

APPROVED AS TO FORM AND LEGALITY

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CALIFORNIA COLLEGE OF ARTS CAMPUS REDEVELOPMENT PROJECT LOCATED AT 5212 BROADWAY AND ADOPTING FINDINGS CONCERNING ENVIRONMENTAL IMPACTS, MITIGATION MEASURES, AND REJECTION OF ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Arts Campus LLC (Project Sponsor) applied for environmental review of the California College of the Arts Campus Redevelopment Project located at 5212 Broadway (Assessor's Parcel Number 014-124-300-101) (the Parcel), case file EIR19003, PLN20141 and PLN20141-PUD01, to redevelop the Parcel with 448 multifamily residential units and 14,390 square feet of commercial use (the Project); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City of Oakland (City) published a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Project on June 21, 2019, scoping sessions were held before the Landmarks Preservation Advisory Board on August 12, 2019 and before the Planning Commission on August 21, 2019, and the public comment period on the NOP ended on August 23, 2019; and

WHEREAS, according to the topics identified during the scoping sessions and public comment period, a Draft EIR was prepared for the Project to analyze its environmental impacts; and

WHEREAS, a Notice of Availability and the Draft EIR were published on January 12, 2024 with a 60-day comment period ending March 12, 2024; and

WHEREAS, duly noticed public hearings on the Draft EIR were held before the City's Landmarks Preservation Advisory Board on February 5, 2024 and the Planning Commission on February 7, 2024; and

WHEREAS, the City prepared a response to comments document and the Final EIR addressing all comments was published and made available for public review on September 20, 2024; and

WHEREAS, a monitoring and reporting program was prepared to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented, and the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is attached and incorporated by reference into the October 16, 2024 Planning Commission Staff Report and the December 3, 2024 City Council staff report prepared for the approval of the Project (Agenda Reports) and is included in the conditions of approval for the Project and incorporated herein by reference; and

WHEREAS, the findings in support of the Project and the findings in support of the certification of the EIR, rejection of alternatives, findings related to environmental impacts, and findings in support of a statement of overriding considerations and the adoption of an SCAMMRP are attached to the Agenda Reports and are incorporated herein by reference (the CEQA Findings);

WHEREAS, the CEQA Findings include findings regarding environmental impacts in accordance with Public Resources Code (PRC) section 21081 and CEQA Guidelines sections 15091 and 15092 and 15093 and are incorporated herein by reference; and

WHEREAS, the EIR evaluated a reasonable range of alternatives to the Project that were described in the EIR, which are hereby incorporated by reference, including the: (1) No Project/Reuse Alternative, (2) General Plan Amendment (No Rezoning) Alternative, (3) Historic Preservation Alternative, (4) Historic Preservation with Tower Alternative, and (5) Small Housing Campus Alternative, with the No Project/Reuse Alternative as the environmentally superior alternative and the General Plan Amendment (No Rezoning) Alternative being the environmentally superior alternative other than the No Project alternative; and

WHEREAS, specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project described in the EIR for the reasons stated in the CEQA Findings; and

WHEREAS, the EIR identified four significant and unavoidable environmental impacts after all feasible mitigation measures, as follows: (1) HIST-2, loss of eligibility of the California College of Arts and Crafts Area of Primary Importance historic district for listing in the California Register and National Register; (2) HIST-3, demolition of four buildings that are individually eligible for listing in the California Register (Martinez Hall, Founders Hall, Noni Eccles Treadwell Ceramic Arts Center, and Barclay Simpson Sculpture Studio); (3) HIST-4, cumulative impact to Oakland's Late Modern architectural resources; and (4) NOI-1, construction noise; and

WHEREAS, specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse, and the remaining significant unavoidable adverse impacts are acceptable in light of each of the overriding considerations identified in the CEQA Findings, which include the Statement of Overriding Considerations; and

WHEREAS, the administrative record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The EIR and all documents referenced in or relied upon by the EIR
- b. All information (including written evidence and testimony) provided by City staff to the Landmarks Preservation Advisory Board, Planning Commission, and City Council relating to the EIR, the approvals, and the Project, including but not limited to the Agenda Reports, all attachments thereto, and CEQA Findings incorporated herein
- c. All information (including written evidence and testimony) presented to the Landmarks Preservation Advisory Board, Planning Commission, and City Council by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission and City Council
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR
- e. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR
- f. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, all documents referenced in and relied upon in such environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area
- g. The SCAMMRP
- h. All other documents composing the record pursuant to Public Resources Code section 21167.6(e); and

WHEREAS, the custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Department of Planning and Building, Planning and Zoning Division, or his/her designee; such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California, 94612; 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 Project; 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 EIR and 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 record, the EIR for the Project, and the CEQA Findings attached to the Agenda Reports and incorporated herein by reference, and the EIR and the CEQA Findings represent the independent judgment and analysis of the City and the City Council; and be it

FURTHER RESOLVED: That the City Council confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by the CEQA Findings; and be it

FURTHER RESOLVED: That the City hereby adopts the SCAMMRP attached to the Agenda Reports and incorporated by this reference; and be it

FURTHER RESOLVED: The City Council certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record, that the EIR reflects the City Council's independent judgment as to alternatives, that the City Council finds that the Project provides the best balance between the Project Sponsor's objectives, the City's goals and objectives, and the Project's benefits as described in the Agenda Reports and in the Statement of Overriding Considerations; and be it

FURTHER RESOLVED: The City Council hereby adopts the Statement of Overriding Considerations contained within the CEQA Findings that present individual benefits and reasons on a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact; and

FURTHER RESOLVED: That in accordance with CEQA, the City Council certifies that the EIR has been completed in compliance with CEQA; and

FURTHER RESOLVED: That this Resolution shall become effective after second reading of the accompanying Ordinance amending the zone classification for the Parcel.

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