

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION (1) APPROVING THE COMBINED PRELIMINARY DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN, DESIGN REVIEW, VARIANCE, CONDITIONAL USE PERMIT AND VESTING TENTATIVE MAP, FOR THE CALIFORNIA COLLEGE OF THE ARTS CAMPUS REDEVELOPMENT PROJECT (PROJECT) LOCATED AT 5212 BROADWAY; (2) AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE FAÇADE IMPROVEMENT PROGRAM (FIP) TO IMPLEMENT THE HISTORIC RESOURCES MITIGATION MEASURE SPECIFIC TO THE PROJECT; AND (3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Assessor's Parcel Number (APN) 014-124-300-101 (the Parcel) is a 172,270 square foot site located at 5212 Broadway in the City of Oakland; and

WHEREAS, Arts Campus LLC (Developer) has submitted entitlement applications to redevelop the Parcel with a mixed-use development known as the California College of the Arts Campus Redevelopment Project (Project) case file PLN20141 and PLN20141-PUDF01; and

WHEREAS, the entitlements for the Project include a General Plan Amendment (to be adopted by a related Resolution by the City Council), a Rezoning Amendment (to be adopted by a related Ordinance by the City Council), a Planned Unit Development (PUD), Regular Design Review, Conditional Use Permit (CUP) for a Shared Access Facility (SAF), Variance for Demolition Finding, Vesting Tentative Parcel Map (VTPM), and Final Development Permit (FDP); and

WHEREAS, the Parcel is designated as the California College of Arts and Crafts Area of Primary Importance (CCAC API) and a Potentially Designated Historic Property (PDHP) and the campus qualifies as a District eligible for the California Register of Historic Resources and National Register of Historic Places; and

WHEREAS, four buildings (Founders, Martinez Hall, Treadwell Ceramics, and Simpson Sculpture Studio) are individually eligible for the California Register of Historic Resources based on meritorious architecture as examples of Brutalism and the Third Bay Tradition architectural styles; and

WHEREAS, two buildings (Macky Hall and Carriage House), and associated landscape features, are part of the Treadwell Estate, an Oakland Landmark listed on the National Register of Historic Places; and

WHEREAS, the Parcel is identified in the Housing Element of the Oakland General Plan as a Housing Opportunity site with a feasible capacity of 510 residential units; and

WHEREAS, the Project proposes 448 multifamily residential units in two buildings with up to 95-foot-tall building height, with either 10% of the new units (45) for moderate income affordable housing or 5% of the new units (23) for very low-income households, 14,390 square feet of commercial use, parking, and open space; and

WHEREAS, Oakland's remaining lower income (including very low income) regional housing needs assessment is 8,021 dwelling units while Oakland's current capacity is 9,992 lower income units, a surplus of 1,971 units; and

WHEREAS, Oakland's remaining moderate income regional housing needs assessment is 4,264 dwelling units, while Oakland's current capacity is 4,993 moderate income units, a surplus of 729 units; and

WHEREAS, Oakland's remaining above moderate-income regional housing needs assessment is 7,084 dwelling units, while Oakland's current capacity is 16,229 above moderate-income units, a surplus of 9,145 units; and

WHEREAS, the Project density of 448 units is below the feasible capacity of 510 units resulting in the loss of 62 units and the Project's on-site affordable capacity would achieve a minimum increase of 23 very low-income units and a maximum decrease of 51 moderate income units; and

WHEREAS, the Project proposes demolition of 10 historic buildings within the CCAC API and proposes preservation/renovation of the Oakland Landmark designated as the Treadwell Estate and

WHEREAS, the Project is subject to Demolition findings for Category II Historic Properties required to determine the economic feasibility of retaining or re-using the existing structures, and the design quality of the replacement project prior to approval of demolition; and

WHEREAS, the Project submittals include an economic analysis that reviews whether rehabilitation or alterations of the existing buildings would generate a reasonable economic return if preserved and integrated into the proposed Project and a detailed analysis of the estimated costs for rehabilitating the buildings; and

WHEREAS, the Project is subject to Regular Design Review, Design Review Criteria for Rehabilitation and Remodeling of Landmark Properties and Design Review Findings for Demolition of Historic Properties; and

WHEREAS, the Developer provided site specific design guidelines, *The 5212 Broadway Design Guidelines*, as part of the PUD submittal that provide design criteria and objective design

standards to address Regular Design Review, Design Review Criteria for Rehabilitation and Remodeling of Landmark Properties and Design Review Findings for Demolition of Historic Properties, all of which are set forth in the October 16, 2024 Planning Commission Staff Report and Staff Report for the City Council, incorporated by this reference (Agenda Reports); and

WHEREAS, the Project submittals include a variance to satisfy the demolition findings included in Planning Code Section 17.136.075C.3(b)(iv): *The replacement project will not cause the district to lose its current historic status*; as set forth in the Agenda Reports; and

WHEREAS, approval of the Project requires certification of the California College of The Arts Oakland Campus Redevelopment Project Environmental Impact Report (EIR); and approval of a General Plan Amendment (GPA), Rezone, Variance, Planned Unit Development (PUD), Final Development Permit (FDP), Conditional Use Permit (CUP), and a Vesting Tentative Parcel Map (VTPM) for a two-lot subdivision as set forth in the Agenda Reports; and

WHEREAS, the City prepared an EIR in compliance with the California Environmental Quality Act (CEQA) to analyze the potential environmental impacts caused by the proposed Project. The Draft EIR (DEIR) was issued on January 12, 2024, and the Final EIR (FEIR) on September 20, 2024 as more fully set forth in the related resolution certifying the Environmental Impact Report for the Project and the CEQA findings, each incorporated by this reference; and

WHEREAS, the Environmental Impact Report identified certain significant impacts to the environment, as detailed more fully in the Agenda Reports, some of which will be mitigated through Standard Conditions of Approval and/or Project-specific Mitigation Measures, and a Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) will be adopted and required as a Condition of Approval of the Project; and

WHEREAS, the Environmental Impact Report and proposed Mitigation Measure HIST-2d to partially mitigate the impacts of the Project on historic resources, which Mitigation Measure requires the City Administrator to amend the Façade Improvement Program to collect funds from the Developer and to use such funds to improve historic resources with (i) historically significant landscapes or (ii) educational functions or (iii) of the architectural styles of the CCAC API (Arts & Crafts, Brutalist, or Third Bay Tradition) for a period of 2 years; and

WHEREAS, the project submittals include both a General Plan Amendment (GPA), and Rezone application as more fully set forth in the related resolution for a General Plan Amendment, and the related resolution for a Rezone, and as set forth in the Agenda Reports, incorporated by this reference; and

WHEREAS, the Project submittals include a combined PUD/FDP application and plans titled: *CCA-Revised-PDP-FDP-dated-9-9-2024* that includes a site plan, building elevations and sections, circulation plan, open space amenities and preliminary plans for tree permit, right of way improvements, drainage improvements, landscape plans, lighting and demolition as set forth in the Agenda Reports; and

WHEREAS, the PDP/FDP includes bonuses and exceptions to development standards as part of the PUD approval to achieve an integrated site plan as set forth in the Agenda Reports; and

WHEREAS, the PUD/FDP site plan includes 41,193 square feet privately owned public open space (POPOS) and 27,125 square feet of public plaza a project amenity as set forth in the Agenda Reports; and

WHEREAS, the project submittals include a Vesting Tentative Parcel Map proposing two (2) lots, a shared access easement, and the potential for 448 residential and four commercial condominiums as set forth in the Agenda Reports; and

WHEREAS, the project submittals include a Conditional Use Permit for the Shared Access Easement adequate emergency access, restricted vehicle access and pedestrian access across the two proposed new lots created with the Vesting Tentative Map as set forth in the Agenda Reports; and

WHEREAS, on October 16, 2024, the City Planning Commission, after conducting a duly noticed public hearing, hearing all qualified and interested persons, and receiving and considering all relevant evidence, recommended that the City Council certify the EIR and approve the Project, including the GPA and Rezoning Amendment; and

WHEREAS, on December 3, 2024, the City Council, conducted a duly noticed public hearing, heard all qualified and interested persons, and received and considered all relevant evidence on the Project;

NOW, THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and are an integral part of this Resolution; and be it

FURTHER RESOLVED: That the City Council, as the final decision-making body, has independently reviewed the EIR for the Project published on September 20, 2024 and the associated CEQA Findings attached to the Agenda Reports and incorporated herein, and finds that the Project is in compliance with CEQA (Pub. Res. Code section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.); and be it

FURTHER RESOLVED: That the City Council finds the proposed Project is consistent with No Net Loss Findings, California Government Code Section 65863(b)(2) in that the remaining land supply identified in the Housing Element is sufficient to meet Oakland's Regional Housing Needs Allocation; and be it

FURTHER RESOLVED: That the City Council finds the proposed Project to be responsive to the City of Oakland regulatory framework and meets all of the findings for the reasons set forth in set forth in the Agenda Reports, including and subject to each and all of the following:

- A. Project Findings
- B. CEQA Findings
- C. Conditions of Approval
 - C.1 Standard Conditions of Approval
 - C.2 Standard Conditions of Approval/Mitigation Monitoring and Reporting Program
- D. PUD/FDP Submittal dated 9/9/24
<https://cao-94612.s3.us-west-2.amazonaws.com/documents/CCA-Revised-PDP-FDP-dated-9-9-2024.pdf>

- E. 5152 Broadway Design Guidelines
https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf
- F. Demolition Findings Category II Historic Properties Memorandum
- G. Design Guidelines Implementation Checklist
- H. Vesting Tentative Parcel Map
- I. Non CEQA Transportation Memorandum

; and be it

FURTHER RESOLVED: That, subject to Attachment A Project Findings and Attachment C1. and Attachment C.2 Conditions of Approval of the Agenda Reports, for the reasons set forth in said Agenda Reports; the City Council approves the following entitlements for the Project including:

- a. Combined Planned Unit Development and Final Development Plan: *CCA Revised PDP-FDP* dated September 9, 2024;
- b. Regular Design Review;
- c. Conditional Use Permit (CUP) for a Shared Access Facility (SAF);
- d. Variance for Demolition Finding; and
- e. Vesting Tentative Parcel Map 11130

; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to amend the Façade Improvement Program to implement Mitigation Measure HIST-2d to collect and expend funds in the manner proposed by the Mitigation Measure; and

FURTHER RESOLVED: That this Resolution will take effect on the effective date of the Ordinance approving the Rezoning Amendment To Change The Zone Classification Of 5212 Broadway From Mixed Housing Residential – 4 Zone (RM-4, Height Area 35 And Neighborhood Commercial – 1 Zone (CN-1) Height Area 95 To Community Commercial – 2 Zone (CC-2) Height Area 95 In Connection With The Project; And Making Appropriate California Environmental Quality Act Findings.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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