



CITY OF OAKLAND

# AGENDA REPORT

**TO:** Jestin D. Johnson  
City Administrator

**FROM:** William Gilchrist  
Director, Planning and  
Building Department

**SUBJECT:** Approvals for the California College of  
the Arts Redevelopment Project

**DATE:** October 21, 2024

City Administrator Approval

  
Jestin Johnson (Nov 7, 2024 09:58 PST)

Date: Nov 7, 2024

## **RECOMMENDATION**

**UPON RECOMMENDATION BY THE PLANNING COMMISSION, CONDUCT A PUBLIC HEARING AND ADOPT THE FOLLOWING PIECES OF LEGISLATION:**

**(1) RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CALIFORNIA COLLEGE OF ARTS CAMPUS REDEVELOPMENT PROJECT (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 (CEQA);**

**(2) RESOLUTION APPROVING TEXT AMENDMENTS TO THE GENERAL PLAN LAND USE AND TRANSPORTATION ELEMENT TO CHANGE THE LAND USE DESIGNATION FOR 5212 BROADWAY IN CONNECTION WITH THE PROJECT; AND MAKING APPROPRIATE CEQA FINDINGS;**

**(3) ORDINANCE APPROVING A REZONING AMENDMENT TO CHANGE THE ZONE CLASSIFICATION OF THE 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 CEQA FINDINGS; AND**

**(4) RESOLUTION (1) APPROVING THE COMBINED PRELIMINARY DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN, DESIGN REVIEW, VARIANCE, CONDITIONAL USE PERMIT AND VESTING TENTATIVE MAP, FOR THE PROJECT LOCATED AT 5212 BROADWAY; (2) AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE FAÇADE IMPROVEMENT PROGRAM TO IMPLEMENT THE HISTORIC RESOURCES MITIGATION MEASURE SPECIFIC TO THE PROJECT; AND (3) MAKING APPROPRIATE CEQA FINDINGS**

CED Committee  
November 19, 2024

## **EXECUTIVE SUMMARY**

The applicant, Arts Campus LLC, is proposing to develop a new multi-family residential project with up to 448 residential units (either 10% of the new units (45) would be for moderate income affordable housing or 5% of the new units (23) for very low-income households), 68,000 square feet of privately owned public open space, and 14,390 square feet of commercial use (the Project). The former campus is designated as a historic resource, including 4 buildings independently eligible for listing in the California Register of Historic Resources and 2 buildings designated as Oakland Landmarks. To redevelop the site as proposed, the Project would demolish ten of the twelve existing campus buildings and replace them with new housing. The two Landmark buildings, Macky Hall and its original accessory building, the Carriage House, would be retained and reused for commercial activity.

A full Environmental Impact Report (EIR) was prepared for this Project in compliance with the California Environmental Quality Act (CEQA). The Draft EIR was published January 12, 2024, and the Final EIR on September 20, 2024. The EIR concludes that approval of the Project would result in four significant and unavoidable impacts, three resulting from demolition of historic resources and one resulting from construction noise, as detailed later in this report. Certification of the EIR and adoption of a Statement of Overriding Considerations are required prior to consideration of the Project merits.

Several land use entitlements are required by the City of Oakland (City) for this Project to move forward, including a General Plan Amendment (GPA); Rezoning; and Historic Demolition Findings. In addition, the applicant applied for: a combined Planned Unit Development (PUD)/Final Development Permit (FDP); six (6) bonus exceptions to development standards and a detailed set of design guidelines to augment the City's normal design review process; a Minor Variance to one historic resource demolition finding; a Conditional Use Permit (CUP) to provide a shared access roadway for emergency and pedestrian access to the interior of the site and the public open space; and a Vesting Tentative Parcel Map (VTPM) to subdivide the parcel into two lots.

Following recommended approval by the Planning Commission, the Project is now before the City Council for review and certification of the EIR and for review of these discretionary entitlements.

## **BACKGROUND / LEGISLATIVE HISTORY**

The site was the home of the California College of the Arts (CCA) from 1922 until 2022 when the College relocated to San Francisco. The campus was a center of arts education in the East Bay during that period. Now vacated, there are 12 buildings and numerous site features remaining in place. The CCA campus was designated as an Area of Primary Importance by the Oakland Historical Survey in 1986 and includes a City Landmark, the Treadwell Estate, consisting of: Macky Hall, the Carriage House, Macky Lawn, the Broadway Stairs and Wall, Carnegie Bricks, Eucalyptus Grove and an 80-foot-wide view corridor extending from Macky Hall to Broadway.

An Historic Resource Evaluation (HRE) was prepared as part of the EIR. The HRE confirmed the historic resource status of the three groupings of historic resources as follows.

- 1) The campus is designated as the California College of Arts and Crafts Area of Primary Importance (CCAC API) and a Potentially Designated Historic Property. The campus qualifies as a District eligible for the California Register of Historic Resources and National Register of Historic Places. The campus would be demolished.
- 2) 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. These four buildings would be demolished.
- 3) Two buildings (Macky Hall and Carriage House), and associated landscape features, are part of the Treadwell Estate, an Oakland Landmark. The Treadwell Estate is listed on the National Register of Historic Places and would be retained.

The CCA campus site was evaluated by the City for possible housing development during the 2023-2031 General Plan Housing Element amendment process and was designated as a "Housing Opportunity Site" with a feasible capacity of 510 units. In addition, the site was rezoned during General Plan-related Planning Code update to include the S-14 Combining Zone, which requires development of the parcel to a minimum density of 75% of the capacity designated in the Housing Element Opportunity Site Inventory, or 383 units.

The rezone undertaken following adoption of the Housing Element also increased the height and residential capacity for the site's existing RM-4 and CN-1 Zones. While these changes did not eliminate the need for the GPA application and Rezone for the proposed Project, they are a policy indicator that additional density on this site is consistent with the City's housing goals.

The Landmarks Preservation Advisory Board received a briefing on the Project August 10, 2020, regarding the Historic Resources Evaluation (HRE); and held a public hearing on September 12, 2022, to review proposed project-specific draft design guidelines. A public hearing on the Draft EIR was held before the Landmarks Preservation Advisory Board on February 5, 2024.

The Planning Commission's Design Review Committee held public hearings on the proposed project design guidelines on October 26, 2022, and March 22, 2023. Public hearings on the Draft EIR were held before the Planning Commission on February 7, 2024.

The Planning Commission held a public hearing on the Project merits and CEQA certification on October 16, 2024. The staff report is at the following link.  
[Item 1 - Staff Report - CCA at 5212 Broadway Case file PLN20141, PLN20141-PUDR01, ER19003 - Planning Commission 10-16-24](#)

The Planning Commission recommended certification of the EIR, adoption of a Statement of Overriding Conditions, and approval of all Project entitlements with changes to several site-specific conditions of approval as shown in Amendments to Conditions of Approval **Attachment H**. At the request of the applicant, the Planning Commission further recommended that the affordable housing provided on site be changed from 10% moderate income housing to 5% very low-income housing.

The Landmarks Preservation Advisory Board held a public hearing October 28, 2024 and recommended certification of the EIR, adoption of a Statement of Overriding Considerations, and approval of all Project entitlements. The staff report is at the following link.

[Item 1 Revised Staff Report Draft Case File PLN20141 PLN20141 PUDF01 ER1900310 21 at 5212 Broadway CCA Landmarks Preservation Advisory Board 10 28 2024](#)

## **ANALYSIS AND POLICY ALTERNATIVES**

### **1) Certification of the EIR and Adoption of a Statement of Overriding Considerations**

The EIR concludes that approval of the Project would result in four Significant and Unavoidable Impacts, three resulting from demolition of historic resources and one resulting from construction noise.

For the proposal to move forward for consideration of the discretionary permits, the EIR will require certification and adoption of CEQA Findings, including a Statement of Overriding Considerations for the four identified Significant and Unavoidable Impacts, the rejection of the alternatives studied in the EIR, and the approval of the Mitigation Monitoring and Reporting Program. See CEQA Findings, **Attachment B**.

The following is a summary of the EIR analysis and findings:

#### **1. Alternatives:** The EIR considered five CEQA alternatives:

- a. No Project/Reuse Alternative, which assumes that the Project would not be developed. Structures on the existing site would remain in their current state; however, the 17 existing dormitory units in Irwin Student Center would be refurbished as affordable housing.
- b. General Plan Amendment (No Rezoning) Alternative, which assumes the existing RM-4 and CN-1 zoning would remain, but a General Plan Amendment would reclassify the Project site's General Plan Land Use designation from "Institutional" to "Community Commercial" and allow the site to be developed with up to 95 units (including 17 units retained/restored from Irwin Dormitory). Nine out of the 12 existing campus buildings would be preserved.
- c. Historic Preservation Alternative, which assumes up to 306 residential units, 57,000 square feet of office and 236 parking spaces. Five out of the 12 existing campus buildings would be preserved.
- d. Historic Preservation with Tower Alternative, which assumes up to 446 residential units, 57,000 square feet of office, and 291 parking spaces. Five out of the 12 existing campus buildings would be preserved.
- e. Small Housing Campus Alternative, which assumes up to 97 residential units, 77,000 square feet of office, and 55 parking spaces. Nine of the 12 existing campus buildings would be preserved.

The EIR concludes that the No Project/Reuse Alternative is the environmentally superior alternative in the strict sense that environmental impacts associated with its implementation would be the least of all the scenarios examined (including the Project). In cases like this where the No Project Alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified.

The GPA (No Rezoning) Alternative would represent the next-best alternative in terms of the fewest significant environmental impacts. This alternative would reduce the most significant historic and noise impacts more than the other alternatives examined with the fewest number of proposed buildings to be demolished. However, this alternative does not meet all the Project objectives and does not provide the required minimum number of housing units specified in the City's Housing Element.

The only alternative that reduces the significant impacts, provides the required number of housing units and meets the Project objectives is the Historic Preservation with Tower Alternative. However, the CEQA findings for Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations for the Project conclude that the Historic Preservation with Tower Alternative is infeasible. See CEQA Findings, **Attachment B**.

## 2. Environmental Impacts Identified in the EIR:

All the impacts identified, except for historic resources and construction noise, could be mitigated to a less-than-significant level with implementation of the identified Standard Conditions of Approval (SCAs) and/or recommended mitigation measures.

## 3. Significant and Unavoidable Impacts:

The EIR concludes that approval of the Project would result in four Significant and Unavoidable impacts. This report identifies the text of the impact statement, as these are the impacts typically of greatest concern to most community members:

### Cultural and Historic Resources:

- a. Impact HIST-2:** The Project proposes to demolish 10 existing campus buildings on the Project site, all of which are contributors to the California Register- and National Register-eligible CCAC API. Demolition of 10 of the 12 contributing buildings and alteration of six contributing landscape features in the CCAC API would adversely impact the district such that it would no longer be able to convey its significance, resulting in a substantial adverse change to the historical resource. The numerous demolitions would result in the loss of CCAC Campus District eligibility for listing in the California Register and National Register.
- b. Impact HIST-3:** Four of the 10 existing campus buildings proposed to be demolished — Martinez Hall, Founders Hall, Noni Eccles Treadwell Ceramic Arts Center, and Barclay Simpson Sculpture Studio — are individually eligible for listing in the California Register and as Oakland Landmarks. Demolition of these four buildings would render them ineligible for listing in the California Register or as Oakland Landmarks.
- c. Cumulative Impact HIST-4:** To facilitate construction of the Project, three significant examples of Late Modern architecture would be demolished: Founders Hall - a 1968 Brutalist building designed by DeMars & Reay; Martinez Hall - a 1968 Third Bay Tradition building designed by DeMars & Reay; and the Noni Eccles Treadwell Ceramic Arts Center - a 1973 Third Bay Tradition building designed by Worley Wong and Ronald Brocchini. Implementation of the Project, as designed, combined with cumulative development citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute to a significant and unavoidable adverse cumulative impact to Oakland's Late Modern architectural resources.

### Noise and Vibration

- d. Impact NOI-1:** The noise levels from operation of heavy construction equipment on the Project site could impact nearby receptors. The potential site-specific measures contained in a Construction Noise Mitigation Plan would be expected to achieve reductions of between 5 to 10 dBA per equipment, but the reductions may not reduce the construction noise below the thresholds of significance.

The Project, with exception of Cumulative Impact HIST-4, would not contribute to or be affected by any significant cumulative impacts.

A Statement of Overriding Considerations has been prepared describing how the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse impacts discussed above and is an overriding consideration independently warranting approval. The benefits of the Project include, affordable housing, residential density consistent with the City's Housing Element and near transit, transportation network improvements, open space and accessibility improvements, increased tax revenue, and job opportunities.

Staff recommends adoption of the CEQA Findings, including the Rejection of Alternatives and Statement of Overriding Considerations.

## 2) General Plan Amendment (GPA)

- a. Background and Context:

A GPA is required to redevelop the site with housing that is not supporting an educational, cultural or institutional facility, at the capacity established in the City's 2023-2031 Housing Element of the General Plan. The CCA organization moved their educational facility formerly located at the Project site to San Francisco in 2022. After a multi-year evaluation of replacement opportunities for the site, the applicant established housing as the most feasible potential land use. For documentation of the replacement and reuse costs for a replacement project, see Demolition Findings Memo, **Attachment D**.

- b. Applicant Proposal:

The GPA proposal is to change the land use designation from "Institutional" to "Community Commercial", a broad land use that allows both commercial and multi-family activities.

- c. Staff Analysis and Recommendation:

Staff recommends approval of the proposed GPA amendment. The Community Commercial Land Use Designation is consistent with the Housing Element's Housing Opportunity Area designation. See Project Findings **Attachment A**. The Community Commercial Land Use Designation allows residential land use at a net density ratio of one unit per 198 square feet of lot area (excluding open space); this equates to a maximum development potential of 526 units under the General Plan. The designation also allows commercial land use at up to a Floor Area Ratio (FAR) of 5:1. Project FAR of .08 would not exceed established intensity parameters for a Community Commercial Land Use of FAR 5:1 nor would the proposed 448 residential units exceed the maximum allowable General Plan density of 526 units.

## 3) Zoning Amendment

a. Background and Context:

As discussed in the General Plan section of this report, the site was designated a Housing Opportunity site in the City's 2023 -2031 Housing Element, with a feasible capacity of 510 units. The site is also in the S-14 Combining Zone, a new zoning category intended to implement the Housing Element, that requires a minimum residential density of 75% of the feasible capacity designated in the Housing Element for the site. Based on the site's designated feasible capacity of 510 units, the S-14 Combining Zone requires a minimum density of 383 units.

The site currently has two existing zoning designations, the RM-4 Zone which is mapped on approximately two thirds of the site, and the CN-1 Zone which is mapped on the remainder of the site. The capacity of the site under existing zoning is 209 units. The existing zoned housing capacity is less than the required minimum density for the site established in the S-14 Combining Zone.

b. Applicant Proposal:

To achieve increased density, the applicant applied for a rezone of the RM-4 portion of the site to Community Commercial-2 (CC-2) with a Height Area of 95 feet. The applicant also requests that the CN-1 portion of the site be re-zoned to CC-2.

c. Staff Analysis and Recommendation:

Staff recommends approval of the proposed Rezone. A rezone is required for the Project to be consistent with the Housing Element and the S-14 Combining Zone.

A re-zone is recommended because it allows needed housing capacity in a high resource neighborhood of the City and on a designated Housing Opportunity site.

The proposed rezone to the CC-2 Zone would allow new multifamily facilities on the first floor adjacent to Broadway while the existing CN-1 Zone does not.

If rezoned to a CC-2 Zone in the 95-foot Height Area, the total Project site would have a maximum development potential of 520 units. The land use activities and the proposed density would comply with the General Plan Housing Element Housing Opportunity site designation, and with the majority residential project requirements and minimum density of 383 units required by the S-14 Combining Zone. See Project Findings **Attachment A**.

The Project is compliant with the proposed CC-2 zoning.

#### 4) PUD/FDP Review, Design Review and Request for PUD Bonus and Exceptions

a. Background and context:

A PUD is a large, integrated development adhering to the General Plan LUTE and located on one or more contiguous tracts of land equaling thirty thousand (30,000) square feet.

A purpose of the PUD regulations is to provide a flexible approach to site planning and to provide the option of phasing for large projects. The PUD process includes several tools to achieve this goal.

The Planning Code allows a variety of bonuses and exceptions to development standards as permitted by Planning Code Section 17.142.100. Planning Code Section 17.35.060 (CC-2 Zone) and Planning Code Section 17.142.100 stipulate that at the time of initial granting of a PUD permit the normally required design review process may be modified or waived for developments in the CC-2 Zone. In this case, a comprehensive set of site-specific design standards, called the *5212 Broadway Design Guidelines* (design guidelines), were prepared. See the following link: [https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215\\_5212-Broadway-Design-Guidelines\\_high-res.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf).

The design guidelines supplement Regular Design Review required in Planning Code Section 17.136.040 and 17.136.050 and waive the Corridor Design Guidelines applicable to development on the Broadway Corridor. They also address how the proposed Project could meet the required findings for modification and demolition of historic resources.

The transportation analysis prepared for the Project, the Non-CEQA Transportation Analysis Memorandum (Transportation Memo) is provided in **Attachment G**.

The memorandum addresses trip generation, trip distribution, intersection operations, collision history and parking. Off-site improvements indicated in the Transportation Memo are shown in the combined PUD/FDP Plans. The PUD/FDP plan is also subject to standard conditions of approval, site-specific conditions of approval provided by the reviewing departments, and mitigation measures identified during the environmental review process.

b. Applicant Proposal:

The applicant is requesting a combined PUD/FDP with no phasing. The submittal includes the required site plan, building elevations, sections, circulation plan, and open space amenities. The concept shown in the site plan promotes the redevelopment as a new residential campus. Preliminary plans for tree permit, right of way improvements, drainage improvements, landscape plans, lighting and demolition are included in the combined PUD/FDP. See Project plans at the following link: <https://cao-94612.s3.us-west-2.amazonaws.com/documents/CCA-Revised-PDP-FDP-dated-9-9-2024.pdf>.

The applicant proposes use of site-specific design guidelines as an alternative way to address the intent of the Regular Design Review requirements in Planning Code Section 17.136.050. Approval of the PUD/FDP would be based on a finding of consistency with the design guidelines. The Project's completed Implementation Checklist (Checklist) would demonstrate how various project attributes meet the alternative standards and as a result meet the findings. See the Implementation Checklist **Attachment E** and the Project Findings in **Attachment A**.

In addition, the applicant requests approval of the following bonuses and exceptions to development standards as part of the PUD approval. Approval of these bonus exceptions would allow greater flexibility in the site plan.

- Bonus for Group Assembly Commercial Activity

Planning Code Section 17.35.060 (CC-2 Zone) and PUD bonus provisions in Section 17.142.100.B.3 allow some additional land use activities as a bonus. Up to 7,500 square feet of Group Assembly Commercial Activities is allowed in the CC-2 Zone by right. The Project requests a PUD bonus to provide up to 14,433 square feet of Group Assembly Commercial Activities in the Carriage House, Carriage House Terrace, and at Macky Lawn.

- Exception for Parking Location

PUD bonus provisions in Planning Code Section 17.142.100.F allow distribution of parking and loading facilities without regard to lot-lines. The bonus would allow commercial parking to be located within the residential structure on lot 2, Building A. and allow a parking/loading drop-off area serving the entire Project on lot 1, Building B.

- Height Bonuses

Allow Building A to be 68 feet tall on the façade facing Broadway. Planning Code Section 17.35.04 requires a maximum height of 65 feet.

Allow a 95' height with no step back at the rear property line (east façade). Planning Code Section 17.108.010 requires a stepped height reduction of two foot stepped back for each 1 foot of height above 30 feet when a building rear yard abuts the RM Zone. This additional height is requested to achieve the minimum residential density on the site.

- Story Bonus

Allow a bonus of 1 story for Building A. The additional story is needed to provide the minimum housing density while preserving as much of the historic resource as possible. With the exception, Building A will have 9 stories and Building B will have 8 stories. Planning Code Section 17.35.04 requires a maximum of 8 stories.

- Setback and Ground Floor Residential Facilities Bonuses

Reduction of the front setback to 5.6 feet and an exception to the restriction on ground floor residential within 30 feet of the principal street is requested. The reduced setbacks would allow the residential townhomes proposed on the Broadway frontage to be located on the ground floor within 30 feet of the street and 5 feet behind the existing Broadway wall. This reduced setback allows for a larger floor area for proposed townhouse units, which are the largest unit type in the building and promotes the City's goal of encouraging a range of unit types in multifamily projects. Planning Code Section 17.35.02 requires a CUP for ground floor residential uses within 30 feet of the principal street, but the PUD regulations allow all residential facilities without exceptions through Bonuses.

The Project proposes that commercial use in Building A be set back 24 feet from Broadway, 14 feet more than the required 10 - foot maximum commercial setback. The additional setback would allow a commercial forecourt and would implement the City's goal of achieving pedestrian activity on the ground floor and entry areas of buildings. Planning Code Section 17.35.03 requires a maximum setback of 10 feet for commercial uses.

c. Staff Analysis and Recommendation:

Staff recommends approval of the combined PUD/FDP, including the requested bonuses and exceptions, subject to the Design Review findings in Planning Code section 17.136.040 (see Project Findings **Attachment A**) and to the Project Conditions of Approval (see **Attachment C**, and Standard Conditions of Approval/Mitigation Monitoring and Reporting Program **Attachment C.2**).

The site plan retains the inward focus of the existing campus by locating buildings in the same general footprint as the existing development, providing similar site circulation as the existing campus, and by retaining open space as a project amenity. The Project retains

and will improve access to the Treadwell Estate, a City Landmark, and will reclaim a view corridor to Broadway that is currently overgrown. Improvements will include a small amount of commercial space adjacent to Broadway at the corner of Clifton Street, improved ADA access, a children's play area, and improved emergency access. The open space will have limited programming for community activities.

The Project Checklist verifies that the combined PUD/FDP plans, including the requested bonus and exceptions, comply with the design guidelines. See Project plans at this link: <https://cao-94612.s3.us-west-2.amazonaws.com/documents/CCA-Revised-PDP-FDP-dated-9-9-2024.pdf>.

See Project Findings **Attachment A** for Regular Design Review findings. The completed Implementation Checklist is provided in **Attachment E**. Findings for the PUD/FDP and are provided in **Attachment A**

## 5) Planning Code Findings for Demolition of Historic Properties Group A: Economic Feasibility

### a. Background and context:

The demolition proposed for this site triggers findings for Demolition of Historic Properties per the Planning Code Design Review Section 17.136.050.C.3. The findings are required to determine the economic feasibility of retaining or re-using the existing structures, and the design quality of the replacement project. These findings are required in addition to the Regular Design Review findings (Planning Code Section 17.136.050) discussed in the proceeding section. A detailed economic feasibility analysis is required to make Finding 1 Planning Code Section 17.136.075.C.1a and Finding 6 in Planning Code Section 17.136.075.C.1b.

- Finding 1: *The existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return.*
- Finding 6: *It is economically, functionally architecturally, or structurally infeasible to incorporate the historic building into the proposed development.*

Documentation for these requirements is provided by the applicant in a memorandum titled Demolition Findings Class II Historic Properties See Demolition Findings Memo **Attachment D**.

### b. Applicant Proposal:

The applicant's submittal evaluates each of the ten buildings proposed for demolition independently and in aggregate and considers appropriate and reasonable alternate uses of the buildings. It also evaluates the scale of the proposed Project, the anticipated rentable square footage, the number of residential units and considers whether there are feasible ways to reuse the existing buildings that could meet the goals of the replacement project. Consideration of the Historic Preservation Alternative, and the Historic Preservation with Tower Alternative identified in the EIR are included.

The applicant proposes making the findings for demolition of 10 buildings on the former CCA site based on the analysis that neither rehabilitation nor alterations of the existing buildings would generate a reasonable economic return if preserved and integrated into the proposed Project. This conclusion is supported by a detailed analysis of the estimated

costs for rehabilitating the buildings, which highlights the projected return on cost considering the necessary structural upgrades and potential earnings under an office use scenario.

The applicant also proposes that there are no feasible ways to reuse the existing buildings that could meet the goals of the replacement project based on the scale of the proposed Project, the anticipated rentable square footage, costs of rehabilitation of the historic structures, and number of residential units. The applicant documents that such a project would provide significantly fewer housing units and not provide for a reasonable return on investment.

c. Staff Analysis and Recommendation:

Staff concurs with the applicant's analysis and recommends making the demolition findings for historic resources Findings 1 and 6.

The Demolition Findings Memo was peer reviewed by the City's Department of Workforce and Economic Development staff for review of methodology and verification of data sources. Staff concurs with the conclusions of the analysis and recommends acceptance of this information as the basis for making demolition Findings number 1 and 6. See Demolition Findings Memo **Attachment D** page 16 to page 63 for detailed analysis, as well as Project Findings **Attachment A**.

## 6) Planning Code Findings for Demolition of Historic Properties Group B: Design Findings

a. Background and context:

Planning Code Section 17.136.075.C.3 requires documentation of whether the proposed Project addresses: Finding 4: *The design quality of the replacement structure is equal or superior to that of the existing structure*; and Finding 5: related to project replacement and neighborhood context. *The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area.*

b. Applicant Proposal:

The applicant submitted the analysis in two documents to addresses Findings 4 and Finding 5, the Demolition Findings Memo (see **Attachment D**), and the Implementation Checklist (see **Attachment E**). The Demolition Findings Memo addresses the required findings for a replacement project and demonstrates how the Project is compatible with the character of the district, with no erosion of design quality. The memo cites to the design guidelines standards that support the analysis.

The Project design guidelines are provided at the following link: [https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215\\_5212-Broadway-Design-Guidelines\\_high-res.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf). The guidelines provide objective design standards derived from the elements of the built environment surrounding the site and from the existing CCA campus buildings. The Project design guidelines demonstrate how the Project meets the required findings. The design guidelines Implementation Checklist organizes the relevant guideline for each finding and states how each group of standards addresses the required criteria.

Finding 4: See Demolition Findings Memo, page 64 to page 71, for detailed analysis.

Finding 5: See Demolition Findings Memo page 72 to page 84 for detailed findings and analysis. The memo addresses: massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing; forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street; high visual interest; elements that enrich the historic character of the district; and consistency with the visual cohesiveness of the district.

The applicant provided a completed Project Checklist to make these findings for Section 17.136.075.C.3 b: Criteria I through v. See Implementation Checklist **Attachment E**. For Criterion iv, the Checklist states “Criteria vi: This Criteria will be addressed in a variance.”

c. Staff Analysis and Recommendation:

Staff recommends making the demolition findings for historic resources Findings 4, and for Finding 5 criterion i. through criterion v. based on the information provided in Demolition Findings Memo **Attachment D** and the Project Findings in **Attachment A**. Demolition of historic resources Finding 5 Criterion vi. is addressed through a Minor Variance (see below).

The Project design guidelines support the analysis of the required findings for demolition of historic resources in Section 17.136.075.C.3.) Criteria i. through Criteria v. as follows.

- Identify features of the existing Area of Primary Importance that could be retained in a replacement project despite demolition.
- Identify physical features of the surrounding community that could be the basis for objective design standards that are consistent with the neighborhood.
- Develop objective design standards that result in quality development.
- Evaluate whether the proposed rehabilitation, demolition and replacement proposals meet the City’s broader goals for historic preservation.
- Provide consistency with the visual cohesiveness of the district.

Staff reviewed the Project Checklist and confirmed that the Project complies with the design guidelines for criteria 17.136.075.C.3.b Criteria i. through v. See Implementation Checklist **Attachment E**.

Section 17.136.075.C.3.b Criterion vi. is not included in the Project Checklist because there are no objective design standards in the Project design guidelines that address this criterion. See Implementation Checklist **Attachment E**. This criterion addresses the status of the historic district: *The replacement project will not cause the district to lose its current historic status*. In this case, the applicant is seeking a variance in lieu of satisfying this requirement.

## 7) Variance for Finding 17.136.075.C.3.b(vi)

a. Background and Context:

Planning Code Section 17.148.010 Variance states that:

*The purpose of these provisions is to prescribe the procedure for the relaxation of any substantive provision of the zoning regulations, under specified conditions, so that the public welfare is secured, and substantial justice done most nearly in accord with the intent and purposes of the zoning regulations. This procedure shall apply to all proposals to vary the strict requirements of the zoning regulations.*

The site's current historic status is established in the Project HRE as a campus eligible for listing as a historic district in the California Register and National Register. The campus site is also listed on the Local Register as an Area of Primary Importance.

b. Applicant Proposal:

The applicant applied for a variance from the required 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.* In their variance application, the applicant argues that the demolition of historic resources and elimination of the CCAC API is necessary to meet the required minimum housing density established by adoption of the City's Housing Element and its implementing S-14 Combining Zone. In addition, while the CCAC API is eliminated due to demolition, the Project site is still an Area of Primary Importance based on the Landmark designation for the Treadwell Estate.

c. Staff Analysis and Recommendation:

Staff concurs with the applicant's analysis and recommends approval of the variance.  
See Project Findings **Attachment A**.

## 8) Rehabilitation and Remodeling of Landmark Properties

a. Background and Context:

Planning Code Section 17.136.070 requires modifications to Landmarks to ensure that the proposal:

- Will not adversely affect the exterior features of the designated landmark.
- Will not adversely affect the special character, interest, or value of the landmark and its site.
- Conforms with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

b. Applicant's Proposal:

The proposed Project includes preservation and renovation of two landmarked buildings: Macky Hall and Carriage House. The Carriage House is to be relocated on the site. The exterior would be restored and remodeled with a 1,414 square foot outdoor terrace. The Macky Hall exterior would be rehabilitated and preserved. The historic Broadway wall and gate; the historic entry staircase; the Treadwell Estate View Corridor; and several historic landscape features would be rehabilitated.

c. Staff Analysis and Recommendation:

Approval of the PUD plan providing for relocation of the Carriage House and restoration Macky Hall, Macky Lawn and the Broadway Wall and Stairs is recommended. Staff

recommends making the findings for preservation and restoration of Landmark properties in Planning Code Section 17.136.070.

The applicant's rehabilitation proposal meets the criteria for rehabilitation as submitted and documented in the Project Checklist (see Implementation Checklist **Attachment E**). The design guidelines provide additional standards that address these findings.

See Project design guidelines at the following link: [https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215\\_5212-Broadway-Design-Guidelines\\_high-res.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf)

Staff reviewed the Project Checklist sections pertaining to preservation and restoration of Landmark properties and confirmed that the analysis meets the criteria and findings. See Implementation Checklist **Attachment E**

## 9) Open Space

### a. Background and Context:

Planning Code *Section 17.142.060 Dedication of public facilities and maintenance of open space*, allows the City to require suitable areas for schools, parks, or playgrounds be set aside, improved, and dedicated for public use, or be permanently reserved for the owners, residents, employees, or patrons of the development.

### b. Applicant's Proposal:

The applicant proposes a privately owned public open space (POPOS) and public plaza as a project amenity and publicly accessible open space on the site. 41,193 square feet of POPOS is proposed with 27,125 square feet of public plaza. A portion of the POPOS is within an 80-foot unobstructed view corridor extending from Macky Hall to the intersection of College Avenue and Broadway. The POPOS is also proposed as the location for a playground, ADA paths, a rehabilitated Macky Lawn, and the proposed Group Assembly Commercial Activities serving the local community.

### c. Staff Analysis and Recommendation:

Staff recommends that as part of the PUD/FDP approval, a deed restriction be required to maintain the POPOS, the 27,125-square foot plaza, all pedestrian pathways, and the entrances and exits to the POPOS as accessible to the public. See Project Conditions of Approval, **Attachment C.1**.

## 10) Vesting Tentative Parcel Map (VTPM)

### a. Background and Context.

The Project site is one legal lot of record.

### b. Applicant's Proposal

The applicant proposes a VTPM to create 2 lots, a shared access easement, and the potential for 448 residential and four commercial condominiums. See **Attachment F**.

### c. Staff Analysis and Recommendation:

Approval of the VTPM is recommended. Both proposed lots provide the required public street frontage. Building B, Macky Hall, the Carriage House and the POPOS would be located on Lot 1 and Building A would be located on Lot 2. Portions of the Paseo and the Broadway Wall would be located on both lots. The VTMP would create an easement from

Clifton Street providing emergency, restricted vehicular and pedestrian access through the Paseo to the proposed Lot 1 and Lot 2. Site-specific conditions of approval documenting City requirements for the VTPM are included in the Project Conditions of Approval. See **Attachment C.1**. Tentative Map Findings are included in the Project Findings; see **Attachment A**.

#### **11) Conditional Use Permit (CUP) for Shared Access Facility**

- a. Background and Context.  
A “Shared Access Facility” (SAF) means a common driveway or a private access easement that provides access to no more than 4 lots. Planning Code Section 17.102.090 requires a CUP for a new easement of this type.
- b. Applicant’s Proposal  
The Project proposes a SAF to provide adequate emergency access, restricted vehicle access and pedestrian access across the two new lots that would be created with the Vesting Tentative Map. The easement will provide public and emergency access to Macky Hall and Carriage House, and to the POPOS through the Paseo. See **Attachment F**.
- c. Staff Analysis and Recommendation:  
Approval of the CUP is recommended. The Fire Department, City Survey and Engineering Services will need to approve the SAF prior to construction permits. Site specific conditions of approval documenting City requirements for the easement are included in the Project Conditions of Approval. See **Attachment C.1**. CUP Findings are included in the Project Findings; see **Attachment A**.

#### **12) Amend The Façade Improvement Program To Implement The Historic Resources Mitigation Measure Specific To The Project**

The EIR and proposed Mitigation Measure HIST-2d partially mitigate the impacts of the Project on historic resources. The Mitigation Measure requires the City Administrator to amend the Façade Improvement Program (FIP) 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. The estimated amount of the Mitigation Measure funding from the applicant would be \$943,000 if the building permits were approved today.

The existing FIP is designed to support investment for commercial retail buildings with storefront businesses. The goal is to encourage economic development and reduce blight by enhancing the physical appearance and commercial viability of storefront businesses. Staff recommends that City Council authorize the City Administrator to amend the FIP guidelines to accept the Mitigation Measure payment from the applicant and to grant the funds in accordance with the Mitigation Measure.

#### **13) On-Site Affordability**

- a. Background and Context  
The City’s Affordable Housing Impact Fee (AHIF) allows for exemptions if a project either provides ten percent (10%) of the total number of housing units at moderate income levels

or low-income levels or five percent (5%) at very-low income levels. The applicant originally proposed providing ten percent (10%) of the total number of housing units at levels affordable to moderate income households, resulting in 45 new moderate-income units. The Housing Element anticipated 51 moderate income units based on the realistic capacity of 510 units with 10% moderate income units.

b. Applicant's Proposal

At Planning Commission on October 16, 2024, the applicant, based on community feedback, proposed providing five percent (5%) of the total number of housing units at levels affordable to very low-income households, resulting in 23 new very low-income units.

c. Staff Analysis and Recommendation

The change in percentage from 10% moderate income to 5% very low income would also qualify for the AHIF on-site exemption. The reduction in affordable units would result in an increase in required parking from 215 parking spaces to 226 parking spaces. However, the change would increase the delta between the anticipated affordable units for this site and the High Resource Rockridge neighborhood as adopted in the Housing Element. The change would result in a loss of 51 moderate income units and an increase of 23 very low-income units but would not result in a net loss of units. See **Attachment A** Project Findings for No Net Loss findings. Staff recommends approval of the Project with any percentage of on-site affordable housing that meets the AHIF exemption.

### **FISCAL IMPACT**

There is no fiscal impact to the City from review and evaluation of this Project. The Project applicant has paid the required planning and environmental review fees for the Project and will be responsible for the applicable impact fees and building permit fees upon submittal of construction permits according to the adopted fee schedule.

### **PUBLIC OUTREACH / INTEREST**

The City provided opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings. The City held numerous public hearings concerning the design of the Project, including hearings before the Landmarks Preservation Advisory Board, the Design Review Committee, and the Planning Commission.

In addition, the City provided required notices for all Project public hearings, as well as of the environmental document prepared for the Project.

### **COORDINATION**

The Office of the City Attorney, Department of Transportation, Department of Public Works, Department of Workforce and Economic Development participated in interdepartmental review for this proposal.

## **SUSTAINABLE OPPORTUNITIES**

### **1) *Economic:***

- a. According to Alameda County Assessor, the current (i.e., July 1, 2024) total net tax value for the four-acre Project site is \$13,921,523 and currently generates \$176,981 of property tax revenue. The replacement project would significantly increase this amount by 18-fold as well as increasing transfer taxes from the sale of property and business taxes created by office, retail, and residential uses included in the replacement project; revenues that the majority of would go to the City's General Fund.
- b. The Project has the potential to add hundreds of jobs to Oakland's economy though short-term construction jobs and long-term non-construction jobs in property management and by attracting businesses to the new spaces within the new buildings and stimulate further occupancy of any nearby vacant commercial spaces along Broadway and College Avenue.
- c. The Project has the potential to stimulate development and tourism by programming of the street frontages, mixed-use areas, the ground floor of the Carriage House, and the publicly accessible open spaces with views of Downtown Oakland, the San Francisco-Oakland Bay Bridge, the San Francisco Bay, the Golden Gate Bridge, and beyond.
- d. The proposed Project would revitalize the currently vacant four-acre site and the surrounding neighborhood, which is served by BART, by adding 448 residential units, 237 parking spaces, and 14,390 square feet of commercial space. This increase in development intensity would increase area activity and vibrancy, provide capacity to help address a severe and long-running shortage in housing, support retail businesses along Broadway and College Avenue, increase jobs and grow the local economy though increased population and foot traffic, provide additional recreation and open space area and improve existing resources for use and enjoyment by residents and the wider public. The nearby (approx.  $\frac{3}{4}$  mile) Rockridge BART Station would link the Project site with the wider region thereby providing more opportunities for residents to live closer to their jobs and achieve a better life/work balance.

### **2) *Environmental:***

The Project would be healthful and efficient because it would comply with all state and local laws that demand use of Green Building materials, low VOC (volatile organic compounds) architectural coatings, and energy-efficient buildings.

### **3) *Race & Equity:***

Race and Equity General Plan Compliance:

In September 2023, the City of Oakland adopted an Environmental Justice Element (EJ Element) as part of Phase 1 of the General Plan update, which constitutes the baseline against which the Race and Equity Impact Assessment for this Project is determined. The EJ Element "serves as the foundation for achieving equity and environmental justice when planning for future growth and development in Oakland." The EJ Element identifies communities that are disproportionately impacted by environmental justice issues and

proposes goals, policies, and objectives to reduce the unique or compounded health risks in these communities. It also contains a comprehensive table of actions to achieve those goals and objectives, many of which have already been implemented.

*a. Policy EJ 3.2 Create a More Diverse Mix of Homes to Meet Community Needs*

The Project supports Policy EJ 3.2 by providing onsite affordable housing, either ten percent (10%) of the new housing units as moderate-income housing, resulting in 45 new affordable units or five percent (5%) of units as very-low income housing resulting in 23 new affordable units.

*b. EJ-7.1 Complete Neighborhoods. Promote “complete neighborhoods”— where residents have safe and convenient access to goods and services on a daily or regular basis—that address unique neighborhood needs, and support physical activity, including walking, bicycling, active transportation, recreation, and active play.* The Project supports Policy EJ-7.1 by providing 448 dwelling units, 14,390 square feet of commercial use, 476 bike parking spaces, ADA pedestrian circulation paths connecting to public streets, 68,318 square feet of privately owned public open space and 13,472 square feet of Group Assembly commercial space adjacent to the Broadway and College Avenue commercial corridors. In summary, the Project provides much-needed housing in an area rich with access to goods, services and public transportation.

*c. EJ-7.2 Accessible Neighborhoods. Encourage active modes of transportation and transit accessibility by supporting neighborhoods that provide access to a range of daily goods, services, and recreational resources within comfortable walking or biking distance. Encourage transit providers to prioritize, establish and maintain routes to jobs, shopping, schools, parks, and healthcare facilities that are convenient to EJ Communities.*

The Project site is located adjacent to existing bus lines, qualifies as a transit accessible area and is also located at the juncture of two commercial corridors, Broadway and College Avenue. The Project supports Policy EJ7.2 by establishing new residential and commercial infill development that takes advantage of existing services. The Project includes reduced parking, transit support for residents through the Traffic Demand Management Plan (TDM), 476 bicycle parking spaces, and off-site improvements including sidewalk bulb-out and traffic channelization to support bicyclists and pedestrians.

Race and Equity Housing Element Compliance:

- a. The Project would provide on-site affordable units in the Rockridge neighborhood, which is a High Resource Area, and on the Project site, which is an identified Housing Opportunity Site in Oakland’s 2023-2031 Housing Element.
- b. The Project would significantly further the City’s Regional Housing Needs Allocation goals both for market-rate units and for affordable units.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City prepared an EIR in compliance with CEQA to analyze the potential environmental impacts caused by the proposed Project. The EIR record, in its entirety, can be found here. [City of Oakland | California College of the Arts \(CCA\) Oakland Campus](#)

The Draft EIR, issued on January 12, 2024, analyzed potentially significant environmental impacts in the following categories: Land Use, Cultural and Historic Resources, Traffic and Transportation, Air Quality, Greenhouse Gas Emissions and Energy, Soils, Geology, and Seismicity, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise and Vibration, Biological Resources, Population and Housing, Aesthetics and Shade and Shadow, Public Services, Utilities, and Recreation.

The City responded to public and agency comments on the Draft EIR and published a Final EIR on September 20, 2024. The Final EIR provides responses to comments received on the Draft EIR. The Final EIR identifies no new or intensified significant environmental impacts that would require substantive revision to or recirculation of the Draft EIR. As such, staff recommends certification of the EIR.

Since the publication of the Draft EIR, the Project applicant revised the proposed Project, resulting in reductions to density from 510 to 448 units and increase in open space of 10,885 square feet and in the height of Building B from up to 95 feet to up to 85 feet. The Project revisions outlined above would not change the findings of the Draft or require recirculation pursuant to CEQA Guidelines Section 15088.5 which requires recirculation of an EIR when “significant new information” is added to the EIR after publication of the Draft EIR but before certification. None of the impact findings of the Draft EIR would be affected and in no case would this change result in the need to revise the analysis, as the analysis considers a larger development. As a result, the changes to the Project description would not substantially change the findings of the Draft EIR and they do not trigger recirculation of the document.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Upon Recommendation By The Planning Commission, Conduct A Public Hearing And Adopt The Following Pieces Of Legislation:

- 1) Resolution Certifying The Final Environmental Impact Report For The California College Of Arts Campus Redevelopment Project (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 (CEQA);
- 2) Resolution Approving Text Amendments To The General Plan Land Use And Transportation Element To Change The Land Use Designation For 5212 Broadway In Connection With The Project; And Making Appropriate CEQA Findings;
- 3) Ordinance Approving A 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 CEQA Findings; and
- 4) Resolution (1) Approving The Combined Preliminary Development Plan/Final Development Plan, Design Review, Variance, Conditional Use Permit And Vesting Tentative Map, For The Project Located At 5212 Broadway; (2) Authorizing The City Administrator To Amend The Façade

Improvement Program To Implement The Historic Resources Mitigation Measure Specific To The Project; And (3) Making Appropriate CEQA Findings

For questions regarding this report, please contact Rebecca Lind, Planner IV, 510 238 3472.

Respectfully submitted,



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Attachments (9):

- A. Project Findings
- B. CEQA Findings
- C. Conditions of Approval
  - C.1 Project Conditions of Approval
  - C.2 Standard Conditions of Approval/Mitigation Monitoring and Reporting Program
- D. Demolition Findings Category II Historic Properties Memorandum
- E. Design Guidelines Implementation Checklist
- F. Vesting Tentative Parcel Map
- G. Non CEQA Transportation Memorandum
- H. Amendments to Conditions of Approval as recommended by Planning Commission