser Permanente Oakland Medical Center Master Plan as approved on July 18, 2006.

Applicant: Kaiser Foundation Hospitals
Michael Lane, Project Director, Kaiser Permanente

Phone: (510) 618-4017

Owner: Kaiser Foundation Hospitals

Case File Number: DR07496

**Planning Permits
Required:** Major Design Review

General Plan: Institutional

Zoning: KX: Kaiser Permanente Oakland Medical Center Zone

Historic Status: No historic resources identified on the project site

**Environmental
Determination:** An EIR for the Kaiser Permanente OMC Master Plan was prepared by the City of Oakland as the Lead Agency. That EIR was certified by the Oakland Planning Commission on June 6, 2006 and its certification confirmed by the City Council on June 27, 2006. The current project is generally consistent with that analyzed in the Master Plan EIR. No additional environmental review is required

City Council District: 3, south of MacArthur

Date Filed: November 20, 2007

Action to be Taken: Decision based on staff report

Finality of Decision: Appealable to City Council

**For Further
Information:** Contact: Scott Gregory, contract planner to the City at 510-535-6690, or by email at kaiser@lamphier-gregory.com

SUMMARY

The purpose of this report is to provide information to the Planning Commission for their reconsideration of approval of Design Review for Phase 2 of the Kaiser Oakland Medical Center (OMC) Master Plan pursuant to new Section 17.KX.060 (d) of the City's Zoning Regulations. Staff is recommending approval with conditions as attached.

On May 28th 2008 the Design Review Committee recommended that Kaiser Permanente's proposed design for the new Phase 2 Hospital be considered by the full Planning Commission. On September 3rd, the Planning Commission was presented with the proposed Phase 2 design, together with a staff report (see **Attachment A**), draft Conditions of Approval and other documents for consideration of approval. However, at that September meeting the Commissioners were collectively negative in their comments about the Phase 2 design (see **Attachment B** for a summary of Commissioners' comments), and had serious concerns about some of the conditions of approval and other related issues. Since then Kaiser has been working with their architecture team to revise the Phase 2 design, and has been working with staff to respond to several other key issues prominent in the September discussion. These issues include:

- Design of the hospital, especially the exterior appearance of the 12-story nursing tower
- Pedestrian activation along Broadway
- Phasing of construction of the new Hospital and MOB, and the guaranty to demolish the existing hospital tower
- Signage
- Incorporation of strategies from "Green Guidelines for Healthcare" to promote sustainability

The following staff report is focused only on a detailed discussion of these issues, a description of Kaiser's current proposals on these issues (included as **Attachment C**), and staff comments.

The staff's planning analysis related to General Plan and zoning consistency, environmental review and Kaiser OMC Master Plan consistency remains as presented in the September 3, 2008 staff report. Attachments to those portions of the staff report, including **Attachment D**: Design Review Findings, **Attachment E**: CEQA Determination and **Attachment F**: Phase 2 Standard Conditions of Approval and Mitigation Monitoring and Reporting Program, remain the same as presented on September 3rd but are also attached to this staff report for reference.

Attachment G: Conditions of Approval for Phase 2 Design Review have been modified from those presented at the September 3rd hearing, based on the discussion that follows. These Conditions of Approval, as amended, are also attached to this staff report, along with the exhibits to the Conditions: **Attachment H**: Exhibit B, Draft Corporate Guaranty, **Attachment I**: Exhibit C, Kaiser Oakland Medical Center - Sustainability Measures, and **Attachment J**: Exhibit D, Conceptual Roadway Designs.

URBAN DESIGN ISSUES

Phase 2 Architectural Design – Articulation, Color and Materials

Throughout the Phase 2 design process, Kaiser and their architects at NBBJ have strongly indicated that the design of the new hospital must be driven first and foremost by medical service needs, operational requirements, state construction requirements, and Kaiser's own hospital standards. As such, the exterior form of the building must follow from internal hospital programming and functional needs. Additionally, the entire hospital and its supporting facilities must be fit onto a fairly small, 7.3-acre site. The result is a set of buildings that, for the most part are efficient, simple and of a scale and mass reflecting this urban context.

That said, Kaiser's design team has so far been unsuccessful in satisfying the Planning Commission that the exterior design of the building is attractive and well designed. In fact, the Commission was uncomplimentary in its comments about the design presented at the September 3rd hearing. In response, Kaiser and their architects have been working to develop new design responses for the Phase 2 buildings that they hope will better satisfy the Commission. Some of the major design changes included in this current submittal include the following:

- Photovoltaic panels have been added on the roof of the Hospital tower and parking garage, and these panels become a more prominent cornice feature for the Broadway elevation of the tower.
- A system of aluminum fins and reveals have been incorporated on all building facades to allow shade and shadow to influence the building's visual composition.
- The entire street is comprised of transparent store front glazing to allow clear visibility into and out of the facility, or special "feature walls" of glazed tile to flank entrances.
- The second level of the podium incorporates aluminum fins to provide a fine grain articulation and to visually break up the mass of the building, modulated at varying intervals as shown in the renderings. Along the third floor of the podium is a combination of the aluminum fins and reveals to provide articulation, also modulated at varying intervals as shown in the renderings.
- The hospital tower now incorporates a top cornice piece along the Broadway elevation, and an aluminum cornice cap provides a detail top to the entire tower and podium. The tower design now has a stronger emphasis on the glass band in the center (at the interior elevator lobbies) by making this area wider and framing it in aluminum. The patient room windows are recessed by approximately 6" to 12" to provide greater shadow and a less flat appearance, further emphasized by using approximately 18" vertical aluminum fins which project out from the building face to cast shadows and provide modulation.
- A new color scheme with varying material colors incorporates vertical window bands to further articulate the building face.

Staff Comments

Staff is supportive of these design changes, particularly in regard to the tower design. The recessed windows and protruding aluminum fins create more articulation and movement across

the building façade. Combined with the vertical metal panel, this has the effect of emphasizes the building's vertical dimensions and drawing viewer's eyes upward, rather than horizontally along the long building facades.

Staff is also supportive of the exclusive use of storefront glazing or high quality materials (aluminum fins and glazed tiles) along the ground floor, and believes that these materials will enhance the pedestrian's experience of the building.

Broadway Street Activation

The Kaiser OMC Master Plan includes the design principle of creating street fronts that promote pedestrian activity. At the September 3rd Planning Commission hearing, Kaiser presented a design that included:

- a landscaping plan with street trees and a planter edge that helped create a pleasant pedestrian experience along Broadway and which separated the pedestrian zone from street traffic
- use of glazing and tactile or "special wall" material along the ground floor of the Broadway street edge to increase transparency and enhance the pedestrian experience along the building
- locating the cafeteria on the ground floor at the corner of Broadway and MacArthur as a pedestrian-oriented, hospital-related use capable of visually activating the Broadway street front
- extending design elements of the Kaiser campus' outdoor space across Broadway and into Mosswood Park, with proposed improvements including an outdoor plaza, pedestrian improvements, landscaping and a new bus shelter in Mosswood Park

Staff was generally supportive of these design proposals, but believed that the pedestrian experience along Broadway could be even further improved by adding an additional public entry from Broadway to the cafeteria. This entry would increase pedestrian activity along Broadway, facilitate lunch-time use of Mosswood Park, and better integrate the building into the fabric of the surrounding neighborhood. At that time, Kaiser indicated that they were not supportive of a Broadway entry to the cafeteria because of security concerns and their need to monitor public access to the hospital.

At the September hearing, Commissioners and public speakers expressed significant concern over the idea of Mosswood Park improvements. Concerns were expressed that the Mosswood Park plans could adversely impact historic resources, that the proposal could result in a loss of available park space, and that Kaiser should focus its Broadway pedestrian improvements on its own side of Broadway rather than reaching across the street and into the public park space. Additional Commissioner's comments indicated support for a Broadway entrance to the building to activate the street level.

Kaiser's Design Response and Staff Comments

Kaiser's currently proposed design retains the previously proposed landscaping plan with street trees and a planter edge, use of glazing and tactile or "special wall" material along the ground floor, and locating the cafeteria on the ground floor at the corner of Broadway and MacArthur. Kaiser has also reconsidered their objection to a public entrance to the hospital from Broadway, and now proposes a new design with a public entry into the cafeteria at about 50 feet south of the building corner at Broadway/MacArthur. This entrance is made visually prominent through signage, an adjacent "feature wall", and recessing the storefront glazing of the cafeteria by an additional 5 feet to create a wider, 15-foot sidewalk in front of the cafeteria space. The cafeteria corner is also free of front columns and is rounded, which enables a diagonal path for pedestrians. Staff appreciates Kaiser's willingness to reconsider and add this public entrance, and is supportive of this new aspect of the design.

Additionally, at the Commission's direction Kaiser has removed from their current plans the idea of constructing an outdoor plaza with pedestrian improvements, landscaping and a new bus shelter in Mosswood Park. Any future reconsideration of such plans, should they be proposed at a later date, would be subject to a separate review process. Accordingly, staff recommends removal of prior Condition of Approval #23, as indicated below. The suggested change does not remove the obligation of Kaiser to make certain improvements to Mosswood Park previously imposed on Kaiser, such as the replacement of the basketball courts and the tot lot.

23. Mosswood Park Improvements

~~As part of the Phase 2 design, Kaiser intends to construct certain improvements in Mosswood Park. These improvements constitute an extension of the Hospital's outdoor design into the park, and are in addition to the financial contribution to the City toward Mosswood Park improvements and maintenance as required under Condition 18.2 of the OMC Master Plan approvals. Contemplated Mosswood Park improvements include an improved plaza near the Broadway crossing opposite the Hospital Main Entrance (a potentially location for the Farmer's Market and/or Kaiser sponsored Tai Chi classes); removal of the existing concrete wall, landscape and streetscape improvements, a bus turn out and shelter for AC Transit buses, and a re-aligned sidewalk along Broadway. These park improvements shall be subject to a separate Conditional Use Permit as provided in the OS zoning district and/or Design Review approval, including review by the public, the Mosswood Advisory Council, the Park and Recreation Advisory Committee and the Regular Design Review approvals pursuant to Section 17.XX.060 of the KX zoning district. If approved by the City, Kaiser shall fund and implement these improvements to Mosswood Park prior to occupancy of the Hospital.~~

Kaiser's programming of internal space for the MOB at MacArthur/ Piedmont has still not progressed to the point where they are definitive about the specific uses that will be located along the frontages of MacArthur and Piedmont. Staff continues to recommend a Condition of Approval (now Condition #26) to require Kaiser to make best faith efforts to incorporate pedestrian activating ground floor uses particularly at the MacArthur/Piedmont corner, and recommends the following additional provision to require that the hospital cafeteria be located at the Broadway/MacArthur corner, as indicated below:

26. Ground Floor Uses, Medical Office Building and Hospital Support Building

As of Design Review approval, Kaiser's programming of internal space for the MOB at MacArthur/ Piedmont has not progressed to the point where they are definitive about the specific uses that will be located along all street frontages. Kaiser shall make best faith efforts to incorporate ground floor uses in the MOB and HSB that activate the public street (e.g., pharmacy, coffee shop, health food store, etc.) consistent with Guideline 2.1.4 of the Kaiser OMC Master Plan, particularly at the MacArthur/Piedmont corner. Further, Kaiser shall construct the hospital cafeteria within the HSB at the corner of Broadway/MacArthur, with a public entry from Broadway.

While no pedestrian-oriented or street-activating types of uses are proposed within the new large parking structure on Broadway near the I-580 overpass, the Master Plan did not contemplate such uses, nor does it include any such requirement for this parking garage.

Existing Hospital Tower Demolition and Construction Phasing

Among the issues that staff has been working with Kaiser to resolve over the past few weeks are the inter-related conditions regarding the guaranty to ensure demolition of the existing hospital tower and the phasing of construction of the new hospital and Phase 2 MOB.

As indicated in the September 3rd staff report, Kaiser's most pressing time constraint is to complete construction of the parking garage, the central utility plant, the Hospital Support Building (HSB) and the Hospital prior to the deadline established under the state's seismic safety requirements for hospitals (SB 1953). The remaining portion of Phase 2 - the Medical Office Building (MOB) - is not considered an acute care facility under the jurisdiction of the Office of Statewide Health Planning and Development (OSHPD), nor immediately necessary for hospital operations. The previous staff report indicated that it is possible, although not anticipated, that construction of the MOB might not follow immediately after construction of the Hospital and its other necessary support buildings. Kaiser has since provided to staff information which indicates they believe it to be physically impractical to construct the MOB at the same time as construction of the Hospital and the Hospital Support Building (HSB). They cite the need to utilize the MOB site for construction staging and contractor's trailers, and that their construction contractor is not able to construct over 1 million square feet of space all at the same time, while still meeting the regulatory deadline for the Hospital. Hence, the current plan proposed by Kaiser is to complete construction of the MOB at some point after the Hospital and the HSB are completed, but this leaves the question of when the MOB will be constructed, and correspondingly when Phase 2 will be "done", unanswered. The conditions of approval for the Kaiser OMC Master Plan indicate that completion of Phase 2 triggers the requirement for demolition of the existing hospital.

This unanswered question poses two separate dilemmas for the project:

1. If the completion date for Phase 2 is uncertain, what point in time (or following what event) would trigger the Master Plan's condition of approval for demolition of the existing hospital?

2. If there is the possibility that Kaiser may not follow-up with construction of the MOB immediately following completion of the hospital and HSB (even though it is their stated intent to do so), can the City compel them to construct so that completion of the MOB is not delayed, or could the City accept an interim condition for the MOB site until such time as Kaiser elects to undertake construction of that portion of the building?

Existing Hospital Demolition

The current Master Plan condition of approval sets a deadline for demolition of the existing hospital tower at 36 months following completion of Phase 2. When this condition was approved, staff assumed that all of Phase 2 (including the HSB and MOB) would be OSHPD-regulated space constructed prior to the state deadline of January 2013 (or as soon thereafter as practical). We now understand that only the Hospital portion of Phase 2 will be regulated under OSHPD standards and deadlines, while the Hospital Support Building and the MOB will be constructed under City building permits. Thus, under the currently effective conditions of approval, if the MOB (and hence Phase 2) is not completed, then the existing hospital tower could remain indefinitely, even if the new hospital has been constructed.

There are at least two very strong reasons why allowing the existing hospital tower to remain would not be in the City's best interest. First, a fundamental basis for the City's approval of a new tower at the Phase 2 site was the removal of the existing tower. All of the visual analyses conducted for the OMC Master Plan were predicated on the understanding that the existing tower would be removed and replaced with the new tower. Having two towers side by side for an indefinite period of time would be an adverse aesthetic impact on this portion of the City's skyline that was never contemplated in the EIR, could result in blight and public nuisance, would be inconsistent with the intent of the Master Plan, and has never been considered pursuant to this Design Review process. The aesthetic issues would be exacerbated if the existing tower were to remain as an unoccupied vacant shell, potentially with boarded windows, a lack of hospital presence, and no pedestrian activity.

Secondly, the Master Plan approvals established a maximum building space for the entirety of the Medical Center. If the new Phase 2 hospital and accompanying structures were to be constructed as proposed and the existing hospital tower and low-rise building currently occupying the Phase 3 were to remain, the OMC campus would exceed the maximum square footage allowed under the Master Plan. If all of this space were to be occupied, the adverse impacts on traffic, public services and utilities would far exceed that analyzed in the EIR. If this space were to be left unoccupied it would result in the adverse visual and aesthetic impacts, blight and public nuisance, described above as well as a violation of the Kaiser Master Plan approvals. In short, leaving the existing hospital tower and low-rise building in place for an indefinite period of time would result in a violation of the Kaiser Master Plan approvals, have significant adverse visual, traffic and other effects on the community, and constitute a blight and public nuisance.

Condition of Approval #8 for the OMC Master Plan requires Kaiser to; a) demolish the existing hospital and clear and landscape that site within thirty-six months of completion of Phase 2; and b) provide to the City, prior to issuance of this Design Review approval for Phase 2, a guaranty that they will actually demolish the existing hospital and clear and landscape that site within

thirty-six months of completion of Phase 2, together with a guaranty that Kaiser has sufficient financial resources to assure faithful performance of the demolition and landscaping.

Staff has continued to work with Kaiser's representatives to draft this guaranty, but the terms have proven to be more complex than had been anticipated. One of the complexities of the guaranty has been agreement on the remedy available to the City should Kaiser not comply with the requirement to demolish the existing tower within the required timeframes. Kaiser has understood that this remedy would be the potential revocation of the City's occupancy permit for the parking garage, whereas staff believes that the remedy would require Kaiser to give the City adequate finances (based on an engineers' estimate) to conduct the demolition itself should Kaiser fail to perform, and/or to revoke the occupancy permit, or take whatever enforcement actions are typically provided to the City if there is noncompliance with conditions of approval.

Because these and other issues had not been resolved prior to the September 3rd Design Review hearing, staff had recommended that the financial guarantee obligation be deferred for a short period of time until these issues can be resolved. Such a deferral would not relieve Kaiser of the obligation, nor would it reduce the City's ability to ensure that the obligation is met. It would merely provide more time for staff and Kaiser to work out the terms of the Guaranty with its financial consultants.

Staff Comments Regarding the Guaranty to Demolish the Existing Hospital

Staff's current recommendation is to modify the September draft condition of approval regarding Kaiser's obligation to demolish the existing hospital tower and the financial guaranty of such (which is now re-numbered as Condition #14) as follows:

Condition # 14 Existing Hospital Tower Demolition

Kaiser shall completely demolish the former hospital structure, including the tower and podium level, and complete site clearance and landscape beautification of the site pursuant to following requirements and schedule:

- a. Prior to issuance of a building permit for the Phase 2 parking structure, Design Review approvals for Phase 2, Kaiser shall provide to the City of Oakland adequate assurances that Kaiser has sufficient financial resources to complete the actual demolition, site clearance and landscape beautification of the former hospital structure, including the tower and podium level (hereafter called the Demolition and Landscape Project). ~~by demolish the existing Hospital (Tower and Podium level), and completely clear and landscape the site, within thirty-six months of completion of Phase 2.~~ This obligation shall be met by executing a plan must included appropriate financial guarantees assuring faithful performance, such as corporate guaranty from a corporate entity with a net worth of at least \$2 billion, or an Irrevocable Letter of Credit, in form and amounts which are acceptable to the City. The guarantor must be the same corporate entity (or entities) that are relied upon for the proof of net worth. The guaranty shall be in substantial conformance with Exhibit B: Draft Corporate Guaranty, which assures Kaiser's faithful performance to ~~shall complete the Demolition and Landscape Project demolition, site~~

~~clearance and landscape beautification of the former hospital structure within the specified timeframes.~~

- b. Within thirty six (36) months after the California Department of Public Health issues Kaiser its license to operate the new hospital¹, Kaiser shall submit a detailed demolition plan, together with an engineer's cost estimate and demolition schedule, along with a landscape beautification plan, all to be prepared by an appropriately licensed professional engineer, for City review and approval. Kaiser shall be required to immediately notify the City once its license to operate has been issued.
- c. The City of Oakland shall condition the issuance of a final certificate of occupancy (or its equivalent) for the parking garage serving the new hospital in Phase 2, on the Kaiser shall complete the Demolition and Landscape Project) within five years thirty-six months from the date of issuance of the California Department of Health's license to operate. completion of Phase 2.
- d. Consistent with the approved Master Plan and Kaiser's representations, there shall be no concurrent acute care operations of the new hospital with the existing hospital, except for a reasonable and limited period of time to transfer patients and functions to the new hospital.
- e. Should Kaiser fail to timely complete the Demolition and Landscape Project within the timeframes specified in this condition, the City Planning Commission finds and determines this constitutes a blight and public nuisance, and in addition to other remedies available to it in law or equity, the City of Oakland may, at its option and without any obligation to do so, call on the financial guaranty (see a) above) to complete the Demolition and Landscape Project or cause the completion of Demolition and Landscape Project, without obtaining the Guarantor's consent, including consent to enter the property.

Although the recommended revisions to this condition may sound as if it allows Kaiser two additional years before demolition of the existing hospital is required, the practical affect of this revision results in virtually the same schedule. If Kaiser were to begin construction of the MOB immediately following completion of the Hospital, the MOB construction would likely take two years to complete. Thus, five years from completion of the Hospital is virtually the same time frame as three years from completion of Phase 2, assuming that Phase 2 would be completed with

¹ The new hospital will not be constructed under City of Oakland building permits. Instead, it will be an acute care facility constructed under the regulations and jurisdiction of the Office of Statewide Health Planning and Development (OSHPD). Prior to operation of the Hospital, OSHPD and the State Fire Marshall must approve its construction, and then the California Department of Public Health must issue a license to operate the facility in compliance with the state's safety regulations, laws and Title 22 requirements.

construction of the MOB immediately following construction of the hospital. Staff believes that this revised condition of approval effectively de-links the existing hospital demolition and landscaping requirement from what otherwise might be a potentially uncertain time frame associated with completion of Phase 2, yet provides a reasonable timeframe and certainty that Kaiser will complete this obligation.

After several discussions, Kaiser has agreed to the changes to Condition #14 above to ensure that demolition of the existing hospital occurs within the established time frames.

Phasing of the New Hospital and Related Structures

Staff previously recommended a condition of approval for Phase 2 that would require Kaiser to submit an interim improvement plan for that portion of the Phase 2 site left un-constructed should a delay occur. The previously recommended condition listed a number of interim improvements that would be necessary, all subject to Small Project Design Review. At its September 3, 2008 meeting, the Planning Commission expressed concern with this condition and asked us to look at this issue again to see how the City might either condition Kaiser to construct everything at once (which Kaiser says they cannot do), or to require immediate construction of the MOB following construction of the hospital.

Staff has re-reviewed the Kaiser OMC Master Plan and its associated conditions of approval, as well as the KX zoning district established for the Kaiser OMC campus. We found no specific requirements in these previously approved documents regarding the timing of construction for phases or sub-phases of the OMC. Additionally, staff could find no examples of where the City has placed a requirement compelling construction within any City-mandated timeframe on any other development project. However, staff has held several conversations with Kaiser to suggest a condition of approval that would mandate a time certain sub-phasing plan for Phase 2.

Kaiser has most strongly objected to a City-mandated phasing schedule, maintaining that they must be able to control their own construction efforts, particularly under the current economic conditions. At this time Kaiser is uncertain as to when they intend to construct the Medical Office Building on the Phase 2 site, and they stress that the timing for construction of this building must be driven by market factors, cost, membership growth and a number of other criteria. They have also indicated that until Kaiser resolves these concerns, the exact timing of the MOB construction will likely remain uncertain.

Staff Comments

Given Kaiser's strong objections, the lack of any precedent for a City-mandated construction schedule and no clear requirement under previous Kaiser OMC approvals, staff is reluctant to press for a time certain sub-phasing plan for Phase 2. We also appreciate that there are many factors affecting the feasibility of construction of the Phase 2 MOB including changes in the medical marketplace, construction costs, and the availability of financing. Thus, staff's current suggestion is to retain the previously recommended Condition #24 regarding interim designs (now re-numbered as Condition #25), as modified below.

25. Interim Condition

In the event that Kaiser determines construction of the Medical Office Building (that portion of Phase 2 located nearest to the MacArthur Boulevard/Piedmont Avenue intersection) will does not follow immediately after occupancy of the Hospital and the Hospital Support Building (i.e., within a period of 4 months), "commence in earnest"² within 120 days from issuance by the California Department of Health of a license to operate the new hospital, then Kaiser shall submit interim improvement plans for the landscaping, lighting and security of that undeveloped portion of the Phase 2 site. Such interim improvement plans shall be submitted to the City within 120 days after the California Department of Health issues its license to operate the new hospital.

- a. Interim improvements shall ~~may~~ include, but are not limited to landscaping and streetscape enhancements, temporary façade improvements to the Hospital interior walls, additional lighting and signage, and other appropriate amenities for the pedestrian path connecting between Piedmont and Mosswood Park.
- b. These interim improvements shall ~~generally be consistent with the Conceptual Interim Design as shown on Exhibit A to these conditions, and shall be subject to Regular Small Project Design Review approval pursuant to Section 17.XX.060 (D) of the Kaiser Permanente Oakland Medical Center (KX) Zone regulations as contained in the Oakland Municipal Code.~~
- c. Kaiser shall "commence in earnest" with construction of these interim site improvements within 1 year of approval of the Design Review application.

Signage and Identity Signs

The Kaiser OMC Master Plan and the KX zoning district approved for the Oakland Medical Center provide two different options for consideration of new signs for the campus:

1. The Master Plan contains the following provision; *"In order to achieve the cohesive campus design vision, exceptions may be required from strict application of signage standards. Therefore, the KX zoning District provides that if a comprehensive sign program is adopted as part of the Master Plan, the provisions of the comprehensive sign program shall govern and shall supersede the provisions of Chapter 17.104. A comprehensive sign program will need to be developed by Kaiser Permanente and would be adopted through the Master Plan amendment process set forth in section 17.XX.080."*

² Commence in Earnest shall mean to initiate activities based on a City-issued building permit and other necessary permit(s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward the completion of construction and the issuance of a final certificate of occupancy, including successful completion of building inspections to keep the building permit(s) and other permit(s) active without the benefit of an extension.

2. Alternatively, the KX zoning district provides for Small Project Design Review “for minor alterations or additions to existing facilities that do not require a Subsequent or Supplemental EIR nor any other permit, variance or other approval pursuant to the zoning regulations of Title 17 of the Oakland Planning Code.” Under the definitions of the KX zoning district, Small Projects include “New or modified signs, excluding advertising signs; signs extending above the roofline; and multi-tenant freestanding signs”.

Staff is aware that members of the public are both concerned and potentially confused about what aspects of the sign program (if any) are legitimate concerns of this Phase 2 Design Review, and what aspects are only applicable to the Small Project Design review process. Part of that confusion has resulted from differing approaches for reviewing the Kaiser OMC Master Sign Program and identity signage for Phase 1, and staff’s proposed approach for reviewing the identity signage for Phase 2.

Kaiser OMC Master Sign Program and Phase 1 Signs

A condition of the previous Design Review approval for the Phase I Medical Office Building on Broadway required preparation of a Master Sign Plan to show all project signage and signage lighting for the Phase 1 building (including its identity signage) and for the parking garage, as well as a conceptual signage plan for the entirety of the OMC campus. The Planning Director determined that this Master Sign Program would be processed through Small Project Design Review pursuant to Section 17.XX.060 (C) of the KX zoning regulations as described above. This Small Project Design Review process has occurred and included opportunities for community input, including two community workshops. Presentations at these workshops showed the directional and informational signs proposed throughout the campus, the large identity signs proposed for the top of Phase 1 Medical Office Building on Broadway, and the large identity signs proposed for the top of the Phase 2 Hospital. On September 26, 2008 the Planning Director approved the Small Project Design Review specifically for the directional and informational signs proposed throughout the campus, and for the larger identity signs on the top of the Phase 1 building. This determination satisfied and concluded compliance with the condition of that Phase 1 Design Review approval.

Phase 2 Identity Signs

At the September 3rd Planning Commission hearing staff indicated that we believe the large identity signs at the top of the Phase 2 Hospital are so integrated into the building design that they should be subject to the Commission’s consideration under Phase 2 Design Review. Although this approach is different than what was done for the Phase 1 building, and perhaps even contradictory to comments made at the community workshops for the Master Sign Program, we believe that this approach provides greater opportunity for public comment and discussion about the Phase 2 identity signs. It also provides the public and Kaiser with an appeal process should either party strongly disagree with the decision of the Commission regarding these signs, whereas a Small Project Design Review decision by the Planning Director is final and not subject to appeal.

Staff currently requests that the Commission consider whether you agree with staff that it is appropriate to include the two large identity signs proposed across the top of the Phase 2 Hospital as part of your Design Review deliberations. Assuming that you do agree to include the identity signs as part of the Design Review for Phase 2, staff also requests that you provide direction and/or a determination regarding these identity signs as part of any decisions regarding Phase 2 Design Review. If you do not agree that these identity signs should be part of this Design Review effort, then staff will process a subsequent Small Project Design Review for these signs, similar to what was done for Phase 1.

Staff Comments

As indicated in the September 3rd staff report, staff is supportive of the two large Kaiser identity signs at the top of the building and the larger, street-level identity sign at the main entrance across from Howe Street. We also support these signs being lit at night so that the hospital is readily identified as an important regional and emergency medical facility. We note that Highlands Hospital, Children's Hospital and the Summit Medical Center Hospital all have strong identity signs across the top of their respective hospital buildings, although perhaps not as strong as those currently being proposed by Kaiser.

Sustainable/Green Building Practices

The Kaiser Oakland Medical Center Master Plan includes the objective to incorporate sustainable design elements and features, and in particular that building design and site planning within the OMC campus should incorporate appropriate strategies from the "Green Guidelines for Health Care".³ In the September 3rd staff report, staff had recommended a condition of approval requiring that Kaiser; "continue to make best faith efforts to incorporate environmentally sustainable practices into the planning, design, construction, operations and maintenance of their Phase 2 facilities." Commissioners strongly suggested that Kaiser be proactive in incorporating "green" or sustainable strategies into their design, and to report back to the Commission on those efforts.

Since then, Kaiser has prepared a list of Sustainability Measures that they have committed to implement as part of the Phase 2 project. This list is explained in detail in **Exhibit D to the Conditions of Approval – Kaiser Oakland Medical Center – Sustainability Measures**, incorporating as many as 47 of the potential 90 strategies identified in the "Green Guidelines". Some of the key elements of Kaiser's sustainability measures include:

- a stormwater management plan that reduces impervious cover, promotes infiltration and captures and treats stormwater runoff
- installation of photovoltaic units (solar panels) on the roof the hospital and parking garage, and

³ The *Green Guide for Health Care Version 2.2 (2007)* is a document created through a committee process. The Committee is convened by the Center for Maximum Potential Building Systems (a non-profit design firm), with a large number of Sponsors and Partners, including Kaiser Permanente.

- use of “Dolphin” water treatment system technology to reduce the use of potable water for non-potable processes such as cooling equipment
- use of recycled steel and concrete in new construction

Staff Comments

The “Green Guidelines for Healthcare” do not include a threshold ranking system similar to the LEEDS rating of silver, gold and platinum, so there is no achievement level by which to rank or rate Kaiser’s level of commitment to sustainable practices based on these guidelines. However, staff does believe that the sustainability measures that Kaiser has committed to will minimize the ecological impact of the hospital, both in the construction process and in the subsequent hospital operations. In light of the commitments made by Kaiser toward sustainable design, staff recommends the following revision to the previous Condition of Approval #28:

28. Green Guidelines for Health Care

Kaiser shall implement all of the ~~continue to make best faith efforts to incorporate environmentally sustainable practices for into the planning, design, construction, operations and maintenance of their Phase 2 facilities as contained in the “Kaiser Oakland Medical Center – Sustainability Measures”, submitted as part of this Design Review application (see Exhibit C of these Conditions), consistent with the Green Guide for Health Care. Although many of these practices and strategies are already included in the Phase 2 design, a number of additional strategies included in the Green Guide that are directly related to building design should continue to be considered as part of subsequent building permit approvals. Concurrent with submittal of hospital building plans to the State Office of Statewide Health Planning and Development (OSHPD), and prior to each City building permit approvals, Kaiser shall report in writing to the City of Oakland Planning and Zoning Division of its~~ implementation of these Sustainability Measures. ~~efforts to incorporate Green Guideline strategies. Such strategies may include, but are not limited to the following:~~

- ~~Provide secure bicycle racks and/or storage for a minimum of four (4) bike cages within the parking garage (pursuant to the requirements of the City adopted Kaiser Transportation Demand Management (TDM) Program, and provide bike racks around the site near points of entry for the use of visitors~~
- ~~Provide preferred parking for low-emitting and fuel-efficient vehicles~~
- ~~Provide an easily accessible area at the loading dock that serves the entire building and is dedicated to the collection and storage of materials for recycling~~
- ~~Use roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the values listed in the Credit Goals for a minimum of 75% of the roof surface, or install a vegetated roof for at least 50% of the roof area~~

- ~~e. For interior lighting, design lighting fixtures such that the angle of maximum candela intersects opaque building interior surfaces and does not exit out through the windows~~
- ~~f. Use low flow fixtures or control fixture flows to achieve minimum water flows~~
- ~~g. Equip all urinals (but not toilets or bed pan washers) with sensor operators.~~
- ~~h. Equip all hand wash sinks (but not compounding sinks, housekeeping sinks, or sinks in toilet rooms for inpatient bed rooms) with sensor operators~~
- ~~i. Reuse cooling tower and boiler blowdown water for other purposes as suitable based on chemical properties of the blowdown water. Consider the use of "Dolphin" technology to treat cooling tower and blowdown water without the use of chemicals such that the blowdown volumes can be reduced and the water that is blown is chemical free~~
- ~~j. Encourage and recognize increasing levels of on-site renewable energy self supply in order to reduce environmental and economic impacts associated with fossil fuel energy use.~~
- ~~k. Supply a net fraction of the building's total energy use with on-site renewable energy sources such as photo voltaic solar panels on roofs of the hospital and parking garage~~
- ~~l. Provide a portion of the building's electricity from renewable sources by engaging in at least a two year renewable energy contract~~

Sky Bridges

Whereas the Kaiser OMC Master Plan enables construction of two pedestrian sky-bridges as part of the Phase 2 site, no pedestrian sky bridges are currently considered for Design Review approval at this time. One of the sky bridges contemplated in the Kaiser OMC Master Plan is a pedestrian sky-bridge connecting across Broadway from the new parking garage to the existing Mosswood Medical Office Building, parallel to the I-580 overpass. At this time, Kaiser has not included plans for this bridge at a level of detail suitable for consideration of Design Review approval. Should Kaiser desire to construct this bridge at a later time, the design of that bridge would need to undergo a separate Design Review process, with particular consideration of the appropriateness of a center column support that would land within the center median of Broadway and in light of other potentially competing needs for this public right-of-way space (i.e., bus lanes, bike lanes, etc.).

A second skybridge connection between the parking garage and the Hospital was included in the original Master Plan, but the current design instead makes the pedestrian connection between the parking garage and the hospital at ground level beneath a trellis or canopy. This ground-level pedestrian connection is generally superior to a skybridge in regard to the pedestrian environment

as hospital visitors and staff will instead walk at ground level to get to various destinations within the campus, helping to enliven the number of pedestrians on the campus sidewalks.

Staff Comments

In consideration of the above, staff recommends that the condition of approval related to skybridges be revised as follows:

29. Broadway Skybridge

No skybridges are currently ~~One skybridge over Broadway is proposed under Phase 2, although two skybridges were connecting the existing Mosswood Medical Office building to the new parking garage. This skybridge was approved in concept under the OMC Master Plan. Should Kaiser reconsider constructing a skybridge at a later time, the design of that bridge~~ This skybridge shall be subject to separate Regular Design Review approval as provided under Section 17.XX.060 of the KX zoning district, including review by the Planning Commission, prior to approval. Any such subsequent Design Review process shall specifically consider the appropriateness of a center column support that would land within the center median of Broadway in light of other potentially competing needs for this public right-of-way space (i.e., bus lanes, bike lanes, etc.).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

- a. Affirm staff's environmental determination.
- b. Approve the Design Review application, subject to the attached Findings and Conditions.

Prepared by:



SCOTT GREGORY
Contract Planner

Approved for forwarding to the City Planning Commission:



GARY PATTON
Deputy Director of Planning and Zoning

Attachments:

- A. Planning Commission staff report, 09/03/08
- B. Summary of Planning Commissioner's comments - Design Review hearing of 09/03/08
- C. Kaiser's Design Review Submittal, dated November 2008
- D. Design Review Findings
- E. CEQA Determination
- F. Phase 2 Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (also Exhibit 1 to Conditions of Approval: SCAMMRP)
- G. Conditions of Approval, Phase 2 Design Review
- H. Exhibit 2 to Conditions of Approval: Draft Corporate Guaranty
- I. Exhibit 3 to Conditions of Approval: Kaiser Oakland Medical Center – Sustainability Measures
- J. Exhibit 4 to Conditions of Approval: Conceptual Roadway Designs

Oakland City Planning Commission

STAFF REPORT

Case File Number DR07496

September 3, 2008

Project Name: Kaiser Permanente Hospital (Phase 2), Design Review

Location: The full block between Broadway and Piedmont Avenue, and between I-580 and West MacArthur Boulevard

Proposal: Demolition of all existing structures and construction of a new, approximately 1.06 million square foot hospital, hospital support building and medical office building, an associated parking structure and central utility plant. The proposed new hospital is the 2nd phase of the Kaiser Permanente Oakland Medical Center Master Plan as approved on July 18, 2006.

Applicant: Kaiser Permanente, Kaiser Foundation Health Plan
Michael Lane, Project Director, Kaiser Permanente

Phone: (510) 987-2373

Owner: Kaiser Permanente

Case File Number: DR07496

**Planning Permits
Required:** Major Design Review

General Plan: Institutional

Zoning: KX: Kaiser Permanente Oakland Medical Center Zone

Historic Status: No historic resources identified on the project site

**Environmental
Determination:** An EIR for the Kaiser Permanente OMC Master Plan was prepared by the City of Oakland as the Lead Agency. That EIR was certified by the Oakland Planning Commission on June 6, 2006 and its certification confirmed by the City Council on June 27, 2006. The current project is generally consistent with that analyzed in the Master Plan EIR. No additional environmental review is required

City Council District: 3, south of MacArthur

Date Filed: November 20, 2007

Action to be Taken: Decision based on staff report

Finality of Decision: Appealable to City Council

**For Further
Information:** Contact: Scott Gregory, contract planner to the City at 510-535-6690, or by email at kaiser@lamphier-gregory.com

SUMMARY

The purpose of this report is to provide information to the Planning Commission for their consideration of approval of Design Review for Phase 2 of the Kaiser Oakland Medical Center (OMC) Master Plan pursuant to new Section 17.KX.060 (d) of the City's Zoning Regulations. Staff is recommending approval with conditions as attached.

On May 28, 2008 the Design Review Committee was presented with a status report and preliminary designs for Kaiser Permanente's proposed new Phase 2 Hospital. At that time the Committee reviewed the proposed building design, heard public comment, and determined that the design was ready for consideration by the full Planning Commission. Members of the Committee generally appreciated the Phase 2 design, but did express comments and concerns about certain design issues regarding the May 28th design exhibits. These Committee comments, Kaiser's design responses, and staff's recommendations are included in the following staff report.

URBAN DESIGN ISSUES

Throughout the Phase 2 design process, Kaiser and their architects at NBBJ have strongly indicated that the design of the new hospital must be driven first and foremost by medical service needs, operational requirements, state construction requirements, and Kaiser's own hospital standards. As such, the exterior form of the building must follow from internal hospital programming and functional needs. Additionally, the entire hospital and its supporting facilities must be fit onto a fairly small, 7.3-acre site. The result is a set of buildings that, for the most part are efficient, simple and of a scale and mass reflecting this urban context. That said, Kaiser's design team has successfully integrated many good urban design principles into this building; they have complied with all and improved upon many of the design requirements of the Kaiser OMC Master Plan; and they have responded well to the comments and concerns of their neighbors as expressed throughout the community workshop process. As a result, the Phase 2 design is at a point where staff and the Design Review Committee believe it is ready for consideration of approval by the Planning Commission.

However, there were a few design issues of concern to the Design Review Committee, staff and members of the public as of the May 28th Design Review Committee hearing. The following is a summary of these expressed concerns and comments, together with an overview of Kaiser's currently proposed design responses. Staff anticipates that Kaiser's representatives will more thoroughly present these design responses in their presentation to the Commission (see Attachment C).

Pedestrian Experience and Street Activation along Broadway

The Kaiser OMC Master Plan includes the design principle of creating street fronts that promote pedestrian activity. At the May 28th DRC hearing, Committee members and public speakers expressed the following statements about the pedestrian experience, particularly along Broadway:

- The pedestrian walkway along Broadway is not prominent (Commissioner Huntsman)

- The internal pathway takes away from the potential for Broadway's pedestrian activity (Commissioner Zayas-Mart)
- There should be more transparency to soften the building edge, especially along Broadway (Commissioner Zayas-Mart)
- The parking garage along Broadway is not a good urban use (Commissioner Zayas-Smart)
- The design does not enhance the pedestrian and bike zone (public comment)
- Better, more permanent materials such as tile or stone should be considered, particularly along the Broadway building face (public comment)

Kaiser's design response to these concerns includes several design elements; a) the landscaping plan includes street trees and a planter edge that helps to create a pleasant pedestrian experience along Broadway and separates the pedestrian zone from street traffic; b) use of glazing and tactile or "special wall" material along the ground floor street edge to increase transparency and enhance the pedestrian experience of the building; c) locating the cafeteria at the corner of Broadway and MacArthur in an effort to use this ground floor space for pedestrian-oriented, hospital-related uses that are capable of visually activating the Broadway street front, and d) extending design elements of the Kaiser campus' outdoor space across Broadway, with proposed improvements including an outdoor plaza, pedestrian improvements, landscaping and a new bus shelter in Mosswood Park.

Staff is generally supportive of these design responses, as indicated below:

1. In particular, the Park and Recreation staff has conceptually endorsed the idea of the Mosswood Park improvements, although Condition of Approval #23 requires the final design of such improvement to be subject to a subsequent Conditional Use Permit as provided in the OS zoning district and/or Design Review approval, including review by the public, the Mosswood Advisory Council, the Park and Recreation Advisory Committee and the Regular Design Review approvals pursuant to Section 17.XX.060 of the KX zoning district.
2. While no pedestrian-oriented or street-activating types of uses are proposed within the large parking structure on Broadway, the Master Plan does not include any such requirement for this parking garage.
3. Planning staff believes that the pedestrian experience along Broadway could be even further improved by adding an additional public entry from Broadway to the cafeteria. This entry could increase pedestrian activity along Broadway, facilitate lunch-time use of Mosswood Park, and better integrate the building into the fabric of the surrounding neighborhood. Kaiser has indicated that they are not in support of a Broadway entry to the cafeteria because of security concerns and their need to monitor public access to the hospital. While staff understands the importance of these operational concerns, we believe that an acceptable solution could be achieved.
4. Kaiser's programming of internal space for the MOB at MacArthur/ Piedmont has not progressed to the point where they are definitive about the specific uses that will be located

along the street frontages of this building. However, pursuant to Guideline 2.1.4 of the Kaiser OMC Master Plan, buildings along Broadway and MacArthur Boulevard should promote the commercial character of the street by having ground floor active uses (e.g., pharmacy, coffee shop, health food store, etc.). Staff recommends a condition of approval (Condition #27) to require Kaiser to make best faith efforts to incorporate such ground floor uses, particularly at the MacArthur/Piedmont corner.

Building Articulation and Expression, Particularly at the Key Corners

The Kaiser OMC Master Plan includes the design principle of creating an architecturally integrated campus. At the May 28th DRC hearing, Committee members and public speakers expressed the following statements about how the Phase 2 design should better architecturally integrate the campus, particularly at the MacArthur/Broadway and MacArthur/Piedmont corners:

- The MacArthur/Broadway corner design is “shy” and does not create a special edge. The design needs to make a special statement, especially at the corners (Commissioner Zayas-Smart).
- The MacArthur/Broadway corner is not prominent enough for this important location (public comment)

Kaiser’s design response to these concerns includes several design elements. At the MacArthur/Broadway corner the design response includes; a) recessed storefront glazing behind a porcelain tile knee-wall along the ground level, wrapping both edges of the corner; b) a metal awning and a perforated stainless steel screen which wraps the corner at the second floor level; and c) different colored stucco and window accents on the third and fourth floor. The result is a more complex and interesting architectural corner treatment than what had previously been proposed. At the MacArthur/Piedmont corner the design response includes the same materials palette as the Broadway corner, plus a small plaza with outdoor seating, tables and umbrellas.

Staff is supportive of these design responses.

Neighborhood Scale of Design along Piedmont

The Kaiser OMC Master Plan includes the design principle that buildings should be attractive and well designed and their form, massing, and height and should respect the adjoining neighborhoods in terms of size and scale. The design presented at the May 28th DRC hearing included a substantial landscaped plaza area between the hospital and the parking garage/CUP building. This area contained a landscaped pedestrian pathway that traversed from Piedmont Avenue through the site and ultimately connected to Mosswood Park. This landscaped plaza area also continued both north and south as a landscaped edge along Piedmont, from MacArthur to Broadway. The landscaping in this area served to screen some of the adjacent hospital facilities. At the May 28th DRC hearing, Committee members and public speakers expressed the following statements about the size and scale of the landscape and streetscape improvements along the Piedmont corridor:

- Is the width of the Piedmont Avenue sidewalk adequate, and will it be light well enough to make pedestrians feel safe? (public comment)

- This street edge and the area adjacent to the freeway needs to be well light (Commissioner Huntsman)
- The architecture on Piedmont should be more residential in scale, and should seek to hold an “urban edge” (Commissioner Zayas-Smart)
- Investigate the need for an activated pedestrian crossing of Piedmont at the landscaped plaza (Commissioner Huntsman and public comment)
- The Piedmont street edge should transition into a finer grain as one moves away from the buildings and into the landscape (public comment)

Kaiser’s design response to these concerns includes a more formalized landscaping scheme along Piedmont, particularly for the area between the hospital and the CUP. This area now includes a staircase and access ramp to accommodate the grade change, and a series of wooden retaining walls with recessed lighting to illuminate the sidewalk. The retaining walls provide a stronger, more urban street edge than the less formal landscape previously shown, and are more residential in scale and design to compliment the adjacent Piedmont residential neighborhood. Street lights also help to illuminate the sidewalk and create a safer environment.

Staff is supportive of these design responses.

Kaiser’s traffic engineers and the City’s Transportation Services Department staff have reviewed the issue of an activated signal for the pedestrian crosswalk at Piedmont/Westall. The conclusions of this review indicate that an activated signal is not warranted at this location. However, the pedestrian crossing will be well marked with crosswalk striping and lit with overhead streetlights to enhance safety.

Materials and Color

The design presented at the May 28th DRC hearing included an integrated materials palette for the Hospital, the CUP and the parking garage. The May 28th staff report suggested that the materials palette had been well designed to provide a mix of complimentary materials, and that these materials had been applied in a thoughtful and well-reasoned manner. However, Committee members and public speakers expressed the following statements regarding building materials and colors:

- The tower façade seems flat and relentless, and the materials do not help break up the mass of the building (Commissioner Zayas-Smart)
- The textured stucco surfaces can be a maintenance problem, especially with weather stains and grit (Commissioner Huntsman and public comments)
- Perhaps the green colored stucco should be softened a bit (Commissioner Huntsman)
- The colors and mosaic pattern arrangements are subtle and pleasant (Commissioner Lee)
- The blue metal panels suggest too much advertising or branding of the Kaiser blue (public comments)

Kaiser’s design response includes several materials and color changes/modifications. First, the larger facades of the tower are now covered with alternating patterns of textured sand-colored and

smooth white metal panels, and the more narrow facades of the tower are now covered with alternating patterns of flat green and glossy moss-colored metal panels, with brighter green metal accent panels along the windows. The window design includes window recesses of sufficient depth to create a distinct shadow or profile, with window accent panels to add interest. These materials and color changes across the façades help create interest and variety, which helps to break up the mass of the tower structure. Similarly, the podium's stucco surfaces are now colored with complimentary shades of green and sand. The green stucco has been changed to a sandy moss color with a smooth or medium texture. The color changes to the stucco helps mute the overall appearance and, together with the smoother surface, will reduce the appearance of aging and weather damage. Additionally, the blue metal panels have been changed in hue to a darker color which blends better with the new color scheme.

Staff is supportive of these design responses.

Interim Design

Kaiser's most pressing time constraint is to complete construction of the parking garage, the Hospital and the Hospital Support Building prior to the 2013 deadline established by the state's seismic safety requirements for hospitals (SB 1953). This second component of Phase 2 is the Medical Office Building (that portion of Phase 2 located nearest to the MacArthur Boulevard/Piedmont Avenue intersection), which would be constructed separately from and following completion of the Hospital. It is possible, although not anticipated, that construction of the Medical Office Building might not follow immediately after construction of the Hospital. This portion of Phase 2 is not considered an acute care facility under the jurisdiction of the Office of Statewide Health Planning and Development (OSHPD), nor immediately necessary for hospital operations.

Staff recommends a condition of approval (Condition #26) that would require Kaiser to submit an interim improvement plan for that portion of the Phase 2 site should such a potential construction delay occur. The interim improvements may include, but would not be limited to landscaping and streetscape enhancements, temporary façade improvements to the Hospital walls, additional lighting and signage, and other appropriate amenities for the pedestrian path connecting between Piedmont and Mosswood Park. These interim improvements would be subject to Small Project Design Review.

Lights and Logos

Architectural rendering presented at the community workshops and at the May 28th DRC hearing suggested that night time lighting of the building would be quite bright, not just at the street level but also washing the upper levels of the building in bright light. Although the renderings may have overstated Kaiser's intentions, Committee members and public speakers expressed the following statements regarding lighting of the building, its surroundings and the Kaiser Permanente logo across the top of the building:

- Reduce the extent of lighting to just the street level where needed for safety and directions (Commissioner Huntsman)

- The service alley needs to be well light for safety. The area below the sky-bridge should also be well light for safety (Commissioner Huntsman)
- There is no compelling reason to light the Kaiser logo or the tower. It over-brands or commercializes the building with the large Kaiser name lit up across the top of the building (public comments)
- Too much lighting is not energy efficient (public comments)

Kaiser's design response includes revised artistic rendering which show less glare, and a commitment to using only fixed exterior lighting designed with downward pointing lights, side shields and visors to minimize spill light. However, Kaiser feels it important to retain the Kaiser Permanente sign across the top of the building and to have that sign lit at night as an important identifier of the hospital's location.

At the May 28th DRC hearing, Commissioner Lee presented a personal testimony regarding the importance of having a strong identifying sign across the top of a hospital so that those with medical emergencies can locate the building. This testimony was persuasive to staff and the other commissioners present. Staff is supportive of the Kaiser signs at the top of the building and at the main entrance across from Howe Street, and of having these signs lit at night.

In regard to night lighting elsewhere, staff has drafted a special condition of approval for the Phase 2 design which would only allow for limited night-time lighting at the Emergency Department, a small employee parking area, a small visitor parking area, and pedestrian walkways and circulation routes as required for safety and comfort. Technical lighting standards are included in this condition that would limit lighting to 80% of the lighting power densities for exterior areas, and to 50% for building facades and landscape features. With approval of these conditions, staff is supportive of the lighting plan.

Skybridge

One skybridge over Broadway is proposed under Phase 2. This skybridge would connect the existing Mosswood Medical Office building to the new parking garage. It is located nearly adjacent to the I-580 overpass and was approved in concept pursuant to the Master Plan because its location would result in minimal aesthetic impacts.

Although staff is supportive of the need for this skybridge, staff does not believe that the amount of design effort and review of this important design element has been adequately addressed under this Phase 2 Design Review process. Additionally, at the August 25th community workshop many participants expressed concerns regarding the design of this structure, in particular the idea of a center support column. Therefore, we recommend (as indicated in Condition of Approval #30) that a subsequent Regular Design Review process be conducted specifically to address this skybridge.

BACKGROUND**Summary of Prior Approval and Actions**

Prior certifications and planning approvals pursuant to the Kaiser Oakland Medical Center Master Plan include:

- Planning Commission recommendation of approval of the Master Plan, its EIR and other requested entitlements, with modifications and conditions - June 6, 2006
- City Council certification of the Kaiser Oakland Medical Center Master Plan EIR, and approval of a General Plan Amendment and Redevelopment Plan Amendment - June 27, 2006
- City Council approval of rezoning and the Kaiser Oakland Medical Center Master Plan - July 18, 2006
- Planning Commission approval of the Glen Echo Creek Restoration Plan - September 6, 2006
- Planning Commission Design Review approval for the Phase 1 Broadway Medical Office Building and parking garage - November 1, 2006.
- Design Review Committee recommendation to forward the Phase 2 design to the full Planning Commission - May 28, 2008. The staff report for the May 28th Design Review Committee is attached (see **Attachment A: Design Review Committee staff report, 05/28/08**).

Public Workshop Process

Beginning in September of 2007, Kaiser has held a series of community workshops intended to inform the community about their plans for the Phase 2 Hospital and associated improvements, to solicit community input, and to seek community consensus on a number of design considerations for the hospital. A total of seven public workshops have been held, including the most recent workshop held on August 25th, which provided members of the public with an opportunity to preview the design information that is now before the Planning Commission. Comments from the community workshop process have substantially influenced and informed the Phase 2 design. These comments indicate a general consensus (though not a unanimous voice) for an appreciation of the thoughtful and inclusive process by which Kaiser has approached the Phase 2 design; a particularly positive reception to the overall site plan, which addresses many of the adjacent neighborhoods' concerns; but certain specific concerns about building materials and lighting. Summary reports from each of these workshops were included as an Attachment B to the May 28th Design Review Committee staff report, and are available for review on the City web site.¹

¹ Kaiser's PowerPoint presentations from each of the community workshops and summaries of comments from each of these meetings are available for review on the City's web site at: http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/kaiser_review.html.

Additional community comments from the August 25th final workshop are included as **Attachment I** to this staff report.

PROJECT DESCRIPTION

The Phase 2 Hospital site is approximately 7.3 acres and includes the full block between Broadway and Piedmont Avenue, and between I-580 and West MacArthur Boulevard. It is the current site of the M/B Center, another small retail center and an apartment building, all of which are now owned by Kaiser Permanente. A detailed description of land uses on and surrounding the site was provided in a prior, December 12, 2007 Design Review Committee staff report (see **Attachment B: Design Review Committee staff report, 12/12/07**).

Phase 2 of the Master Plan provides for a new Hospital, a Hospital Support Building, a Medical Office Building, an associated parking structure, and a new central utility plant. A more detailed description of the Phase 2 project is included in the May 28th Design Review Committee staff report (Attachment A). The currently proposed design of these facilities is shown in detail as plan drawings, elevations and renderings (see **Attachment C: Kaiser's Design Review Submittal, August 2008**).

Construction of Phase 2 would enable Kaiser to meet current state seismic safety requirements for hospitals (SB 1953). Kaiser would move existing hospital and medical office uses that currently occupy the existing hospital (the tower structure on the opposite side of MacArthur) to these new facilities.

PLANNING ANALYSIS

General Plan and Zoning Consistency

With approval of the Kaiser Oakland Medical Center Master Plan in the summer of 2006, the Phase 2 site now has a General Plan designation of Institutional, and is zoned KX: Kaiser Oakland Medical Center. As more fully evaluated in the Design Review Findings (see **Attachment D: Design Review Findings**), the Phase 2 Hospital and its associated buildings, parking garage and central utility plant design conforms in all significant respects with the Land Use and Transportation Element (LUTE) of the Oakland General Plan as amended for the "Institutional" land use designation, and with the zoning standards as established in the KX: Kaiser Oakland Medical Center zoning district.

Environmental Review

A Draft EIR prepared for the Kaiser Oakland Medical Center Master Plan was released on March 2, 2006. The public comment period on the Draft EIR ended on April 17, 2006. The Final EIR was released on May 26, 2006. The *Kaiser Oakland Medical Center Master Plan EIR* was certified by the Oakland Planning Commission on June 6, 2006.

Based on staff's analysis (see **Attachment E: CEQA Determination**), none of the requirements for preparation of a Subsequent or Supplemental EIR or an Addendum have been met, and no

additional environmental review is required. However, numerous mitigation measures and conditions of approval from the OMC Master Plan EIR are applicable to the Phase 2 Hospital project. A Standard Conditions of Approval and Mitigation Monitoring and Reporting Plan for Phase 2 (see **Attachment F: Phase 2 SCAMMRP**) has been prepared for approval by the Planning Commission concurrent with consideration of Design Review approval.

Master Plan Consistency

On June 18, 2006 the *Kaiser Oakland Medical Center Master Plan* was approved by the Oakland City Council/Redevelopment Agency. The Master Plan is intended to guide the phased replacement of the existing OMC with an expanded and improved medical center campus. The Master Plan includes principles, policies and design guidelines that are to be implemented and applied to each phase of development as they proceed through the Design Review process. The design of the Phase 2 Hospital and its associated buildings, parking garage and central utility plant conforms in all significant respects with the principles, policies and design guidelines of the Master Plan, as more fully described in **Attachment D: Design Review Findings**.

Conditions of Approval

Numerous Conditions of Approval for the OMC Master Plan are applicable to the Phase 2 Hospital project. Additional conditions of approval have been recommended by staff specifically pursuant to the Planning Commission's consideration of this Design Review approval. The full list of staff-recommended conditions is included in **Attachment G: Conditions of Phase 2 Design Review Approval**.

OTHER ON-GOING DESIGN EFFORTS

The following provides a brief overview of other, on-going design and planning efforts related to the Kaiser Permanente Oakland Medical Center but that are not included, nor required to be included in the Phase 2 Design Review submittal.

Master Sign Program

Parallel with this Phase 2 Design Review process Kaiser has also applied for approval of a Master Sign Program. That program is being processed through Small Project Design Review pursuant to the Kaiser Permanente Oakland Medical Center Zoning Regulations, Section 17.XX.060 (c), and has included a substantial community input process. The Director of Planning's decision on design review approvals for the Master Sign Plan has not yet been made.

Right-of-Way Improvements

Kaiser's traffic engineers have been working with City staff from Transportation Services Department, Building Services and the Pedestrian Safety Program, and with AC Transit staff to develop improvement plans for the public right-of-way surrounding the Phase 2 site. The final design for these improvements will be completed pursuant to the City's subsequent P-Job process, but will generally be consistent with the preliminary plans that have been prepared through this collaborative process (see **Attachment H: Conceptual Right-of-Way**

Improvement Plans). As shown in these improvement plans, the team has worked to accomplish the following design goals;

- travel lane and intersection configurations for Broadway, MacArthur and Piedmont Avenue are consistent with the requirements identified in the OMC Master Plan EIR;
- bike lanes or shared bus/bike lanes have been provided on both north and southbound Broadway;
- AC Transit bus and Kaiser shuttle stops have been located appropriately to serve the new hospital and adjoining uses, which has included relocation of certain existing bus stops on both a temporary and permanent basis;
- generous sidewalks are provided along all streets, with a minimum dimension of 10-feet in width, and
- in order to accommodate all other improvements, some existing metered parking spaces on Broadway and Piedmont have been relocated or removed.

Howe Street Closure

As a condition of approval for the OMC Master Plan approval, the City was to initiate all steps necessary to close Howe Street as a through street between MacArthur Boulevard and 38th Street. Transportation Services Department (TSD) is leading this effort. Progress to date includes; Kaiser has retained Fehr & Peers to perform a thorough traffic analysis to evaluate the traffic implications associated with the potential closure of Howe Street, the work scope has been approved by the TSD, data collection efforts are underway. Once the analysis has been complete, the City will consult with local residents and businesses and, in accordance with all legal requirements, initiate all steps necessary to close Howe Street. If closure is approved by the City, Kaiser shall fund improvements necessary for the physical street closure.

Piedmont Parking Garage

As a condition of approval for the OMC Master Plan, Kaiser is required to submit improvement plans for the existing Piedmont Avenue/Howe Street parking garage prior to issuance of any building permits for Phase 2. Such improvements may include, but are not limited to landscaping and streetscape enhancements, façade beautification improvements and adding retail space into the ground floor (subject to a physical feasibility analysis for such a use), and shall include additional lighting and signage and other appropriate amenities for the existing pedestrian path connecting between Howe and Piedmont. The process for consideration of these improvements has been clarified under Condition of Approval #22 of the Phase 2 Design Review approval to require that all identified improvements shall be subject to Administrative Small Project Design Review pursuant to Section 17.XX.060 (c), and the improvements shall be completed prior to occupancy of the Phase 2 hospital.

Residential Permit Parking

As another condition of approval for the OMC Master Plan, Kaiser is required to work with the City of Oakland to implement, expand or further continue a Residential Parking Permit (RPP) in the residential neighborhoods west of Broadway, north of MacArthur Boulevard, east of

Piedmont Avenue and south of 42nd Street, including the Richmond neighborhood immediately east of the Phase 2 hospital site. The timing for implementation of this program has been clarified under Condition of Approval #20 of the Phase 2 Design Review approvals, as follows:

- If Kaiser's efforts to locate satellite parking and to implement their TDM program achieves a 12.5% decrease in the baseline SOV rate prior to planned demolition of the M/B Center garage, implementation of the RPP program will be conditioned upon issuance of the demolition permit for the M/B Center.

- If Kaiser's efforts to locate satellite parking and to implement their TDM program are not able to achieve the 12.5% decrease in the baseline SOV rate prior to planned demolition of the M/B Center garage, Kaiser shall prepare a report for City review and approval which proposes additional TDM measures to achieve the TDM goals. In this event, implementation of the RPP program will be conditioned upon issuance of occupancy permits for the Phase 2 parking garage.

Mosswood Park Maintenance Agreement

Another condition of approval for the OMC Master Plan required Kaiser to add landscaping to the medians and to make a negotiated financial contribution to the City towards maintenance of Mosswood Park. Kaiser has worked with the Park and Recreation Department staff, the Mosswood Advisory Council and the Park and Recreation Advisory Committee to negotiate a financial contribution value of \$200,000 to go toward needed maintenance improvements in Mosswood Park including a new Tot Lot, resurfacing of the basketball courts and resurfacing of the tennis courts. These improvements are in addition to Kaiser's commitment to continuation of the Kaiser Volunteer Day wherein Kaiser volunteers a substantial contribution of employee time for conducting maintenance efforts within the park.

Guaranty of Demolition and Site Clearance of Existing Hospital

Another condition of approval for the OMC Master Plan requires Kaiser to provide to the City, prior to issuance of this Design Review approval for Phase 2, a guaranty that they will completely demolish the existing Hospital and completely clear and landscape that site within thirty-six months of completion of Phase 2. This guaranty is to be backed by assurances that Kaiser has sufficient financial resources to assure faithful performance of the guaranty.

Staff has been working with Kaiser's representatives to draft this guaranty, but the terms have proven to be more complex than staff had been anticipated. As a result, staff recommends that this obligation be deferred for a short period of time until the issues can be resolved. Instead of requiring this guaranty prior to issuance of this Design Review approval, staff is recommending the obligation be provided prior to issuance of a demolition permit for the M/B Center or any other portion of the Phase 2 site. Such deferral does not relieve Kaiser of the obligation, nor does it reduce the City's ability to ensure that the obligation is met. It merely provides more time for staff and Kaiser to work out the terms. Staff has prepared a modified condition of approval (Condition #14) to reflect the change in timing of this obligation.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Affirm staff's environmental determination.
2. Approve the Design Review application, subject to the attached Findings and Conditions.

Prepared by:

Scott Gregory

SCOTT GREGORY

Contract Planner

Approved for forwarding to the
City Planning Commission:

GARY PATTON

Deputy Director of Planning and Zoning

Attachments:

- A. Design Review Committee staff report, 05/28/08
- B. Design Review Committee staff report, 12/12/07
- C. Kaiser's Design Review Submittal, dated 8/26/08
- D. Design Review Findings
- E. CEQA Determination
- F. Phase 2 Mitigation Monitoring and Reporting Program (MMRP)
- G. Conditions of Approval, Phase 2 Design Review
- H. Conceptual Right-of-Way Improvement Plans
- I. Community Comment Summary, Public Workshop #7, August 25th 2008

**PLANNING COMMISSIONERS COMMENTS FROM
9/3/08 DESIGN REVIEW HEARING**

Zayas-Mart:

1. Design has not come along fully, needs more work – especially the tower design
2. window pattern seems relentless
3. not sure that pedestrian safety is adequately addressed
4. no entrances on Broadway – goes against arterial roadway policy and is not pedestrian friendly
5. signage should be part of the Design Review process
6. roof lines are undeveloped
7. staff report does not accurately describe public and Committee comments and thoughts

Mudge:

1. tower is just a big block – needs to do better
2. podium is not bad, but need to create an opening at Broadway / MacArthur
3. Changes made to the tower since the Committee are too subtle
4. Kaiser should come back to the Commission with a better design
5. Can the City condition the project on a continuous construction schedule?
6. Should remove condition #23 regarding Mosswood Park improvements all together, so that there is no confusion that such plans will need to undergo additional review process

Boxer:

1. Piedmont side of the building design is admirable
2. street edge is good, but can Kaiser add an entrance on Broadway – perhaps to a childcare center or similar use that is compatible with “Thrive” theme?
3. tower articulation needs more work
4. require MOB construction to be done sooner / at the same time
5. strongly urge Kaiser to report back with more usage of Green Guidelines – it is going to be a requirement

Colbruno:

1. Kaiser OMC Master Plan says: Buildings should be well designed and respect the neighborhood – this design does not
 2. building is ugly and reminiscent of brutal East German architecture
 3. UCSF has some good examples of quality health care architecture and design – should look to them for guidance
 4. building does not compliment the architecture and character of the neighborhood
 5. Mosswood Park is in disrepair and needs to be improved, but agrees that condition #23 should be removed
 6. make Green Guidelines happen
 7. Come back to the Commission with a revised design – perhaps on the 15th of October?
-

Attachment D: Findings for Approval

This proposal meets the required findings under Section 17.XX.060 (E) Design Review Criteria pursuant to the Kaiser Permanente Oakland Medical Center (KX) Zone Regulations of the Oakland Municipal Code, as set forth below and elsewhere in the Staff Report and record. Required findings are shown in bold type; explanations as to why these findings can be made are shown in normal type.

SECTION 17.XX.060(E) – DESIGN REVIEW CRITERIA:

1. **That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered.**

The design of the proposed Phase 2 Hospital and its associated buildings, parking garage and central utility plant will relate well to the surrounding area in setting, scale, bulk, height, materials and textures. The site plan provides for a 3 to 4-story podium base with a 12-story tower element for the Hospital. The Hospital podium base varies in height and setback from the street edge, particularly along MacArthur. The Hospital and its associated buildings, parking garage and central utility plant are part of a logically and cohesively planned new Oakland Medical Center Master Plan for the surrounding area, and are consistent with the scale, bulk and height requirements anticipated under that Master Plan. These buildings will also complement the surrounding Broadway corridor in terms of setting, scale, bulk, height, materials and textures because it will help to create a clear and cohesive sense of campus, it will be adjacent to and involve Mosswood Park as part of the campus identity, and will facilitate neighborhood revitalization and improve the neighborhood aesthetics in the area of the Medical Center through the creation of a contemporary, architecturally integrated Medical Center.

2. **That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.**

The Phase 2 design is consistent with the design requirements defined in the Oakland Medical Center Master Plan. That Master Plan has been found to facilitate neighborhood revitalization and to improve the neighborhood aesthetics in the area of the Medical Center through the creation of a contemporary, architecturally integrated new Medical Center. Further, modifications included in this Phase 2 design have substantially improved the Piedmont edge of the campus over that anticipated under the Master Plan, without compromising the aesthetics of the other edges of the campus. These improvements include a re-designed access to the loading dock so that trucks will no longer enter the site from Piedmont but will instead access the site from Broadway; relocating the mobile tech docks to a below-grade site; relocating the oxygen storage tank to an area behind the CUP and next to the I-580 overpass; providing a wider landscaped buffer between the CUP and

Piedmont Avenue; and screening the Emergency Department and ambulance drop-off from the surrounding neighborhood with a “green” screen wall and landscaping.

3. **That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council.**

Oakland General Plan: On June 20, 2006 the Oakland City Council approved an amendment to the Land Use Diagram of the General Plan that applied the *Institutional* land use classification to all portions of the Kaiser Permanente Oakland Medical Center (OMC) campus, including the Phase 2 site. The purpose of this amendment was to establish a clear and consistent delineation of the OMC on the General Plan Land Use Diagram. The proposed Phase 2 Hospital and its associated buildings, parking garage and central utility plant design conforms in all significant respects with the Land Use and Transportation Element (LUTE) of the Oakland General Plan (formerly Oakland Comprehensive Plan) as amended for the “Institutional” land use designation, which is intended to “*create, maintain and enhance an area that is appropriate for health services and medical uses*”. The Phase 2 project is also consistent with other General Plan policies, including:

- The maximum permitted floor-area ratio (FAR) in the Institutional land use category is 8.0, whereas the Phase 2 project FAR is approximately 3.32 (1,056,000 square feet on a 3.7-acre site).
- The General plan indicates that “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.” The Phase 2 project design is consistent with those KX zoning regulations specifically intended to address the nature of the facility and its edge conditions.
- Health Care, Medical Service, and Administrative Activities are all uses that are proposed within the Phase 2 project and which conform to the *Institutional* land use classification.

Kaiser OMC Master Plan, Guiding Principles: On June 13, 2006 the *Kaiser Oakland Medical Center Master Plan* was approved by the Oakland City Council/Redevelopment Agency. The Master Plan is intended to guide the phased replacement of the existing OMC with an expanded and improved medical center campus. The Master Plan includes Principles that are to be implemented and applied to each phase of development as they proceed through the Design Review process. The design of the Phase 2 Hospital and its associated buildings, parking garage and central utility plant conforms in all significant respects with the Principles of the Master Plan, as discussed below.

Principle 1.1: Create an architecturally integrated campus. The Phase 2 design is part of an architecturally integrated campus. The architecture and design elements of Phase 2 relate well in terms of building design, materials, landscaping, lighting and signage to the Phase 1 Broadway Medical Office Building. These Phase 2 buildings further establish a coherent street edge along Broadway and MacArthur Boulevard. The Phase 2 buildings will enhance the area and provide a continuation of a new attractive campus appropriate to a respected institution in the City.

Principle 1.2: Buildings should be attractive and well designed and their form, massing, and height should respect the adjoining neighborhoods in terms of size and scale while some flexibility should generally be employed to accommodate necessary medical functions. The Phase 2 buildings are attractive and well designed, and their form, massing, and height respect the adjoining neighborhoods in terms of size and scale. The Phase 2 design is consistent with the overall campus massing concept of locating the most intense activities and concentrated building massing in the center of the campus near the intersection of Broadway and MacArthur.

Principle 1.3: Some flexibility in the future building massing may be required given evolving and varied healthcare demands, while balancing good urban design principles and seeking to minimize impacts on the adjacent neighborhoods. Some flexibility in the Hospital's building massing has been utilized to meet evolving and varied healthcare demands, while balancing good urban design principles and minimizing impacts on the adjacent neighborhoods. The design of this new hospital building is first and foremost driven by internal hospital programming needs, and the entire hospital and its supporting facilities must be fit onto a fairly small, 7.3-acre site. The result is a building that, for the most part, is efficiently box-like in shape and unavoidably quite massive in size. However, the design successfully integrates many good urban design principles, complies with all of the design requirements of the Master Plan; and responds well to the comments and concerns of their neighbors as expressed through the community workshop process. The Phase 2 design employs architectural design elements such as articulation, alternating color schemes and varying materials in order to help break down its scale. The Phase 2 building designs are in accordance with Kaiser Permanente's integrated model of health care delivery. These new buildings will allow Kaiser to provide uninterrupted operation of service, minimize departmental moves and maintain the continuity of care at the Medical Center during construction.

Principle 2.1: Create street fronts that promote pedestrian activity. Major entrances to the Phase 2 Hospital are located along both Broadway and MacArthur, with the MacArthur entrance being the primary pedestrian entry and the Broadway entrance being the primary vehicular entry. The Landscaping Plan includes several landscape features that help to create a pleasant pedestrian experience in and around the entire Phase 2 site. The internal programming of the Hospital also strives to use the majority of the ground floor space for pedestrian-oriented, hospital-related uses that are capable of activating the street front. A key example is the location of the cafeteria at the corner of Broadway and MacArthur. The Phase 2 building utilizes setbacks to promote the streetscape activities and provide public open space along MacArthur Boulevard and Piedmont Avenue.

Principle 2.2: Create a walkable environment. Sidewalks that surround the Phase 2 site on Broadway, MacArthur and Piedmont are generous in width, at a minimum of 10 feet. Pedestrian-oriented outdoor spaces on the ground floor include a prominent public space at the MacArthur/Piedmont corner, the main pedestrian entrance across from Howe Street, a landscaped pedestrian pathway that traverses from Piedmont Avenue through the site and ultimately connecting to Mosswood Park,

and a landscaped edge along Piedmont from MacArthur to Broadway. Additionally, the building materials emphasize storefront glazing along the street level. Open space and sidewalks around the Phase 2 site provide for safe pedestrian environments. Street furniture, pedestrian improvements, landscaping and other site amenities are accommodated along Broadway, Piedmont and MacArthur.

Principle 3.1: The pedestrian and vehicular circulation plan should address the Oakland Medical Center as a single unit. As part of a separate Small Project Design Review process, Kaiser has prepared a clear and comprehensive campus sign and way-finding Master Sign Plan, which was approved by the Planning Director in September 2008. The results of this Master Sign Plan will be implemented on the Phase 2 site.

Principle 3.2: Minimize vehicular conflicts with pedestrians. The streetscape plan creates a walkable and safe pedestrian environment along the building and campus edges. Enhanced crosswalks (special paving or striping) are indicated at major intersections for pedestrian safety. Curb cuts are minimized to three entrance on Broadway (including the service access immediately adjacent to the I-580 overpass), no vehicular entrances along MacArthur, and two vehicular entrances (including the ambulance entrance) from Piedmont. Vehicular drop off zones, shuttle stops and bus stops are generally separated from pedestrian activity, particularly along MacArthur. The main Hospital entrance provides a drop-off and pick-up area that is outside of the main parking garage circulation path to minimize traffic conflicts.

In response to concerns expressed by neighbors, the design for the various campus access points has been modified from that shown in the Master Plan. These modifications include relocating the truck driveway from Piedmont Avenue to Broadway, and eliminating direct from the parking garage back to Piedmont Avenue. The design for campus access now includes a total of five driveways:

- The first driveway is a service drive located off Broadway immediately north of the I-580 overpass and behind the parking garage. It is for vehicles servicing the CUP, oxygen tank and the underground loading dock only.
- The second driveway is off Broadway, approximately 40 feet north of the service drive and provides primary access to the parking garage. It will be signalized and provide both inbound and outbound access with both right turns and left turns on arrows allowed.
- A third driveway off Broadway will provide signalized access to the Main Entrance. The Main Entrance driveway is located about 200 feet north of the parking garage driveway on Broadway. It serves as inbound and outbound access for visitors using the pick-up/drop-off and patient discharge area of the hospital. It also serves as an in-bound entrance only to the parking garage (once a visitor enters the parking garage, they may only exit from the southern parking garage driveway on Broadway).
- The fourth driveway is an ambulance-only drive off of Piedmont Avenue.

- The fifth driveway provides public access to the Emergency Department off of Piedmont Avenue. This driveway provides a continuation as an in-bound entrance only to the parking garage (once a visitor enters the parking garage, they may only exit from the parking garage driveway on Broadway).

This vehicular access plan is superior to the Master Plan's original access scheme in that it removes larger service vehicles from Piedmont Avenue, it separates ambulance and public access to the Emergency Department, and it separates the primary pedestrian and drop-off entrance from the primary garage entry.

Principle 3.3: When permitted, provide pedestrian bridges that support Kaiser's integrated model of care by linking buildings where medical care is delivered. Whereas the Master Plan enabled construction of two pedestrian sky-bridges as part of the Phase 2 site, no pedestrian sky bridges are currently proposed or considered for Design Review approval at this time.

One of the sky bridges contemplated in the Kaiser OMC Master Plan was a pedestrian sky-bridge connecting across Broadway from the parking garage to the existing Mosswood Medical Office Building, parallel to the I-580 overpass. At this time, Kaiser has not included plans for this bridge as part of this Design Review application. Should Kaiser consider construction of such a bridge at a later time, it would need to undergo a separate Design Review process.

A second skybridge connection between the parking garage and the Hospital was included in the original Master Plan, but the current design instead makes the pedestrian connection between the parking garage and the hospital at ground level beneath a trellis or canopy. This ground-level pedestrian connection is generally superior to a skybridge in regard to the pedestrian environment as hospital visitors and staff will instead walk at ground level to get to various destinations within the campus, helping to enliven the number of pedestrians on the campus sidewalks.

Principle 4.2: Create inviting outdoor spaces. Outdoor spaces included in Phase 2 include a landscaped plaza area between the Main Entrance/Emergency Department and the parking garage/CUP building; a landscaped pedestrian pathway that traverses from Piedmont Avenue through the site and ultimately connecting to Mosswood Park; a landscaped edge along Piedmont from MacArthur to Broadway; a small outdoor courtyard at the corner of MacArthur and Piedmont; a pedestrian plaza with street trees and wide sidewalks along the MacArthur frontage; and two open courtyards within the hospital building. New street trees and other landscaping will also be planted along the Broadway, MacArthur and Piedmont street frontages, and in the Broadway and MacArthur center medians.

Principle 5.1: Adequate, appropriately located and signed parking, loading and service areas should be provided. The Phase 2 parking garage is located along Broadway near the I-580 overpass, consistent with the Master Plan. The parking garage will contain 1,216 parking spaces, also consistent with the requirements of the Master Plan and the analysis provided in the OMC Master Plan EIR. The loading dock for the Hospital is located below ground to minimize noise and aesthetic impacts, and service access to the loading dock will enter the site from Broadway rather than

from Piedmont (as had been anticipated under the Master Plan). The modified access to the loading dock is in direct response to concerns expressed by the neighbors, and substantially improves the Piedmont edge without compromising the aesthetics of the other edges of the campus.

Principle 5.2: Parking garages should respect the adjoining neighborhoods in terms of size and scale, while some flexibility should generally be acknowledged in order to accommodate necessary parking demands. The height of the Phase 2 parking garage, at eight stories above grade and two floors below grade, is consistent with the approved Master Plan and zoning requirements. It is located along Broadway near the I-580 overpass, on the far side of the campus and away from the adjacent Piedmont residential neighborhood. The parking garage does have architecturally interesting elements such as modulated horizontal openings, vertical design elements and vine screens to help breakdown its scale.

Principle 6.1: Sustainable design elements and features should be incorporated. Kaiser has prepared a list of Sustainability Measures that they have committed to implement as part of the Phase 2 project, incorporating as many as 47 strategies identified in the "Green Guidelines for Healthcare". Some of the key elements of Kaiser's sustainability measures include a stormwater management plan that reduces impervious cover, promotes infiltration and captures and treats stormwater runoff; installation of photovoltaic units (solar panels) on the roof the hospital and parking garage; use of "Dolphin" water treatment system technology to reduce the use of potable water for non-potable processes such as cooling equipment; and use of recycled steel and concrete in new construction. The sustainability measures that Kaiser has committed to will minimize the ecological impact of the hospital, both in the construction process and in the subsequent hospital operations.

Kaiser OMC Master Plan, Phase 2 Design Guidelines: Under the *Kaiser Oakland Medical Center Master Plan*, each sub-district within the OMC campus is to have unique design elements that address specific location issues. The proposed Phase 2 Hospital and its associated buildings, parking garage and central utility plant design also conforms in all significant respects with the Master Plan's specific design guidelines for the Phase 2 site, as discussed below.

1. New construction in the Phase 2 site is proposed at 1,056,000 square feet, which exceeds the maximum limit established in the Master Plan (which is 1,017,000 square feet) by approximately 39,000 square feet, or by approximately 3.7%. Although the square footage is slightly greater than anticipated under the Master Plan, the design and square footage significantly conforms to the intent of the Master Plan. In order to qualify for more than 957,000 square feet of building space, a schematic development plan for Phase 3 must be submitted for review by the City Planning Commission prior to occupancy of the Phase 2 parking garage (consistent with Master Plan Policy A2).
2. The proposed central utility plant (CUP) is located near the freeway to minimize impacts on the surrounding neighborhood (consistent with Master Plan Guideline 7.3.1). Additionally, the site plan enables a large landscaped buffer between the CUP and the Piedmont Avenue neighborhood.

3. The large parking structure is located near the freeway (consistent with Master Plan Guideline 7.3.2). However, the current design proposal deviates from the Master Plan's guidelines in two respects. First, the proposed Phase 2 design makes the pedestrian connection between the parking garage and the hospital at ground level beneath a trellis or canopy, instead of constructing an overhead skybridge. Second, it proposes various modifications to previously proposed campus access points, primarily in response to concerns expressed by neighbors. These access modifications include eliminating direct access from the parking garage to Piedmont Avenue and improving the traffic flow at garage entrances. These design modifications are superior to the Master Plan's original access scheme, while significantly conforming to the intent of the Master Plan.
4. The hospital design includes a podium with a tower element (consistent with Master Plan Guideline 7.3.3). The site plan provides for a 3 to 4-story podium base with a 12-story tower element. The Hospital podium base varies in height and setback from the street edge, particularly along MacArthur.
5. The tower element is set back from Broadway to reduce shadows on Mosswood Park (consistent with Master Plan Guideline 7.3.4). The tower is sited approximately mid-block, 150 feet back from Broadway as specifically required under the EIR and the Master Plan.
6. Active type uses are provided at the ground level of the Hospital building along Broadway and MacArthur, and at the MacArthur/Piedmont corner (consistent with Master Plan Guideline 7.3.5). A number of hospital-program uses are indicated at the ground level, including a cafeteria at the Broadway/ MacArthur corner and an active outdoor public space at the MacArthur/Piedmont corner. Other hospital uses that activate the street include administrative offices, waiting lounges, health education, conference rooms and circulation corridors, which are placed around the building at the street edge. Outdoor garden seating areas are provided at each of the main corners on MacArthur. While no pedestrian-oriented or street-activating types of uses are proposed within the large parking structure on Broadway, the Master Plan does not include any such requirement for this parking garage.
7. A pedestrian path connects Piedmont Avenue to Mosswood Park through the Hospital site (consistent with Master Plan Guideline 7.3.6). The landscape plan provides a strong pedestrian link through the center of the site, connecting Piedmont Avenue to Mosswood Park. A substantial landscaped buffer area is also provided at the Emergency Department entrance off of Piedmont to screen some of the adjacent hospital facilities. The landscaped pedestrian pathway connects via a new, signalized pedestrian crossing of Broadway to Mosswood Park.
8. Public improvements are provided along lower Piedmont Avenue between West MacArthur Boulevard and Broadway (consistent with Master Plan Guideline 7.3.7). These improvements include 28 new street trees (36-inch box) within the off-site right-of-way of both Broadway and Piedmont, south of the I-580 overpass.

4. That any proposed retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas, and that the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or un-designed vertical surfaces.

The landscaped buffer area provided adjacent to the CUP provides a landscaping screen for the adjacent Piedmont neighborhood and an attractive street edge along this portion of lower Piedmont Avenue. This landscaped area includes a series of short retaining walls and ramps to accommodate the grade change from the street edge to the campus. The retaining walls are less than 3 feet in height as they step up this grade and are well light, attractively designed and provide a safe and pleasant pedestrian environment along this portion of the campus.

**ATTACHMENT G: KAISER PERMANENTE OAKLAND MEDICAL
CENTER PHASE 2 HOSPITAL PROJECT, CONDITIONS OF APPROVAL -
DESIGN REVIEW¹ AS MODIFIED BY MOTION OF THE PLANNING
COMMISSION ON 11/19/08**

GENERAL CONDITIONS:

1. Approved Use

Ongoing: The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report and the plans dated November 2008 and as amended by the following conditions. Any additional uses or facilities other than those approved with this approval, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes

- a) Design Review Approval for the Phase 2 Hospital and its associated buildings, parking garage, central utility plant, landscaping and public improvements pursuant to Oakland Municipal Code Section 17.XX.060: Design Review.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing: This Approval shall terminate two years from the effective date of its granting unless all necessary permits for alteration, painting, demolition, or removal, as the case may be, and the first permits for construction of the parking garage have been issued within such period. However, such period of time may be extended by the Director of City Planning or designee for a period of one (1) year, and by the Planning Commission for an additional period of up to two (2) years for a maximum of five (5) years, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate this Approval if such extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing: The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such

¹ The following list of Conditions of Approval for the Phase 2 Design Review pertain only to this approval, and do not supersede or remove any Conditions of Approval applicable to previous City approvals for the Master Plan or Phase 1 Design Review, unless specifically noted.

changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP) for Phase 2

Ongoing: All mitigation measures identified in the Kaiser Permanente Oakland Medical Center Master Plan EIR (Kaiser EIR) as being applicable to the Phase 2 design (the project) are included in the Kaiser Hospital Phase 2 Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (Phase 2 SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as **Exhibit 1**, as conditions of approval of the Phase 2 project. The Standard Conditions of Approval identified in the Kaiser Permanente Oakland Medical Center Master Plan EIR (Kaiser EIR) are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is an inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Applicant or Kaiser) shall be responsible for compliance with all applicable mitigation measures adopted and with all conditions of approval set forth below at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. The SCAMMRP satisfies the CEQA requirement for ensuring that the mitigation measures and project revisions identified in the EIR are implemented, pursuant to CEQA Guidelines Section 15097.

5. Conformance with other Requirements

- a) *Prior to issuance of a demolition, grading, P-job, or other construction related permit:* The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) *Prior to issuance of each building permit:* The applicant shall submit building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

6. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing:

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.

- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions, mitigation measures or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions or mitigation measures if it is found that there is violation of any of the Conditions or mitigation measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

7. Signed Copy of the Conditions and Mitigation Measures

With submittal of a demolition, grading, and each building permit: A copy of the approval letter and conditions and mitigation measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

8. Job Site Plans

Ongoing throughout demolition, grading, and/or construction: At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and/or mitigations, shall be available for review at the job site at all times

9. Indemnification

Ongoing: The project sponsor shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called "City") from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul, the Approvals or any related approval by the City. The City shall promptly notify the project sponsor of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.

Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

10. Compliance with Conditions of Approval

Ongoing: The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

11. Compliance Matrix

Prior to issuance of a demolition, grading, or each building permit: The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation compliance matrix that lists each condition of approval and/or mitigation measure, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and/or mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plan check/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

12. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit: The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee. Specific special inspector requirements for each permit shall be established prior to issuance.

13. Severability

Approval of the Phase 2 Design Review application (Approval) would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of competent jurisdiction, these Approvals would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

SPECIFIC CONDITIONS:**14. (was #8) Existing Hospital Tower Demolition**

Kaiser shall complete the demolition, site clearance and landscape beautification of the former hospital structure, including the tower and podium level, pursuant to following requirements and schedule:

- a) Prior to issuance of a building permit for the Phase 2 parking structure, Kaiser shall provide to the City of Oakland adequate assurances that Kaiser has sufficient financial resources to complete the

demolition, site clearance and landscape beautification of the former hospital structure, including the tower and podium level (hereafter called the Demolition and Landscape Project). This obligation shall be met by executing a corporate guaranty from a corporate entity with a net worth of at least \$2 billion. The guarantor must be the same corporate entity (or entities) that are relied upon for the proof of net worth. The guaranty shall be in substantial conformance with **Exhibit 2: Draft Corporate Guaranty**, which assures Kaiser's faithful performance to complete the Demolition and Landscape Project within the specified timeframes.

- b) Within thirty six (36) months after the California Department of Public Health issues Kaiser its license to operate the new hospital², Kaiser shall submit a detailed demolition plan, together with an engineer's cost estimate and demolition schedule, along with a landscape beautification plan, all to be prepared by an appropriately licensed professional engineer, for City review and approval. Kaiser shall be required to immediately notify the City once its license to operate has been issued.
- c) Kaiser shall complete the actual Demolition and Landscape Project within five years from the date of issuance of the California Department of Health's license to operate.
- d) Consistent with the approved Master Plan and Kaiser's representations, there shall be no concurrent acute care operations of the new hospital with the existing hospital, except for a reasonable and limited period of time to transfer patients and functions to the new hospital.
- e) Should Kaiser fail to timely complete the Demolition and Landscape Project within the timeframes specified in this condition, the City Planning Commission finds and determines this constitutes a blight and public nuisance, and in addition to other remedies available to it in law or equity, the City of Oakland may, at its option and without any obligation to do so, call on the financial guaranty (see a) above) to complete the Demolition and Landscape Project or cause the completion of Demolition and Landscape Project, without obtaining the Guarantor's consent, including consent to enter the property.

15. (was #9) Transportation Demand Management (TDM) Program and Shuttle

Kaiser shall make best faith efforts to investigate providing satellite parking, particularly between Phase 1 and completion of Phase 2 when there will be a parking shortage, and provide such parking if it is available. Free shuttle service shall bring employees between OMC and the parking facility throughout the day and with on-call service during the night. Kaiser shall report, in writing, on a monthly basis to the City of Oakland Planning and Zoning Division and the Building Services Division pursuant to the

² The new hospital will not be constructed under City of Oakland building permits. Instead, it will be an acute care facility constructed under the regulations and jurisdiction of the Office of Statewide Health Planning and Development (OSHPD). Prior to operation of the Hospital, OSHPD and the State Fire Marshall must approve its construction, and then the California Department of Public Health must issue a license to operate the facility in compliance with the state's safety regulations, laws and Title 22 requirements.

required Conditions/ Mitigation compliance matrix, of potential satellite parking and its efforts to obtain such, starting no later than 9 months before demolition of the M/B Garage.

If Kaiser cannot achieve a 12.5% decrease of the baseline SOV rate before the end of Phase 1, Kaiser shall prepare a report for City review and approval which proposes additional TDM measures to achieve the TDM goals.

In addition to the CEQA requirements for a TDM program, the TDM program described in MMRP Mitigation Measure B.1.a is also designed to promote the City's Transit First Policy of the General Plan, reduce parking demand and lessen parking impacts on adjacent neighborhoods and to promote good urban design by reducing the number and size of parking facilities. Therefore, MMRP Mitigation Measure B.1.a is also imposed as a separate non-CEQA condition of approval.

16. (was #10) Reducing Traffic Conflicts at New Hospital

Pursuant to the requirement for a Master Improvement Plan for improvements in the public right-of-way (see Condition #35), the project sponsor shall include detailed improvement plans prepared by a licensed Civil Engineer showing detailed improvements for public rights of way and connections to public rights-of-way for all vehicle access points to the Phase 2 site as indicated below. These plans shall be reviewed and approved by the City Engineer. Encroachment permits shall be obtained as necessary for any applicable improvements.

- a) A service drive shall be located off Broadway, immediately north of the I-580 overpass and behind the parking garage. It is for vehicles servicing the CUP, oxygen tank and the underground loading dock only.
- b) Access to the parking garage shall be provided at a signalized intersection on Broadway, which shall provide both inbound and outbound access with both right turns and left turns on arrows allowed.
- c) Access to the Main Entrance shall be located at a signalized intersection on Broadway, approximately 200 feet north of the parking garage driveway on Broadway. It shall serve as inbound and outbound access for visitors using the pick-up/drop-off and patient discharge area of the hospital, and also serve as an in-bound entrance only to the parking garage (once a visitor enters the parking garage, they may only exit from the parking garage driveway).
- d) No perpendicular parking spaces at the Main Hospital Entrance drop-off area; all spaces at this location shall be parallel parking spaces.
- e) Limit parking in the Main Hospital Entrance drop-off area to 15 minutes.
- f) Entrance gates for the hospital parking garage driveway shall be on the inside the garage to reduce potential for queuing on Broadway to the degree it does not interfere with internal garage circulation.
- g) Public access to the Emergency Department shall be provided at a non-signalized intersection at Piedmont Avenue/Westall Avenue. This driveway may provide a continuation as an in-bound

entrance only to the parking garage (once a visitor enters the parking garage, they may only exit from the parking garage driveway).

- h) A separate ambulance-only driveway shall be provided north of the Emergency Department driveway, north of the Piedmont Avenue/Westall Avenue intersection.

17. (was #13) Reducing Traffic Conflicts on Richmond Boulevard Neighborhoods

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

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

18. (was #14) Reducing Cut-through Traffic on Howe Street

Kaiser shall perform a thorough traffic analysis, with work scope as approved by the Transportation Services Division, to evaluate the traffic implications associated with the potential closure of Howe Street as a through street between MacArthur Boulevard and 38th Street. The City Transportation Services Department shall consult with local residents, and in accordance with all legal requirements, initiate all steps necessary to close Howe Street as a through street between MacArthur Boulevard and 38th Street. If approved by the City, Kaiser shall fund the improvements.

19. (was #15) Parking Management

Kaiser shall implement the following, subject to review and approval by the City, to ensure that the provision of parking spaces in conjunction with measures to lessen parking demand would result in minimal adverse effects to project occupants and visitors and surrounding neighborhoods (where there are no restrictions on on-street parking and on-street parking is free), and that any secondary effects (such as on air quality due to drivers searching for parking spaces) would be minimized:

- a) In the interim Phase 1 period, before completion of the new garage in Phase 2, provide valet parking in the existing Howe and West Broadway Garages for employees.

- b) Implement an automated parking space counting system into the overall design and construction of the Phase 2 parking garage. Electronic changeable message signs shall be installed at parking entrances and at the major roadways providing access in the area to inform drivers of the location and number of available parking spaces. This would maximize utilization of all parking facilities and reduce excessive circulation and driver frustration.
- c) Designate and clearly sign or delineate parking areas for either employees or patients and visitors within the Phase 2 parking garage. Patients and visitors should be assigned to the lower levels and employees to the upper levels. Since employees generally have lower turn-over rates, assigning them to the upper levels reduces overall vehicle circulation in the garage.
- d) Regularly monitor parking occupancy for employees and patients/visitors and modify parking designations if necessary.
- e) Provide preferential parking for employee carpools at the parking garage, and regularly monitor carpool parking demand and supply and modify the carpool parking supply if necessary.
- f) Pursue the extension of the current lease at the Caltrans Parking Lot located under the I-580 freeway.
- g) If possible satellite parking locations suitable for Kaiser are identified during development of the project, the project sponsor should conduct additional detailed analysis for the City to consider and evaluate at that time.

20. (was #16) Residential Parking Permits

Kaiser shall work with the City of Oakland to implement, expand or further continue a Residential Parking Permit (RPP) or Residential Parking Benefits Assessment District (RPBAD) program in the residential neighborhoods west of Broadway, north of MacArthur Boulevard, east of Piedmont Avenue and south of 42nd Street, including the Richmond neighborhood immediately east of the Phase 2 hospital site. At a minimum, the streets to be included in the RPP program are listed in Exhibit 2-C. The RPP restricts on-street parking by non-residents to less than two hours during the weekdays. If approved by the City, Kaiser shall fund the RPP programs for 50 years. Kaiser funding shall be used for establishment efforts needed to create or expand the RPP/RPBAD area, as well as increased enforcement and maintenance of the program, including the annual permit fee for residents (including those residents who already have their fee paid by Kaiser as mitigation for the Fabiola Building). If approved, the RPP programs should be considered for implementation before the demolition of the M/B Center parking garage or upon completion of the Phase 2 parking garage depending on the level of success that the TDM program may achieve as well as the level of success that Kaiser may achieve in their efforts to locate additional satellite parking. Prior to issuance of demolition permits for the M/B Center garage, Kaiser shall report, in writing, to the City of Oakland Planning and Zoning Division and the Building Services Division of its efforts to obtain satellite parking and to achieve a 12.5% decrease in the baseline single-occupant vehicle (SOV) rate.

- a) If satellite parking and the TDM program is able to achieve the 12.5% decrease in the baseline SOV rate prior to planned demolition of the M/B Center garage, implementation of the RPP program will be conditioned upon issuance of the demolition permit for the M/B Center.
- b) If satellite parking and the TDM program is unable to achieve the 12.5% decrease in the baseline SOV rate prior to planned demolition of the M/B Center garage, implementation of the RPP program will be conditioned upon issuance of occupancy permits for the Phase 2 parking garage.

As indicated in Condition #9 above, if Kaiser is not able to achieve the 12.5% decrease in the baseline SOV before completion of Phase 1, Kaiser shall prepare a report for review and approval by the City which proposes additional TDM measures to achieve the TDM goals.

To the extent possible, the City will explore using surplus/excess revenues from enforcement of the RPP program to reimburse Kaiser for costs of establishing and maintaining the RPP programs.

21. (was #17) Signage

Install signage on major roadways in the area to direct patients/visitors to the appropriate Kaiser parking facilities. If approved by the City, Kaiser shall fund the improvements.

22. (was #18) Piedmont Avenue/Howe Street Parking Garage

Prior to issuance of any building permits for Phase 2, Kaiser shall submit improvement plans for the existing Piedmont Avenue/Howe Street parking garage. Such improvements may include, but are not limited to landscaping and streetscape enhancements, façade beautification improvements and adding retail space into the ground floor subject to a physical feasibility analysis for such a use and shall include additional lighting and signage and other appropriate amenities for the existing pedestrian path connecting between Howe and Piedmont. All identified improvements shall be subject to Administrative Small Project Design Review pursuant to Section 17.XX.060 (c), and shall be completed prior to occupancy of Phase 2

23. (was #18.4) Central Utility Plant

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

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

24. (was #18.5) Ambulance Sirens

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

25. Interim Condition

In the event that Kaiser determines construction of the Medical Office Building (that portion of Phase 2 located nearest to the MacArthur Boulevard/Piedmont Avenue intersection) will not "commence in

earnest”³ within 120 days from issuance by the California Department of Health of a license to operate the new hospital, then Kaiser shall submit interim improvement plans for the landscaping, lighting and security of that undeveloped portion of the Phase 2 site. Such interim improvement plans shall be submitted to the City within 120 days after the California Department of Health issues its license to operate the new hospital.

- a) Interim improvements shall include, but are not limited to landscaping and streetscape enhancements, temporary façade improvements to the Hospital ~~interior~~ exterior walls, additional lighting and signage, and other appropriate amenities for the pedestrian path connecting between Piedmont and Mosswood Park.
- b) These interim improvements shall be subject to Regular Design Review approval pursuant to Section 17.XX.060 (D) of the Kaiser Permanente Oakland Medical Center (KX) Zone regulations as contained in the Oakland Municipal Code.
- c) Kaiser shall “commence in earnest” with construction of these interim site improvements within 1 year of approval of the Design Review application.

26. Ground Floor Uses, Medical Office Building and Hospital Support Building

As of Design Review approval, Kaiser’s programming of internal space for the MOB at MacArthur/Piedmont has not progressed to the point where they are definitive about the specific uses that will be located along all street frontages. Kaiser shall make best faith efforts to incorporate ground floor uses in the Mob and HSB that activate the public street (e.g., pharmacy, coffee shop, health food store, etc.) consistent with Guideline 2.1.4 of the Kaiser OMC Master Plan, particularly at the MacArthur/Piedmont corner. Further, Kaiser shall construct the hospital cafeteria within the HSB at the corner of Broadway/MacArthur, with a public entry from Broadway.

27. Green Guidelines for Health Care

Kaiser shall implement all of the environmentally sustainable practices for the planning, design, construction, operations and maintenance of their Phase 2 facilities as contained in the “Kaiser Oakland Medical Center – Sustainability Measures”, submitted as part of this Design Review application (see **Exhibit 3** of these Conditions). Concurrent with submittal of hospital building plans to the State Office of Statewide Health Planning and Development (OSHPD), and prior to each City building permit approvals, Kaiser shall report in writing to the City of Oakland Planning and Zoning Division of its implementation of these Sustainability Measures.

28. Special Exterior Lighting

³ Commence in Earnest shall mean to initiate activities based on a City-issued building permit and other necessary permit(s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward the completion of construction and the issuance of a final certificate of occupancy, including successful completion of building inspections to keep the building permit(s) and other permit(s) active without the benefit of an extension.

For exterior lighting, zone and control lights to allow for limiting night-time lighting to the Emergency Department, a small employee parking area, a small visitor parking area, pedestrian walkways, and circulation routes. Only light areas as required for safety and comfort. Do not exceed 80% of the lighting power densities for exterior areas and 50% for building facades and landscape features as defined in ASHRAE/IESNA Standard 90.1-2004, Exterior Lighting Section.

28A: Night Time Illumination of Identity Signage

In consideration of the City's approval to allow night time illumination of the three (3) identity signs on the hospital (two signs at the top of the hospital and one sign on the podium along MacArthur near the hospital entry). Kaiser shall ensure that the identity signs on the medical office buildings (one sign on the Mosswood Building and two signs on the Phase I Broadway Medical Office Building) are only illuminated during hours of operation, and in no event shall be illuminated past 10:00 pm.

29. Broadway Skybridge

No skybridges are currently proposed under Phase 2, although two skybridges were approved in concept under the OMC Master Plan. Should Kaiser reconsider constructing a skybridge at a later time, the design of that bridge shall be subject to separate Regular Design Review approval as provided under Section 17.XX.060 of the KX zoning district, including review by the Planning Commission, prior to approval. Any such subsequent Design Review process shall specifically consider the appropriateness of a center column support that would land within the center median of Broadway in light of other potentially competing needs for this public right-of-way space (i.e., bus lanes, bike lanes, etc.).

29A: Roof Top Terrace or Garden

Kaiser shall make best faith efforts to investigate the feasibility of constructing a roof top terrace or roof garden on top of the podium level of the Hospital Support Building along Broadway. Kaiser shall report in writing, to the City of Oakland Planning and Zoning Division on the feasibility of such a feature prior to issuance of a building permit for the Hospital Support Building. If determined feasible, Kaiser shall implement this design element during construction of the Hospital Support Building.

UNIFORMLY APPLIED DEVELOPMENT STANDARDS⁴

30. (was #19) Construction Management

Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable mitigation measures contained in the MMRP (especially B.10) for the Project. This plan shall also include the following additional measures and standards:

⁴ These Uniformly Applied Development Standards are typically included in the Standard Conditions of Approval / Mitigation Monitoring Program (SCAMMRP). However, the Kaiser MMRP was prepared prior to standardization of these measures, so they are instead included herein.

- a) A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.
- b) A fire safety management plan for all phases of work, including provisions for access, water and other protection measures during grading and construction activities.
- c) A construction litter/debris control plan to ensure the site and surrounding area is kept free of litter and debris.

31. Fire Safety Plan

Prior to issuance of building permit: The project applicant shall submit a separate fire safety plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

32. (was #20) Construction & Demolition Waste Reduction and Recycling Plan

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

- a) *Prior to issuance of demolition, grading, or each building permit:* Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.
- b) *Ongoing:* The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

33. (was #21) Lighting Plan

Prior to issuance of each building permit: An exterior lighting plan shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site. The lighting plan shall include the

design and location of all exterior lighting fixtures or standards, and said lighting shall be installed such that it is adequately shielded and does not cast glare onto adjacent properties or into the public right-of-way (unless advantageous to the operation of adjacent public facilities). This plan shall include details and specifications shall be provided for all exterior lighting on the project site, including within the public right-of-way, such as decorative light poles, wall-mounted fixtures, recessed fixtures, architectural lighting, pathway and garden lights, and similar fixtures.

The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the site. Such illumination shall remain on during all hours of darkness when the campus is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

34. (was #23) Litter Control

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

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

35. (was #24) Master Improvement Plan and Improvements in the Public Right-of-Way

Prior to Finalization of P-Job: The project sponsor shall submit a detailed improvement plan prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval, for the private property and the public rights of way, including but not limited to curbs, gutters, pedestrian ways, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design, specifications and locations of the water pumping facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking, accessibility and all other required public improvements required to comply with all applicable City standards, including the landscaping plans, the street tree locations, and planting specifications. This plan shall be reviewed and approved by the City Engineer. Encroachment permits shall be obtained as necessary for any applicable improvements.

- a) The detailed improvement plans for the private property and the public rights of way shall show roadway lane configurations on Broadway, MacArthur and Piedmont, and shall including travel lanes, bike lanes, sidewalks, bus and shuttle turn-outs, bus shelters and parking as generally consistent with the Conceptual Roadway Designs shown on **Exhibit 4** to these conditions.

- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and/or mitigations.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

36. (was #29) Public Improvements (Specific)

Prior to issuance of any building permits: Final building and improvement plans submitted to the Building Services Division shall include the following components:

- a) Install additional standard City of Oakland streetlights.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facilities to current City standards.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including but not limited to currently adopted fire codes and standards.

Prior to commencement of construction activity: Concrete sidewalks shall be constructed to connect the existing sidewalk to all internal sidewalks and paths. This sidewalk shall be constructed to the specifications of the Building Services Division and the Public Works Agency, and it shall be the applicant's responsibility to secure all necessary City permits, including but not limited to an encroachment permit.

37. (was #31) Payment for Public Improvements

Prior to receiving first occupancy permit: The applicant shall pay for and install public improvements made necessary by the project.

38. (was #25) Electrical Facilities

Prior to Installation: All electrical and telephone facilities, fire alarm conduits, street light wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Division.

39. (was #26) Bicycle Parking.

Prior to the issuance of certificate of occupancy: The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities in an amount determined by the Development Director. The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

40. (was #27) Landscape, Irrigation and Street Tree Permit and Tree Removal Permit

Landscape and Irrigation Plan, Pursuant to Design Review: The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

- a) *Tree Removal Permit, prior to issuance of the demolition or grading permit:* The project sponsor must obtain a tree removal permit, and/or tree protection permit as needed, from the Public Works Agency, and abide by the conditions of that permit, prior to construction adjacent to, or removal of, any protected trees located on the project site or in the public right-of-way adjacent to the project site.
- b) *Street Trees, Prior to issuance of each building permit:* The number of street trees, their spacing and location and species types shall be subject to review and approval by the Public Works Agency and Building Services.
- c) *Installation of Landscaping and Bonding, Prior to issuance of certificate of occupancy:* The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.
- d) *Landscaping Maintenance, Ongoing:* All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

41. (was #28) Parking and Driveways

Parking and Driveway Design, Prior to issuance of building permit: All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

- a) *Parking and Circulation Plan, Prior to issuance of building permit and prior to final inspection:* The applicant shall submit a Parking and Traffic Circulation Plan for review and approval by the

Planning and Zoning Division. This plan shall include wheel stops for all parking spaces, and pavement marking and striping that delineate the driveways and traffic paths to be used by the general public and deliveries. All wheel stops, pavement markings and striping, as approved by the Planning and Zoning Division shall be installed prior to final inspection.

- b) Parking Lot Lighting, *Ongoing*: The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, and that shall be adequately shielded to a point below the bulb and reflector, and that shall prevent unnecessary glare onto adjacent properties.
- c) Designated Carpool Parking, *Ongoing*: The applicant shall designate on-site parking spaces by marking, either with a small sign at the head of the parking stalls or stenciled lettering painted within the parking stalls that reads: "Carpool Parking Only".
- d) Recharge Stations for Electric Vehicles, *Prior to issuance of building permits and ongoing*: The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show parking spaces designed to accommodate and function as recharge stations for electric vehicles. Electrical conduit shall be stubbed in accordingly as part of construction of the project and shall be documented in the final building permit plans approved for the project.

42. (was #30) Underground Utilities and Meter Shielding

Prior to issuance of each building permits: The applicant shall submit plans for review and approval of the Planning and Zoning Division, Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, plans that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground by the developer from the applicant's structures to the point of service. The plans shall show all electric and telephone facilities installed in accordance with standard specifications of the serving utilities.

- a) *Prior to Installation*: All electrical and telephone facilities, fire alarm conduits, street light wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Division.
- b) *Prior to issuance of each building permits*: The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

43. (was #32) Traffic Safety Signage

Upon completion of the public street improvements and prior to acceptance of such improvements by the City: The applicant shall implement a sign and pavement marking system consistent with City Standards, Fire Department standards, and Traffic Division requirements that clearly delineate the street frontages to be used for on-street parking, and those areas where parking is prohibited. Other directional traffic signs shall also be included in this system for all new and existing public street frontages of the project.

44. (was #33) On-site Clean-up

Ongoing: The applicant shall clear litter and debris from the premises at least once daily, or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance and common areas during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

45. (was #34) Right-of-way Clean-up

Ongoing: The applicant shall clear the sidewalk and gutter areas along the OMC campus edge of litter and debris at least once daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

46. Operational Noise-General

Ongoing: Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

47. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction: The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) is implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are

encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

48. Erosion and Sedimentation Control Plan

- a) *Prior to any grading activities:* The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.
- b) *Ongoing throughout grading and construction activities:* The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

49. Hazardous Materials Business Plan

Prior to issuance of a business license: The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information

- d) A plan that describes the manner in which these materials are handled, transported and disposed.

50. Post-Construction Stormwater Management Plan

Prior to issuance of each building permit (or other construction-related permit): The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
 - i) All proposed impervious surface on the site;
 - ii) Anticipated directional flows of on-site stormwater runoff; and
 - iii) Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv) Source control measures to limit the potential for stormwater pollution;
 - v) Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi) Hydro-modification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
 - i) Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii) Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.
- c) All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.
- d) *Prior to final permit inspection:* The applicant shall implement the approved stormwater management plan.

51. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection: For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- a) The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- b) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

52. Indoor Air Quality

Given the site's proximity to I-580 and the air emissions generated from that freeway, the project sponsor shall include methods to reduce air pollution exposure. Potential methods, subject to City review and approval, include the following:

- a) Installation, operation and maintenance in good working order, of a central heating, ventilation, and air conditioning (HVAC) system in the building that meet the efficiency standard of the MERV 13 for those units with windows fronting the source. The HVAC system shall include installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters should be used.
- b) Retention of a qualified HVAC consultant or HERS rater during the design phase of the project to locate the HVAC system based on exposure modeling from the mobile and/or stationary pollutant sources.
- c) Maintenance of positive pressure within the building.
- d) Performance standards of 1 air exchange per hour of fresh outside filtered air.
- e) Performance standards of 4 air exchanges per hour of recirculation
- f) Project applicant shall maintain, repair and/or replace HVAC system per applicable specifications.

Exhibits:

Exhibit A: Kaiser Hospital Phase 2 Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (Phase 2 SCAMMRP)

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Exhibit B: Draft Corporate Guaranty

Exhibit C: Kaiser Oakland Medical Center – Sustainability Measures

Exhibit D: Conceptual Roadway Designs

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote) _____

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on September 3, 2008. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)