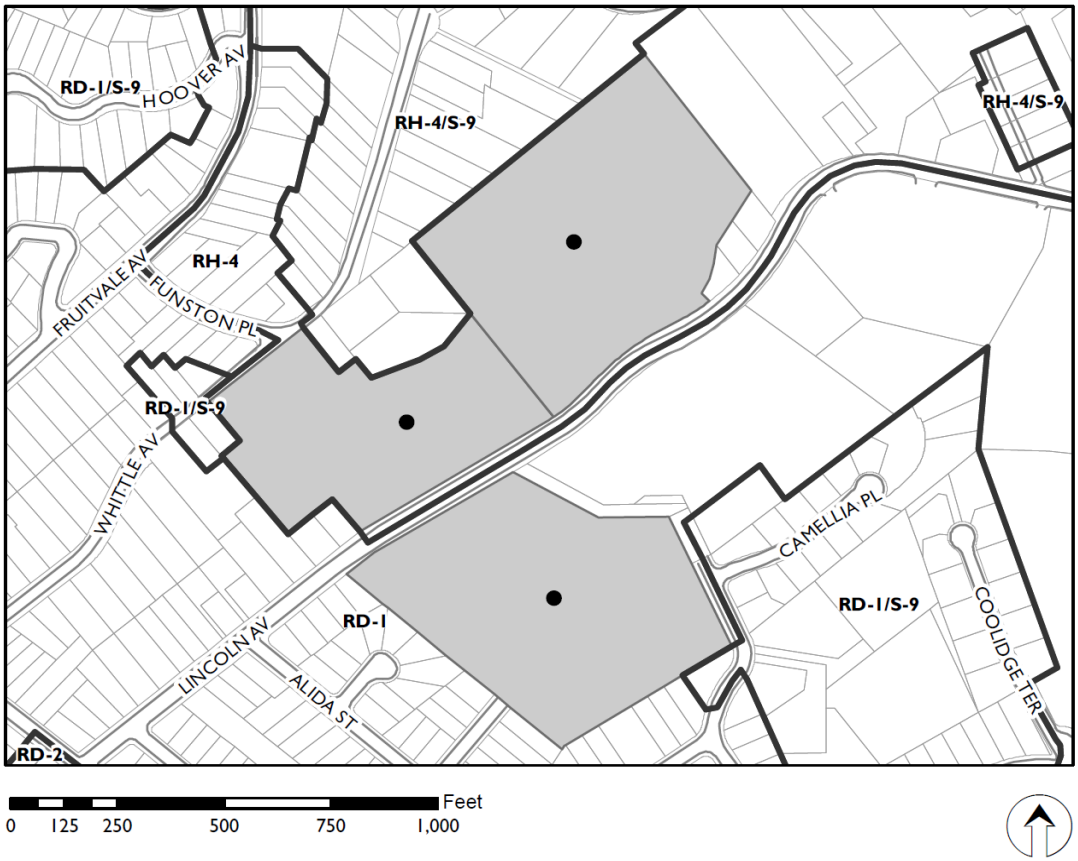
Location:	4315, 4365,4368 Lincoln Ave.
Assessor's Parcel Number	APN 29A-1367-4-4,29A-1367-1-14, and 29-1009-6
Proposal:	Expansion of the existing Head Royce School campus to the former Lincoln Children's Center site at 4368 Lincoln to create a unified, 22-acre K-12 school. The Project proposes a tunnel crossing under Lincoln Avenue and/or an at-grade pedestrian crossing. The permitted student enrollment would increase from 906 students to 1,250 students.
Applicant:	Rachel E. Skiffer: Head of School
Phone Number:	510 228-1515 Email rskiffer@headroyce.org
Owner:	Head-Royce School
Case File Number:	PLN-18532, PLN18532PUDF-01and PLN18152- ER01
Planning Permits Required:	Planned Unit Development, Final Development Permit, Conditional Use Permit
General Plan:	Institutional; Hillside Residential
Zoning:	RD-1; RH-4
Environmental Determination:	The Draft Environmental Impact Report (DEIR) was published November 5, 2021. The FEIR was published February 21,2023 for certification.
Historic Status:	PDHP C-3
City Council District:	4
Status:	Under Review.
Staff Recommendation	Certify EIR, and approve land use entitlements
Finality of Decision:	Appealable to City Council.
For further information:	Rebecca Lind: Phone: (510) 672-1474 or by e-mail: rlind@oaklandca.gov.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN18532,PUD18532-F-01
Applicant: Head Royce School
Address: 4315,4365, 4368 Lincoln Avenue
Zone: RD-1, RH-4

SUMMARY

The purpose of the April 19, 2023 public hearing is to consider certification of the Environmental Impact Report (EIR) for the Head Royce School Expansion Project and entitlements for a proposed amendment to the 2016 Planned Unit Development Permit that governs the existing school. The proposed amendment expands the educational use to the 8-acre site of the former Lincoln Children's Center at 4368 Lincoln to create a new "South Campus" and increases enrollment by 344 students. The PUD would be implemented in three phases. The Head Royce School (School) requested consolidated review of the Planned Unit Development Plan (PUD) and the Final Development Plans (FDP) for the first two phases.

In compliance with CEQA, an Environmental Impact Report (EIR) was prepared and published for certification. The EIR concludes that approval of the Project would result in no significant impacts, no significant and unavoidable (SU) impacts, and no cumulative impacts.

The City of Oakland is the Lead Agency pursuant to CEQA and prepared the EIR for the Project. Staff published a Notice of Preparation (NOP) of an EIR on February 1, 2019. A scoping session was held before the Oakland Planning Commission (PC) on February 20, 2019 and the Landmarks Preservation Advisory Board (LPAB) on March 11, 2019. The Notice of Availability (NOA) for the DEIR was prepared and released on November 5, 2021, beginning a 45-day public comment period with the comment period ending December 20, 2021. Hearings on the DEIR were held on December 13,2021 at the LPAB and on December 15,2021 at the PC. A Final EIR was prepared responding to comments and published February 21, 2023.

PROJECT DESCRIPTION

The PUD application includes a master plan for the buildout of the site and includes the following proposals:

- Retention of the existing School site plan and facilities authorized in the original PUD from 2006 as amended in 2016 for new school buildings and in 2018 for athletic field use at the adjoining Ability Now site at 4500 Lincoln Ave.
- Expansion of the Head Royce School campus civic education use to the former Lincoln Children's Center site at 4368 Lincoln (new South Campus),
- Increasing enrollment 1-2% per year for a 20-year period to a maximum of 1,250 students,
- Construction of a new "South Campus consisting of:
    - 4 remodeled buildings totaling 27,500 sf (including 3 historic resource structures),
    - 3 new buildings including a 15,900-sf multiuse performing arts center, a 1,500-sf pavilion and a 1,000 sf maintenance building,
    - A new Loop Road providing access to the campus and establishing student drop-off and pick-up on private property,
    - Tree protection and removal, grading, landscaping and drainage necessary to support these improvements; and
    - Parking for 344 cars.
- Connection between the existing (North) and proposed new South campus:
    - Two at-grade pedestrian crossings, and
    - A pedestrian tunnel, to be constructed during Phase III, under Lincoln Avenue extending from the existing North campus to the proposed Pavilion building on the South campus.

The FDP for Phases I and II of the PUD includes:

- Cap of student enrollment at 1050 students during the first two phases,
- Demolition of Buildings 3, 4, 5, 6, 7, 8, 10 and 11,
- Restoration and reuse of Buildings 0, 1, 2 (identified as historic resources) for classrooms,
- Interior remodeling of Building 9 for reuse as classroom and/or administrative purposes,
- Construction of a Commons area, walking paths, upgraded playfields and outdoor classroom spaces,

- Construction of a minimum 20-foot-wide Loop Road with stacking capacity for approximately 60 cars that provides access to the campus and includes dedicated off street drop off and pick up areas,
- Reconfiguration of existing parking lots to provide 138 spaces on the South Campus,
- Planting plan and landscape design for outdoor spaces including a multi-purpose commons area with seating, outdoor classrooms, study patio, teaching garden for growing edible plants, water garden perennially activated by stormwater, boulder garden and play spaces,
- Lighting plan,
- Wayfinding signage plan,
- Off- site improvements that include 2 crosswalks that connect the existing (North) and proposed South campuses, an ADA accessible crosswalk at Alida Street,
- Stormwater Plan, and
- Grading/Erosion Control.

PROPERTY DESCRIPTION
The Head-Royce School (Existing Campus) is located on Lincoln Avenue, approximately 0.4 miles south of Highway 13, and 0.9 miles north of I-580. The existing school is proposed to become the "North Campus". The existing 14-acre School campus is developed with 13 buildings used for school facilities. It includes two properties: one at 4315 Lincoln Avenue that houses classrooms, administrative space and other school buildings; Athletic practice facilities and parking are currently allowed by Conditional Use permit on 4500 Lincoln Avenue, owned by Ability Now, on a leasehold basis. The proposed South Campus parcel is located at 4368 Lincoln Ave. The parcel generally slopes up from southwest to northwest with a 56--foot change in grade across the site. The site is accessed by three points along Lincoln Ave. Existing development includes eleven (11) buildings formerly used by the Lincoln Children's Center.

GENERAL PLAN ANALYSIS
The General Plan Land Use and Transportation Element (LUTE) classifies the project site as "Hillside Residential" for 4325 and 4465 Lincoln Avenue. (Existing Campus) and as "Institutional" for 4368 Lincoln Ave (Proposed South Campus).

The intent of the "Institutional" land use classification is to *create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services, and medical uses as well as other uses of similar character.* The Project is consistent with the Institutional classification and the objectives that support it. The Project updates the South Campus to serve educational uses at an intensity far below 8.0 FAR

The intent of the "Hillside Residential" land use classification is to *create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots*. An existing Planned Unit Development Permit governs the allowed land uses on the North Campus, permitting institutional uses. The proposed changes to the North Campus consist of the opening for the pedestrian tunnel and the increase in the roof and interior ceiling height of an existing gymnasium.

ZONING
Zoning on the Existing Campus parcels is RH4/S9. Zoning on the proposed South Campus parcel is RD-1.

Table I Zoning Analysis

Development Standard	Applicable Regulations		Compliance Analysis
	Existing Campus RH-4	Proposed South Campus RD-1	
Land Use Activities	Community Education Civic Use (K-12 School)	Community Education Civic Use (K-12 School)	CUP required

Facility	Enclosed Non-Residential Open Non-Residential	Enclosed Non- Residential Open Non-Residential	Permitted
Development Standard	Applicabl Regulations Existing Campus RH-4	Applicable Regulaltiions Proposed South Campus RD-1	Compliance Analysis
Height	Maximum wall height 25 ft. Maximum height with pitched roof 30 ft. For Community Education Civic Use Up to 75'with a CUP (Section 17.108.020) Required setbacks to be increased by 1 foot for each additional foot of height over the standard. Height may be exceeded by projections allowed in 17.108.030 to the extent allowed by CUP	Maximum wall height 25ft. Maximum height with pitched roof 30 ft. For Community Education Civic Use Up to 75'with a CUP (Section 17.108.020) Required setbacks to be increased by 1 foot for each additional foot of height over the standard. Height may be exceeded by projections allowed in 17.108.030 to the extent allowed by CUP	A CUP may be required for the height of the proposed Performing Arts Building in Phase III. Design of the building is not submitted but the applicant estimated height at 32' Conforming for rehabilitated one story structures
Setbacks	20 ft front 5 ft side,20' rear	20 ft front 5 ft side,20' rear	Conforming
Non-Residential FAR	.20 proposed. 8.0 allowed.		Conforming
Lot coverage	15%		Conforming
Parking	Planning Code based parking minimums are superseded by State regulations. No parking maximum is required.		344 parking spaces are proposed.
Bicycle	1 space/20 students, 1 space/employee 24 spaces are required for new construction. 40 long term bicycle parking spaces are proposed.		Conforming
PUD: Processing includes design review and combined processing with a required CUP. Phasing is allowed. Combined processing of the PDP and FDP is allowed.			

ENVIRONMENTAL DETERMINATION

As stated earlier in this report, the City prepared and published an EIR for the project).[1] The EIR analyzes potentially significant environmental impacts in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources including Historic Resources and Tribal Cultural Resources, Greenhouse Gas Emissions and Global Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Transportation, Utilities, Wildfire and Emergency Evacuation. The EIR did not identify significant and unavoidable impacts that could not be reduced below adopted thresholds of significance by standard conditions of approval and/or mitigation measures.

Project Alternatives

The CEQA alternatives include:

- **Alternative 1, No Project**: The No Project Alternative includes the existing conditions at the time the notice of preparation was published.

[1] The EIR for the project is available on the City's website at: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-present

- **Alternative 2: Minor Development Alternative** caps enrollment at 906 students but includes demolition of 8 buildings and restoration and reuse of Buildings 0, 1, 2 (historic resources)~~,~~ and reuse of Building 9 for administrative purposes. There would be no change to the current operations for School drop-offs and pick-ups that occur along Lincoln Avenue, and the underground pedestrian tunnel and the Performing Arts building would not be constructed.
- **Alternative 3: Reduced Alternative** would limit student enrollment to 1050 students; It includes all of improvements identified for Alternative 2, plus a new Loop Road for off street drop-off and pick-up and at grade crossing at Lincoln Ave linking the campuses. The underground pedestrian tunnel and the Performing Arts building included in the PUD would not be constructed.

Alternative 2 is considered the environmentally superior alternative. EIR Alternatives 2 and 3 correspond to the Phase I and II improvements and student enrollment proposed in the FDP.

KEY ISSUES AND IMPACTS

There are 4 entitlement actions before the Planning Commission.

Planned Unit Development (Attachment D)
This entitlement authorizes integrated development of the proposed existing (North) and South campuses including amendments to and consolidation of prior conditions of approval, operational requirements, parking location and allowed numbers of spaces, maximum enrollment, and the general location of proposed improvements and phasing.

Final Development Permit Combined Phase I and II (Attachment E)
The final development plan (FDP) provides a detailed level of design to indicate fully the ultimate operation and appearance of the development. The FDP also specifies off-site improvements required for project implementation.

Conditional Use Permit
A CUP can be processed as part of the PUD however, the required CUP findings must still be made.
The proposed Conditional Use Permit (CUP) is required for expansion of the Community Education Civic Use in the RD-1 zone.
A second CUP will be required for height of the proposed Performing Arts Center in Phase III. This proposed building is not yet designed but in the PUD project description is described as "approximately 32 feet in height". Plans for the building will be prepared as part of the Phase III FDP. If the building is over 25 ft. high in its primary wall or over 30' high with a pitched roof it will require a CUP for height as part of that FDP review.

Design Review
Staff is requesting that the Planning Commission review the design issues directly rather than refer the project to the DRC. The design review for the combined Phase I and II FDP primarily involves review of the historic resource buildings, and site planning elements. The major structures proposed in the PUD are the Performing Arts Center and the pedestrian tunnel which will not come before the City until the Phase III FDP is reviewed. Modifications to the historic resource buildings were referred to the LPAB and their recommendations to the Planning Commission are provided in the following analysis section.

ANALYSIS

PUD and Combined Phase I and II FDP

Analysis of the PUD and FDP focuses on the following issues:

1. Loop Road

Development of the loop road on the South Campus and the potential to remove drop-off and pick- up activity from Lincoln Avenue and improve traffic flow in the neighborhood.

a) The City's transportation consultant developed a model of the stacking capacity of the loop road, which demonstrates improved functionality on Lincoln Avenue for through traffic.

2. Parking

a) Existing Condition.
The 2016 PUD Conditions of Approval required a minimum 154 spaces on the existing (North Campus) and allowed additional shared spaces on the former Lincoln Children's site as well as unlimited shared spaces on other institutional use sites in the vicinity. The school has been using the existing 129 spaces on the former Lincoln Children's Center site since closure of the previous use and an additional 38 shared spaces at the Greek Orthodox Church. The 2016 PUD Conditions of Approval also defined "special events" as "events creating more than a 50-vehicle parking demand and allowed this parking as shared parking offsite."

b) Recent changes in state law (AB 2097) eliminate City requirements for minimum parking for certain classes of development projects. The City Attorney's office determined that the Head Royce PUD Extension project is subject to AB 2097 so the City will not analyze minimum parking requirements. Where parking is proposed by the applicant, it may be reviewed as a part of an applicable discretionary review and City requirements other than the standard for minimum number of spaces considered. In this case Planning Code Section 17.116.180, Conditions for off-street parking or loading relating to off-site parking, may be applied through the PUD process.

c) Student and employee parking demand is estimated as a maximum of 350 spaces at full buildout of 1,250 students based on a 2//22 Parking Demand Analysis(Attachment H) prepared for the School by the transportation consultant Nelson Nygaard. The report addresses the average daily school parking demand only and does not include parking for special events.

d) The PUD proposes up to 344 dedicated spaces
- 328 spaces on land owned by the School including:
  - Up to 190 spaces on the North campus with up to 36 of these spaces added through stacked parking. As enrollment increases in Phase III, the applicant would either add stacked parking in Lot F on the North Campus or reduce parking demand by prohibiting some or all students from driving to school. Currently, approximately 90 students (juniors and seniors) have permits to drive to campus and park.
  - 138 spaces on the proposed South campus achieved by re-stripping the existing parking areas to add 9 spaces, and

- Retention of an additional 16 shared parking off site at adjacent institutional sites such as Ability Now, the Greek Orthodox Church and the First Oakland Temple.

e) The Combined Phase I and II FDP proposes phased parking to provide:
- At entitled enrollment of 1050 students: 330 spaces including:
  - 154 parking spaces on the North Campus
  - 138 parking spaces on the South campus
  - 38 shared spaces at the Greek Orthodox Church

f) Parking Recommendation

It is recommended that up to 344 parking spaces be allowed to meet Parking Demand as projected by Nelson Nygaard with a minimum overflow to surrounding sites.

- Phased Parking for Combined Phase I and II may include 330 spaces including:
  - Phased increase in parking spaces to a total of 292 on both campuses.
  - Shared use of up to 38 parking spaces at the Greek Orthodox Church for a total of 330 parking spaces with a parking agreement approved by the City Attorney for off-site parking per *17.116.180 Conditions for off-street parking or loading.*

- The PUD may include up to 344 spaces including:
  - 190 spaces on the North Campus and 138 spaces on the South Campus
  - Increase parking by 36 stacker spaces.
  - Revision of the shared use parking agreement at the Greek Orthodox Church at occupancy of Phase III to allow 16 spaces with a written parking agreement approved by the City Attorney or reduce off site spaces with reduction of parking demand.

- Requested additional overflow parking for "special events" defined in the 2016 PUD Conditions of Approval as "events creating more than a 50-vehicle parking demand" may be located at adjacent institutional use parking lots with a written parking agreement between the Head Royce School and the property owner approved by the City Attorney

Parking Recommendation Summary

Phase	Existing North Campus	Existing South Campus	New North Campus	New South Campus	Off Site*	Total	Off site For Events
Phase II	154	129	0	9	38	330	Unlimited*
Phase III	154	138	36 stacked	0	Up to 16	344	Unlimited*

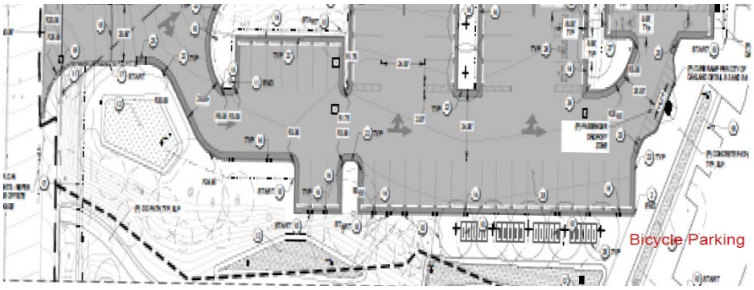
* Requires parking agreement approved by the City Attorney

This staff recommendation is drafted in the attached conditions of approval.as Condition 29.

3. Bicycle Parking

a) Existing bicycle racks are provided on the North Campus adjacent to Whittle St. 40 new spaces are provided on the South Campus adjacent to the passenger drop off area at the loop road entry as shown on the detail drawing below. An additional detail showing the design of bicycle parking and rack functionality is required to demonstrate consistency

with Planning Code Section 17.117.070 Location and design of required bicycle parking. This requirement is drafted in the site-specific conditions of approval as Condition 41.



4. Transportation Demand Management Report (TDM) (Attachment I)
   The TDM implements strategies reducing dependence on single occupancy vehicles.
   a) The TDM as submitted is inconsistent with project mitigation identified through CEQA requiring the project to increase modal spit by 15% and increase the required carpooling, bus riding, and bicycle modes to 34.5% of trips. The TDM will need to be updated to reflect this standard.
   b) Additional sections of the TDM that address parking and special events will need to be updated consistent with the Conditions of Approval. This requirement is included in the Conditions of Approval as Condition 30.
5. Emergency evacuation.
   a) A new emergency evacuation plan is required as a project mitigation. This requirement is drafted in the SCAMMRP (Attachment C). *See Mitigation Measure Wildfire and Emergency Evacuation-1, Emergency Evacuation Plan*.
   b) An additional emergency evaluation route opposite Camelia Place will be provided voluntarily by the School to accommodate public egress through school property in both directions from the Loop Road in the event of an emergency. A draft condition of approval requiring this emergency evacuation route is drafted as Condition 46.
6. Potential noise associated with special events.
   a) Site specific noise mitigation is required for outdoor events such as high school graduation and is included in the SCAMMRP (Attachment C). See Noise-3, Noise from Special Events and *Mitigation Measure Noise-3B, Special Event Notifications and Restrictions*.
7. Phasing with a delayed submittal of 6 years for Phase III.
   a) As stated earlier in this report, the applicant is requesting 3 Phases and is now combining Phases I and II in a combined FDP. The two major structures proposed in the PUD, the performing arts building and the pedestrian tunnel under Lincoln Avenue, will not occur until Phase III. The request is to allow the final FDP to be submitted 6 years from the PUD approval date. Staff supports this request because a series of FDPs for a 3- phase project may be submitted in 2- year increments which results in the same overall time frame. This submittal timeframe request is included in the project specific conditions of approval as Condition 17.

8. Off Site Improvements
   a) The FDP includes horizontal improvements (Exhibit F) for improvements in the City right-of-way. It establishes pedestrian circulation between the two campuses, provides ADA

access and reduces parking on Lincoln Avenue to facilitate turn lanes accessing the Loop Road.

b) A new signalized crosswalk is provided at the entry to the Loop Road.
c) An existing crosswalk is relocated to the exit of the Loop Road.
d) Leading Pedestrian Interval (LPI) timing will be provided for both Loop Road signals, and timing cards that time all pedestrian crossings at 3ft/sec will be submitted to OakDOT for review. This requirement is drafted in the project specific conditions of approval as Condition 42.
e) ADA crossing will be provided at the intersection of Lincoln Avenue and Alida Street extending from existing curb cuts.
    - The Applicant will conduct a stop sign warrant analysis at the intersection of Alida and Lincoln Avenues. If a stop sign is warranted, applicant will install it in coordination with OakDOT. If a stop sign is not warranted, applicant will install a rapid rectangular flashing beacon at this Intersection. Design will be documented as part of the PX permit process. This requirement is drafted in the project specific conditions of approval as Condition 42.
f) Curb colors and loading/parking regulations are provided for the Lincoln Avenue frontages, including on the east side of Lincoln Avenue north and south of the new proposed crosswalk at the southern Loop Rd exit.
g) A "Signal Ahead" sign and a Radar Speed sign are to be relocated from their present locations.
h) A programmatic solution is required to ensure that students can receive aid in crossing Lincoln Avenue upon request. If a shuttle solution is infeasible, then the City would accept a written commitment to provide a phone number for students to call for assistance from on-site staff. Such a solution is necessary to ensure that the applicant is responsible for providing safe passage across Lincoln for disabled students, given that they are unable to provide ADA-compliant cross slopes at the two new Loop Rd crosswalks. The requirement is drafted in the project specific conditions of approval as Condition 42.

9. Stormwater
    a) The Stormwater Plan identifies areas of impervious improvements in the FDP including roof, asphalt and landscape, self-retaining improvements including hardscape and landscape features and pervious landscape. These areas are mapped on the site plan by drainage management areas (DMA) shown on FDP pages CO 21 through CO22.The analysis of required bioretention is based on Alameda Countywide Clean Water Program C.3 Stormwater Technical Guidance.
    b) The total drainage area without bioretention is 337,757 sf. The proposal has a retention requirement of 6,713 sf and 9,113 sf of bioretention is provided in 22 bio-retention areas. Details of the analysis are provided on FDP page C0.23. (*See* Attachment E)

<u>CUP for Expansion for Educational Use</u>

Staff supports the CUP for the following reasons. CUP findings are provided in Attachment A.

1. The site was previously the home of the Lincoln Children's Center, an institutional use that included a mental health service center and residential school facility.
2. The redevelopment proposes an intensity of use consistent with the previous institutional use of the site at a scale that is similar to the surrounding neighborhood which includes both single family and institutional uses.

Design Review

1. Design Review of the Historic Buildings

The remaining issue for this topic involves the degree of window restoration and the design of proposed ADA ramps. The LPAB made a recommendation to the applicant to further modify these project features which the applicant did not implement.

a) Background

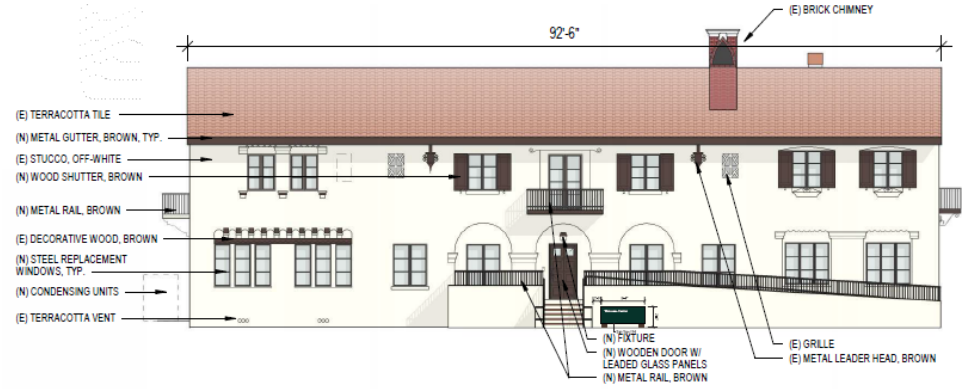
The Historic Resource Evaluation prepared as part of the DEIR technical reports (Appendix 7A) concluded that three buildings on the campus qualify as individual historic resources for the purposes of CEQA and are eligible for the California Register. These include Building 0 (Junior Alliance Hall), Building 1 (Mary A. Crocker Cottage), which both have revised 2021 ratings of Ba/3 and Building 2 (Grace L. Trevor Cottage). It also concluded that the 8-acre former Lincoln Children's Center site does not qualify as an historic district.

The buildings are distinctive examples of the Spanish Colonial Revival style. They are designated in the proposal as Building O (aka Junior Alliance Hall), designed by W.G. Corlett; Building 1 (aka Mary Crocker Cottage), designed by Reed and Corlett; and Building 2 (aka Grace L Trevor Cottage), also designed by Reed and Corlett. Review of these buildings is regulated through the Design Review Findings from Planning Code Sections 7.136.050.C and 17.136.050.D and the modifications to the facades are subject to the Secretary of the Interior Standards for revisions to the exterior of the buildings.

b) Landmark Preservation Advisory Board. Recommendation

The Board had two design concerns.

- ADA Standards A new stucco clad ADA ramp is proposed on the west elevation of Building 1.
- Historic Steel Stash Windows. The project was evaluated for consistency with Secretary of Interior Standards for Rehabilitation, and the window retention program fell short of full compliance with one of the ten criteria (Criterion 6, Deteriorated Historic Features). The proposal was revised to increase salvage and reuse of existing historical windows to address this issue and improve compliance with the standards, but the Board requested additional modifications.



- The Board recommended that the Planning Commission adopt a Condition of Approval to rehabilitate all historic steel windows at Building 0 to improve compliance with the Secretary of

the Interior Rehabilitation Standard 6, Deteriorated Historic Features with the additional requirements that the applicant provide the following information.

- Revise the scale of new window patterning on Building 1 and 2 to be more consistent with historic windows,
- Review the size and scale of the ADA ramp at Building 1 west elevation to be consistent with the historic context, and
- Submit the historic drawings/renderings when presenting to the Planning Commission.

- The Board also recommended certification of the Head Royce School Expansion Project EIR to the Planning Commission.

The Applicant provided the historic drawing/renderings for Buildings 1 and 2 (Attachment G) and advised as follows.

The applicant thanks the Landmark Preservation Advisory Board for its comments about the windows on Buildings 1 and 2, and the accessible ramp on the west elevation of Building 1. The applicant has reviewed the current plans for alternative approaches, contacted board members for further clarification on their comments, and referenced the Secretary of Interior's Standards for rehabilitation. After this thorough review, the applicant agrees with the findings of the City's independent consultant that the current design is a compliant solution and does not anticipate further changes.

A recommendation requiring the Applicant to provide additional documentation for review by the City is drafted in the site-specific conditions of approval as Condition 43.

2. Regular Design Review

The project site plan and improvements are subject to the General Design Review Findings as part of the PUD. This review is completed as part of the FDP review.

The FDP Site Plan includes a high amenity Commons area, walking paths, upgraded playfields and outdoor classroom spaces and landscaping. Overall, the design concept provides buffering of the adjacent residential areas and sightlines into the interior of the campus from the public street.

Staff recommends that the Planting Schedule and Planting Plan shown on Plan Sheet L6.1.00 be amended to show Lupinus Alpifrons in place of Lupinus Arboreus as part of the Coastal Native Mix as the Arboreus is typically associated with dune plantings. This recommendation is drafted in the project specific conditions of approval as Condition 44.

Design Review findings including the general findings and the historic buildings findings are provided in Attachment A.

a) <u>Landscape Design for Outdoor Spaces</u>

Several different outdoor spaces are proposed. The multipurpose commons with seating will provide assembly space and function as instructional space and study space. Several types of outdoor classrooms are proposed including a study patio with a gravel pad and boulders/logs for seating, teaching garden for growing edible plants, water garden perennially activated by stormwater, boulder garden and play spaces. The landscape palette includes native plant groups with low water use. Materials are chosen to maximize impervious surface.

The Planting Schedule and Planting Plan shown on Plan Sheet L6.1.00 and Sheet L6.1.0 .2.00 include 5 planting groups with mixes of plant materials in the variety and sizes. These materials are summarized in Table I.

b) Tree Protection/Removal and Transplant

There are 395 trees on the Project site. The Project would protect in-place or relocate approximately 254 trees and add approximately 88 large new trees and 34 small trees/shrubs to provide visual screening. Larger retained trees primarily provide screening on the perimeter of the site where tree removal was not required for construction of campus features.

Table 1

CA Coastal Native Mix (COA)	15,925 sf	
C-3 Bio filter mix (C3 Bio)	14,320 sf	
Seed mix for meadow (MEA)	143,930 sf	
4 types of new large trees	Quantity	Size
• Coast Live oak maximum spread 25’	14	36’Box
• California sycamore0-30 ‘	50	15 Gal
• Big Leaf maple 20-35'	10	15 Gal
• Western Redbud 15	14	5 Gal
4 types of new small trees/shrubs	Quantity	Size
• California Buckeye	7	5 Gal
• Coffee berry	12	5 Gal
• Toyon	15	5 Gal
• St Helen manzanita	5	24’box
Lawn	11,700 sf	

c) Fencing

Four fence types are proposed as shown in Table 2. The Acoustic Board Perimeter fence is combined with a retaining wall as shown on the FDP Section plan page FDP-L3.01 to provide visual and noise buffering. A detail drawing is not provided for the retaining wall and will be required as a project specific condition of approval as drafted on Condition 45.

Table 2 Fence Typologies

Type	Location	Height
Acoustic Board on Board	Perimeter	6’
Metal Slat	Lincoln Ave	Not specified
Post and Rope	Planted Trails	Not specified
Chain Link	Playfield	10’

d) Material Palette Architecture

The material palette includes clay roof tile, off white exterior wall stucco, and dark brown steel windows.

e) Material Palette Paving/Hardscape/Seating

Plan Sheet L1.2.00 specifies materials and includes illustrations of various types of hardscapes and seating in the common areas, walkway and outdoor classrooms. This information is summarized in Table 3.

Table 3

Material	Quantity	Use Area
Sawed premium concrete (Concrete CIP)	13,500 sf	Walkways
Wood decking (WRC)	3,600 sf	Board ramps/commons
Stabilized Granitecrete Paving	14,000 sf	Circulation
Granitecrete Paving	7,130 sf	Circulation
Pea Gravel paving	3,000 sf	Soft patio
Stone paving	225 sf	Labyrinth
Salvaged timber seats	25	Outdoor classrooms

Salvaged timber logs	120	Outdoor classrooms
Boulders	40	Outdoor classrooms
Salvaged timber stumps	78	Outdoor classrooms
Gravel aggregate for french drain	2,800 sf.	

f) Wayfinding Signage

A comprehensive system of 23 wayfinding signs is proposed with consistent colors font type and materials. Signage types are summarized in Table 4. The color schedule is white, dark green and light green (see sheet FDP-GR.0.01).

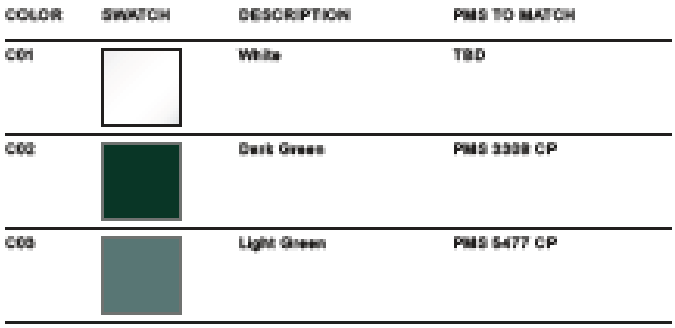


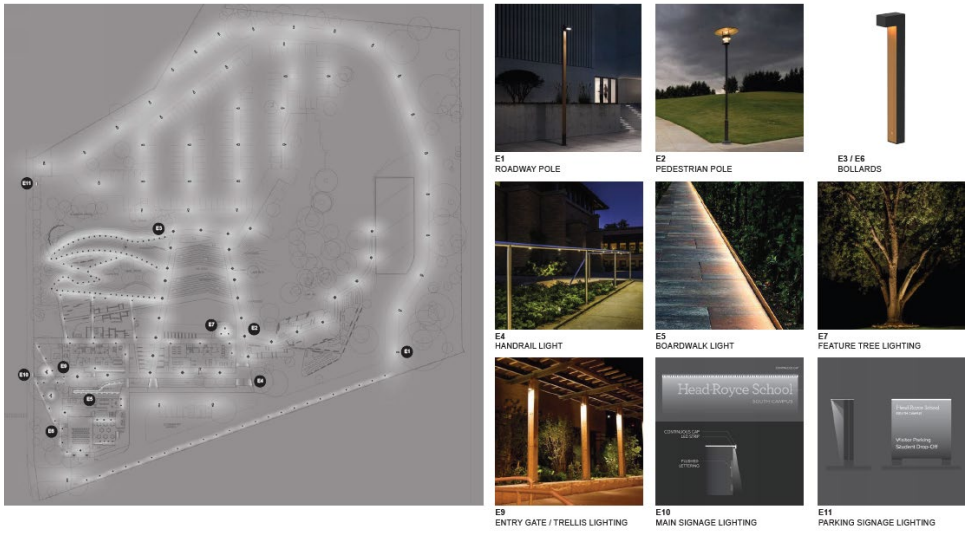
Table 4 Wayfinding Signs

Sign type	Number	Sign Size	Letter Size	Design
EO 1 South Campus Gateway	1	5.5’ wide 14.75’ tall	53/4 “ 7/8 “	Painted Metal Letter Forms Blind pin mounted to face of wall
EO2Vehicle Entrance at Loop Road	6	3.2” tall wide 4.5	3” 2.7”:	Two painted aluminum plates wrapped around two wooden posts
EO3Vehicle Directional	3	3.0 wide 4.5” tall	2 .78”	Two painted aluminum plates wrapped around two wooden posts
EO4 Orientation Map	2	3.11 x 3.1. 3’ pole	3”	Removable plate with map graphic fastened to frame
E05 Pedestrian Access Directional	5	8’ wide 4.5’ tall	5” symbols	Painted aluminum sign plates wrapped around a wooden post
E06 Building identification Freestanding	3	5’4” wide 2’4” wide	3”	Two painted aluminum plates wrapped around two wooden posts
EO7Building Identification Wall Mounted	2	1.9” wide 7.25” tall	1.25”	Painted aluminum sign mounted to wall
EO8 Building Identification Dimensional Letters	1	3” 23/8” wide	3”	Painted metal letter forms Blind pined to face of surface

g) Lighting

Four types of outdoor light fixtures are provided for exterior building mounted lighting,

Eleven types of campus lighting are provided. See sheet P-A1.13.



Issues for Resolution

Staff recommendations for minor changes to the proposed PUD and FDP that require resolution are identified in the Analysis section and Conditions of Approval (Attachment B) The Planning Commission's review and concurrence, modification or removal of these recommendations is requested.

Draft Condition	Issue	Summary
COA 29	Parking Onsite, Shared an Event parking	328 on site spaces, 16 off-site at buildout Phase III. 292 on site spaces, 38 off site spaces with a parking agreement Phase II Event spaces off-site with a parking agreement

COA 30	TDM	Update TDM document to address modal split, SCAMMRP and COA consistency.
COA 41	Bicycle parking	Design detail required.
COA 17	Phasing	6-year timeline for the final FDP submittal, 2 years to building permit submittal for all Phases
COA 42	Offsite improvements	Alida St ADA access including stop sign warrant or flashing beacon; Reporting pedestrian crossings to OakDOT; Programmatic solution to assist students
COA 43	Historic Resource Buildings Windows and ADA ramp	Provide addition documentation addressing the LPAB recommendation.
COA 44	Planting Palette	Changes to Coastal Native Mix
COA 45	Perimeter fencing/retaining wall	Require a design detail.

RECOMMENDATIONS:

1. Adopt the attached California Environmental Quality Act (CEQA) findings, including certification of the EIR and rejection of the alternatives as infeasible, and adopt the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), as attached at Attachment C.

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2. Approve the PUD, including the request for a 6-year timeframe for submittal of the Phase III FDP, and approve the FDPs for the combined Phases I and II, including the Horizontal improvements, subject to the attached findings and SCAMM/RP and Conditions. of Approval as amended if needed.

Prepared by:
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Rebecca Lind
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Reviewed by:
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Catherine Payne
Development Planning Manager
Bureau of Planning

Approved for forwarding to the Planning Commission:
Catherine Payne For Robert Merkamp, Acting Deputy Director

Ed Manasse Deputy Director
Bureau of Planning

ATTACHMENTS:

A. Findings Approval
B. Conditions of Approval
C. SCAMMRP
D. PUD Plans
E. FDP Plans
F. Horizontal FDP
G. Historic Plans for Resource Buildings 1 and 2
H. Parking Demand Management Report
I. Transportation Demand Management Report

NOTE:

The Draft and Final EIRs were provided under separate cover for review and consideration by the Planning Commission, and is available to the public on the City's website at: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-present.

ATTACHMENT A
FINDINGS FOR APPROVAL

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEOA) FINDINGS, INCLUDING CERTIFICATION OF THE EIR, ADOPTION OF MITIGATION MEASURES, REJECTION OF ALTERNATIVES, AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM

I. INTRODUCTION

These Findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq. (CEQA)), the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) and the City of Oakland CEQA Procedure and Guidelines (Chapter 17.158 of the Oakland Municipal Code) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the Head-Royce School Planned Unit Development (PUD) Project (Case File Number PLN18532-ER01), SCH# 2019029032. The EIR includes the Draft EIR and Response to Comments/Final EIR. The Response to Comments/Final EIR is referred to herein as the "Final EIR or FEIR".

These CEQA Findings are included as part of this *Exhibit 1* and attached and incorporated by reference into each staff report, resolution and ordinance associated with approval of the Project. The Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP) for the Project are attached as *Exhibit 2* to the CEQA Resolution for the Project. All Exhibits and attachments are incorporated by reference into each other, and into the ordinance or resolution to which the Exhibits are attached.

These Findings are based on substantial evidence in the entire administrative record, and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION and PROJECT OBJECTIVES

A. Project Description

These Finding address the Project as described in Chapter 3 of the Draft EIR, and with the Proposed Changes to the Project as more fully described in Chapter 2 of the Final EIR. As described in the Draft EIR, Head-Royce School is an independent co-educational college preparatory day school for students in kindergarten through the 12th grade. The existing Head-Royce School Campus is located on the northerly side of Lincoln Avenue, approximately 0.4 miles south of Highway 13 and 0.9 miles north of I-580. Head-Royce school proposes to expand its existing Campus to the former Lincoln site (or proposed South Campus) on the southerly side of Lincoln Avenue to create a larger, 22-acre K-12 school with increased enrollment.

The Project proposes to connect these two sites via an underground tunnel below Lincoln Avenue and/or with at-grade pedestrian crossings across Lincoln Avenue, and to redevelop the former Lincoln site to support its proposed increased enrollment. The Head-Royce School Planned Unit Development (PUD) Project would include phased construction and operation of the South Campus. The Project proposes to remove eight of the twelve existing buildings on the proposed South Campus, none of which has been identified as an historic resource. The Project proposes interior renovation and reuse of Building 9 (built in

1999 and originally used as a dormitory) for classroom and administrative use, with no significant changes to the exterior. Three of the existing buildings on the proposed South Campus are to be rehabilitated and reused for ongoing School purposes. The EIR identifies each of these three buildings as historic resources from the 1929 to 1935-era (Building 0, the Junior Alliance Hall originally constructed in 1935; Building 1, the Mary A. Crocker Cottage originally constructed in 1929-1930, and Building 2, the Grace L. Trevor Cottage originally constructed in 1929-1930).

The Project proposes to construct three new buildings on the proposed South Campus. A new Performing Arts Center would provide the School's theater, dance and music groups with practice, performance and classroom space, and will be a place for the School to hold assemblies, concerts, meetings and host speakers. A new Link Pavilion would be a multi-use meeting room and gallery space, and would provide elevator access from the Pavilion to the pedestrian tunnel entrance. The third new building on the proposed South Campus would be a storage building.

A new internal one-way Loop Road would ring the internal perimeter of the proposed South Campus. It would have an entrance driveway off Lincoln Avenue at the easterly (upper) end of the proposed South Campus, and the exit onto Lincoln at the westerly (lower) end of the proposed South Campus. The new Loop Road would providing on-Campus circulation and off-street queuing space for vehicles. All vehicle picking-up and dropping-off activity at the School would occur along this Loop Road, rather than as currently occurs along Lincoln Avenue.

The Project proposes to add 25 new on-site parking spaces, and to retain and redesign the 129 paved parking spaces that currently exist, for a net of 154 total parking spaces on the proposed South Campus. The Project proposes two options for providing a pedestrian connection between the existing and proposed South Campus. The first option is to construct a pedestrian tunnel under Lincoln Avenue to connect the existing Campus to the proposed South Campus. The second option is to use only the two at-grade crossings of Lincoln Avenue for all pedestrian connections between the existing and proposed South Campuses. The two at-grade crossings will be permanent, but the extent to which these at-grade crossings are used will be substantially lessened with construction of the pedestrian tunnel.

The landscape design for the Project proposes a central Commons, three outdoor wood deck classrooms, a "walking labyrinth", outdoor farming in raised planters, and a series of ADA-accessible paths that provide access to buildings within the proposed South Campus, plus secondary paths with stairs.

The Project proposes to increase permitted enrollment up to 1,250 students, representing an increase of 344 additional students over the currently allowed enrollment of 906. Enrollment increases are proposed to occur in increments of no more than 20 additional students each year, up to the maximum permitted enrollment over an approximate 17 to 20-year period. The School expects that the majority of increased student enrollment will occur in the high school grades, where demand is the greatest.

The Project applicant proposes to construct the Project in phases, with two or more Final Development Plans. A full description of the proposed Project analyzed in the EIR is included in Chapter 3 of the Draft EIR, with additional information pertaining to Proposed Changes to the Project as provided in Chapter 2 of the Final EIR, all of which are incorporated herein by reference. The proposed changes include no longer pursuing an easement from the property that abuts the proposed South Campus, resulting in a shift in the alignment of the upper portion of the proposed Loop Road and a decrease of 16 parking spaces as compared to the design of the original Project. Changes are proposed to the exterior designs for renovation of Building 0 and Building 2, with salvage and reuse of many of the historical steel sash windows on Building 0, and removal of originally proposed ADA ramps at Building 2. Project changes also include removal of a loading dock from the proposed Performing Arts Center.

Based on a review of the EIR it is determined that the impacts of the proposed Project with the Proposed Changes were analyzed in the FEIR in sufficient detail to analyze reasonably foreseeable impacts, as discussed in Sections VIII, IX and X below.

B. Project Objectives
The objectives of the proposed Project are as follows:

1. Expand the School's educational facilities to the proposed South Campus by rehabilitating three existing buildings (Buildings 0, 1 and 2) that are identified under current City records as historic resources; utilize one additional existing building (Building 9) for school-related purposes; build new facilities that address current and future educational needs; and improve vehicular and pedestrian circulation, parking and grounds.
2. Use existing outdoor space for outdoor classrooms.
3. Construct a new Performance Arts Center for student curriculum relating to theater, music, dance and culture.
4. Gradually increase permitted Schoolwide enrollment by 344 students over currently allowed enrollment, to a maximum student population of 1,250 students (at an anticipated enrollment increase rate of approximately 1 percent to 2 percent per year for a 20-year period).
5. Remove on-street drop-off and pick-up from Lincoln Avenue and remove parent use of Alida Loop by developing an internal, one-way circulation loop driveway on the proposed South Campus. The driveway will provide off-street drop-off and pick-up space, eliminate pick up and drop off activities (other than for buses) from Lincoln Avenue, and create a new vehicle circulation pattern that reduces turn-around traffic in adjacent neighborhoods.
6. Integrate the existing Campus and the proposed South Campus for pedestrians with an underground pedestrian tunnel below Lincoln Avenue, to reduce at-grade crossings.
7. Reconfigure and increase the number of off-street parking spaces on the proposed South Campus (and/or the existing Campus as may be necessary), to meet parking demands at buildout and to minimize neighborhood parking and disruption.
8. Use new buildings placed on the proposed South Campus to create a central commons for student interactions and to provide for noise attenuation.
9. Achieve LEED Gold standards on the renovation of existing buildings and on the new construction of the Performing Arts Center and Link Pavilion.
10. Improve drainage through better stormwater management.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

Pursuant to CEQA and the CEQA Guidelines, the City published a Notice of Preparation (NOP) on February 1, 2019. Pursuant to State CEQA Guidelines Section 15082 (Notice of Preparation and Determination of Scope of EIR), that NOP indicated that an EIR would be prepared for the Head-Royce School Planned Unit Development (PUD) Project and invited comments on the scope of the Draft EIR (DEIR). A 45-day public scoping period for the Draft EIR ended on March 11, 2019. Public scoping sessions were conducted by the Oakland Planning Commission on February 20, 2019, and the Oakland Landmarks Preservation Advisory Board (LPAB) on March 11, 2019. The NOP was sent to property owners within 300 feet of the Project site, responsible and trustee agencies, organizations, and other interested parties. A notice was published in the newspaper, and a copy of the NOP was sent to the State Clearinghouse to solicit statewide agency participation in determining the scope of the EIR, and to the County Clerk, who posted the NOP for public notice. All comments received on the NOP are included in Appendix 1B: Responses to Notice of Preparation of the DEIR.

A DEIR was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the DEIR were published on November

5, 2021, announcing the availability of the DEIR for public review and comment. The Notice of Availability/Notice of Release of the DEIR was distributed to appropriate state and local agencies, posted at the Project site, mailed to property owners within 300 feet of the Project site, and mailed to individuals who have requested to be notified of official City actions on the Project. Copies of the DEIR were also distributed to appropriate federal, state and local agencies, City officials including the Planning Commission, and made available for public review at the City of Oakland's Department of Planning and Building, Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 2214) and on the City's website. The DEIR was properly circulated for a 45-day public review period ending on December 20, 2021.

During the public review and comment period on the DEIR the City held two public meetings on the DEIR; one before the Oakland Landmarks Preservation Advisory Board (LPAB) on December 13, 2021; and a second public hearing before the Oakland City Planning Commission on December 15, 2021. Consistent with Alameda County's Shelter in Place Orders and guidance from the Governor's Office of Planning and Research, the DEIR was made available in digital form and public hearings on the DEIR were held remotely.

The City encouraged agencies and interested parties to submit written comments on the DEIR electronically via email. Written comments were submitted to the City of Oakland Bureau of Planning by mail, email or by fax. Oral comments were received at each of the two public hearings. By the end of the comment period, the City received oral or written comments from 287 commenters. Of those 287 comment letters, 57 letters included comments on the adequacy and/or accuracy of the DEIR, and 230 letters expressed support for the Project and the EIR conclusions. A list of the commenters commenting on the adequacy and/or accuracy of the DEIR is provided in Chapter 4, Responses to Individual Comments Letters on the DEIR.

The City has prepared written responses to comments on environmental issues received during the public review and comment period for the DEIR. These comments and the "Response to Comments" are provided in the Final EIR (FEIR). Chapter 3 of the FEIR provides "Master Responses to Comments" that respond collectively to comments received from many commenters. Chapter 4 of the FEIR provides all written comments (submitted by email, by mail or by hand), together with individual responses to comments not addressed in Chapter 3. Chapter 5 of the FEIR provides responses to all oral comments received at the meeting of the Landmarks Preservation Advisory Board and at the hearing conducted by the Oakland City Planning Commission. Due to the large volume of text contained in the DEIR and its appendices, the FEIR does not contain the full text of the DEIR, which remains available in a separate volume. Both the DEIR and FEIR are incorporated herein by reference.

The DEIR and FEIR, and all supporting technical documents under City of Oakland Case PLN18532-ER01, and all of the documents submitted to or relied on by the City in preparation of the DEIR and FEIR constitute the "EIR" referenced in these Findings.

Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097 (Mitigation Monitoring or Reporting) require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of specified environmental findings related to an EIR. Accordingly, as Lead Agency, the City has prepared a Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP) for the Project; the Draft SCA/MMRP is included as Appendix 2 to the FEIR. The intent of the SCA/MMRP is to track and successfully implement the SCAs and mitigation measures identified within the EIR and is adopted as part of the Project to avoid or mitigate significant effects on the environment. The SCA/MMRP is designed to ensure compliance with the SCAs and mitigation measures during and after Project implementation.

The FEIR was made available for public review on February 22, 2023, 13 days prior to the duly noticed March 6, 2023, Landmarks Preservation Advisory Board meeting and 43 days in advance of the April 5,

2023, Oakland Planning Commission public hearing. Notice of, and access to, the FEIR was provided to those state and local agencies that commented on the NOP and/or DEIR. Notice was also submitted electronically to the State Clearinghouse CEQAnet web portal, mailed to property owners within 300 feet of the Project site, and mailed to individuals who have specifically requested to be notified of official City actions on the Project. Notice of and access to the FEIR was provided to City officials, including the Planning Commission and the Landmarks Preservation Advisory Board, and was made available for public review on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments on the DEIR have been published and made available to all commenting agencies at least 10 days prior to the final certification hearing. The City Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the Project.

IV. THE ADMINISTRATIVE RECORD

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

1. The EIR and all documents referenced in or relied upon by the EIR.
2. All information (including written evidence and testimony) provided by City staff to the Landmarks Preservation Advisory Board and City Planning Commission relating to the EIR, the approvals, and the Project.
3. All information (including written evidence and testimony) presented to the Landmarks Preservation Advisory Board and City Planning Commission by the environmental consultant and sub-consultants who prepared the EIR, or incorporated into reports presented to the Landmarks Preservation Advisory Board and Planning Commission.
4. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
5. All final applications, letters, testimony, reports, studies, memoranda, maps and presentations presented by the Project sponsor and its consultants to the City in connection with the Project.
6. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
7. 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.
8. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program (SCA/MMRP) for the Project.
9. All other documents comprising the record pursuant to Public Resources Code section 21167.6(e).

The City has relied on all of the documents listed above in reaching its decisions on the Project, even if not every document was formally presented to City decision-making bodies or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City decision-making bodies were aware in approving the Project (see *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.). Other documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City decision-making bodies for the Project. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to approval of the Project (see Pub. Resources Code section 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866).

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, Bureau of Planning, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California, 94612.

V. NO RECIRCULATION REQUIRED DUE TO ABSENCE OF SIGNIFICANT NEW INFORMATION

The Oakland Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that the FEIR contains additions, clarifications and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The new information added in the Final EIR merely clarifies and makes insignificant changes to an adequate DEIR, and does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the Project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the DEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the DEIR. Thus, recirculation of the EIR is not required.

The Planning Commission finds that the changes and modifications made to the EIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1, or CEQA Guidelines section 15088.5.

VI. CERTIFICATION OF THE EIR

In accordance with CEQA, the Oakland Planning Commission certifies the EIR based on the following findings:

1. The EIR has been completed in compliance with CEQA, the CEQA Guidelines, and the City's CEQA procedures.
2. The Planning Commission has independently reviewed and considered the record and the EIR prior to making its decision to certify the EIR and taking any action to approve the Project.
3. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment, review and analysis of the City and the Oakland Planning Commission.
4. The EIR provides information to the decision-makers and the public on the environmental consequences of the Project.
5. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.
6. The EIR adequately discusses the potential adverse environmental effects, ways that such effects might be mitigated, and alternatives to the project that would reduce or avoid such adverse effects.

The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations necessary for approval of the Project.

The Planning Commission certifies that the EIR is adequate to support approval of the Project, and any minor modifications to the Project as described in the EIR.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The SCA/MMRP is attached as **Exhibit 2** to the CEQA Resolution for the Project and incorporated by reference, and will be included in the conditions of approval for the Project approval actions. The SCA/MMRP satisfies the requirements of CEQA.

The standard conditions of approval and mitigation measures set forth in the SCA/MMRP are specific and enforceable, and are capable of being fully implemented by the efforts of the City of Oakland, the applicant and/or other identified public agencies of responsibility. As appropriate, some SCAs and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCA/MMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted SCAs and mitigation measures.

The City will adopt and impose the SCAs and feasible mitigation measures as set forth in the SCA/MMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

The SCAs and mitigation measures to be incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event that an SCA or mitigation measure recommended in the EIR has been inadvertently omitted from the SCA/MMRP, that SCA or mitigation measure is adopted and incorporated from the EIR into the SCA/MMRP by reference and shall be imposed as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Oakland Planning Commission adopts the findings and conclusions regarding impacts and mitigation measures that are set forth in the EIR and summarized in the SCA/MMRP, which are incorporated herein by reference. These findings are summaries of conclusions regarding impacts and SCAs/mitigation measures that are set forth in the EIR. They do not repeat the full discussions of environmental impacts, SCAs and mitigation measures, and related explanations contained in the EIR. The Planning Commission ratifies, adopts and incorporates, as though fully set forth herein, the analysis, explanations, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the Project sponsor as may be modified by these findings.

The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. By its review of evidence and analysis presented in the record, the Planning Commission has acquired a better understanding of the breadth of this technical and scientific opinion and

of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on substantial evidence as defined in CEQA Guidelines section 15384, and a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

IX. POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS

Pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR and the SCA/MMRP, the Planning Commission finds that changes or alterations have been required of the Project or incorporated into the Project as mitigation measures. These mitigation measures avoid or mitigate the Project's potentially significant effects on the environment to a less than significant level as identified in the EIR. These changes and/or alterations required of, or incorporated into the Project are discussed below in Sections IX and X. The following potentially significant impacts of the Project will be reduced to a less than significant level through implementation of mitigation measures required of the Project, as set forth in the EIR and SCA/MMRP.

A. Noise

Noise-3, Noise from Special Events: The School anticipates that certain Special Events that have been occurring on the North Campus would now occur at the South Campus. These Special Events would include high school graduation and lower grade level promotion ceremonies, Special Events held at the Performing Arts Center building, and social events to be held at the renovated Building 0 near Lincoln Avenue. Special Events to be held indoors are not anticipated to be audible off-site, and no outdoor Special Events would occur at nighttime (between 10:00 pm to 7:00 am). A significant impact from Special Events would be identified if these events were to generate noise levels that would exceed the noise level standards of the Oakland Noise Ordinance. For noise sources that consist primarily of speech or music with discernable meaning, these noise standards have been adjusted down by 5 dBA. Whereas OMC Section 17.120.050 specifically provides that these standards apply to noise levels "inherently and regularly generated by activities across real property lines", the EIR analysis conservatively applies these standards to non-regular events such as graduation ceremonies, special events at the Performing Arts Center, and events at the Building 0 deck. No exceedance of the noise standards is anticipated to occur during indoor/outdoor social gatherings held at the Building 0 deck. Noise levels would be similar to or lower in level than existing daytime noise levels at the adjacent residences and would be below the adjusted daytime thresholds. This is a less than significant impact. Noise levels during gatherings after a Special Event at the Performing Arts Center could exceed the nighttime standard and the adjusted nighttime standards at residences on Alida Court if the activity occurred after 10:00 p.m. Gatherings extending into nighttime hours would be a potentially significant impact.

The EIR recommends *Mitigation Measure Noise-3B, Special Event Notifications and Restrictions***.** This mitigation requires that all evening events at the Performing Arts Center be completed by 9:00 pm, with all post event gatherings, event traffic, and exterior clean-up activities completed by 10:00 pm. By limiting outdoor activity on the South Campus to no later than 10:00 p.m., this measure would avoid holding events when the more stringent nighttime noise thresholds apply. Noise levels during gatherings after a Special Event at the Performing Arts Center noise would not exceed the applicable daytime noise thresholds, and this impact would be reduced to less than significant. Noise levels generated during large graduation ceremonies and promotion events held in the Commons are anticipated to exceed the adjusted daytime thresholds established by the City of Oakland Noise Ordinance at nearby residences. These three events would occur only once each per year and would only occur during daytime hours. Nevertheless, because

these special events are projected to exceed the noise standard, they would be considered significant noise impacts.

To address these noise impacts, the EIR recommends *Mitigation Measure Noise-3A, Special Event Sound System Design Parameters*, which would require Head-Royce School to have an acoustic engineer design and install a speaker array system designed to lower the noise "spillover" from the system to no greater than between 52 and 53 dBA Leq at the southerly and easterly property lines. By designing the PA sound system per Mitigation Measure Noise-3A, the resulting noise levels at all identified sensitive receptors would meet applicable noise thresholds. These measures would reduce the noise impacts associated with large Special Events to levels of less than significant.

Noise 5, Groundborne Vibration: Construction-related vibration levels are not anticipated to exceed 0.3 in/sec PPV at off-site structures but could exceed the historic building threshold of 0.25 in/sec at on-site historic buildings. Construction activities associated with the Project would include demolition of certain existing site improvements, site preparation, grading and excavation, trenching and foundation work, new building construction, paving, and construction of the underground pedestrian crossing using a jacked-box methodology. Pile driving, which typically produces the highest vibration levels, is not anticipated be used for Project construction, and explosives will not be uses for excavation of the pedestrian undercrossing or any other component of the Project. Due to the short-term nature of Project construction activity, the primary concern is the potential to damage a structure.

The EIR relies on California Department of Transportation's vibration thresholds of 0.25 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and 0.3 in/sec PPV as the threshold at which there is a risk of damage to older residential structures. Heavy construction located within 25 feet of any structure would have the potential to exceed the historic structure vibration threshold of 0.25 in/sec PPV, and heavy construction located within 18 feet of any structure would have the potential to exceed the normal/conventional construction threshold of 0.3 in/sec PPV. Vibration generated by construction activities would be perceptible inside nearby structures but is not expected to result in any architectural damage to surrounding buildings. The effects of construction-related ground borne vibrations to off-site buildings would be less than significant. Based on the construction feasibility evaluation conducted for the pedestrian undercrossing (McMillen Jacobs, 2019), construction using a jacked box method is not anticipated to produce vibration levels that would adversely affect nearby residences or on-Campus structures. The jacking processes would involve slow advancement of the tunnel using hydraulic equipment. Excavation of the ground in front of the advancing box will be by hydraulic excavator-type equipment. Vibrations from this equipment would be similar to those generated from typical roadway construction. On-site historic structures could be exposed to vibration levels exceeding the 0.25 in/sec PPV vibration threshold when construction is located within 25 feet. This would apply to on-site historic Buildings 0, 1, and 2.

Although impacts to on-site properties would not normally be considered an impact under CEQA, the EIR recommends *Mitigation Measure Noise-5, Vibration Reduction near Historic Structures,* which includes practices necessary to minimize damage to on-site historic structures. With implementation of the practices identified in Mitigation Measure Noise-5, construction-related vibration levels near on-site historic structures would be less than the historic structure threshold of 0.25 in/sec. and would minimize potential damage to on-site historic structures to a less than significant level.

B. Transportation

Transp-1, Vehicle Miles Traveled: The VMT per population generated by the Project would not exceed the Project-specific VMT threshold. The threshold of significance for the Project is 15 percent below the VMT per total school population, assuming a 30 percent non-SOV mode share (consistent with the current TDM

Plan requirement), or 33.6 VMT/population. The calculated VMT generated by the Project is approximately 27.3 VMT/population. Since the VMT generated by the Project is below the significance threshold, the Project would have a less than significant impact on VMT. However, it is possible that Head-Royce School's TDM performance rate could drop to 30% percent non-SOV mode share under its current PUD requirements (i.e., at the School's discretion). Such a drop in TDM performance would result in the School no longer meeting the 15% reduction in VMT as required under the Draft EIR threshold.

To safeguard against this possibility, the Final EIR provides for *Mitigation Measure Transportation-1, TDM Performance Requirement,* which commits the School to maintaining an average of 34.5% (or 15% greater than its prior requirement of 30%) of its school-year student enrollment traveling by modes other than single occupancy vehicles. A survey of alternative travel modes shall occur during each of the two independent monitoring periods carried out during the school year, and the counts shall be averaged over the two (2) monitoring periods. However, the School may elect to conduct additional third party monitoring and the counts shall be averaged overall additional academic year monitoring periods. Alternative travel modes shall include walking, biking, carpooling or taking a bus.

C. Wildfire and Emergency Evacuation

Fire-2, Emergency Evacuation Plans: Per the City's Local Hazard Mitigation Plan, the City encourages development of plans, in conjunction with fire jurisdictions, specifically for evacuation or sheltering in place of schoolchildren during periods of high fire danger. The City's Local Hazard Mitigation Plan recognizes that overloading of streets near schools by parents attempting to pick-up their children during these periods can restrict access by fire personnel and equipment. Head-Royce School's current Emergency Preparedness Manual instructs parents to not attempt to pick up their students during an emergency until receiving instructions from the School that it is safe for students to be picked-up. The DEIR included a list of evacuation planning recommendations that recognize Head-Royce School has already invested substantial thought in development of their evacuation plan to safeguard its students, but that additional items should be further addressed. These additional items include the infeasibility of shelter-in-place in most wildfire situations, the route and destination of an evacuation from Campus, the loss of power and communication with officials and parents, and the identification of egress points.

Based on comments on the DEIR, the FEIR includes *Mitigation Measure Wildfire and Emergency Evacuation-1, Emergency Evacuation Plan*. Pursuant to this mitigation measure, Head-Royce School shall be required to prepare a stand-alone Emergency Evacuation Plan for the School, to be prepared by a professional emergency evacuation expert. Selection of the most appropriate and effective details of such an Emergency Evacuation Plan for the School will be conducted by a professional emergency evacuation expert to be retained by the School and subject to review and approval by the Oakland Fire Department, with input from Emergency Services, OPD Traffic Division, and the Public Works' Transportation Planning staff.

The School and their professional emergency evacuation expert shall coordinate with the City of Oakland on the details of this Emergency Evacuation Plan, which shall address, at a minimum, the following considerations: a) establishing communication connections with emergency alert systems; b) removing existing physical obstacles throughout the Campus that hinder a viable pedestrian evacuation and improve egress pathways, gates, stairs, gate openings, and ADA compliance to better prepare for an emergency evacuation; c) establish accountability procedures for managing a pedestrian evacuation; d) identify evacuation destination(s); e) vetting the Plan prior to adoption with review and approval by the Oakland Fire Department; and f) training and exercises to be well prepared with an emergency reflex response to a disaster. This Emergency Evacuation Plan for the School will help improve and bolster the effectiveness of a pedestrian evacuation under emergency conditions, further increase student safety in the event of an

extreme wildfire event and reduce potentially conflicting cumulative evacuation conditions from the Oakland/Berkeley hills to a less than cumulatively significant level.

X. POTENTIALLY SIGNIFICANT IMPACTS ADDRESSED THROUGH STANDARD CONDITIONS OF APPROVAL

The Planning Commission finds, pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR and the SCA/MMRP, that uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval" or SCAs) have previously been adopted by the City. When applied to future projects, these SCAs have been found to mitigate impacts to a substantial degree. To the extent that no such findings were previously made, the Planning Commission hereby finds and determines that the SCAs substantially mitigate environmental impacts (as detailed below). No substantial new information exists to show that the SCAs will not substantially mitigate the impacts of the Project and/or cumulative impacts.

The following potentially significant impacts of the Project will be reduced to a less than significant level through implementation of Standard Conditions of Approval required of the Project, as set forth in the EIR and SCA/MMRP. In the case of a conflict between the language in the EIR and the SCA/MMRP, the language in the EIR controls. Note that the EIR also contains references to the SCAs that are not CEQA-related and are not required to address CEQA impacts. However, the EIR provides these additional referenced SCAs to provide additional information to the decision-makers and public.

Aesthetics

Aesthetics-3, Light and Glare: The Project will add new sources of light which will be visible from off-site locations and may emit substantial glare that may adversely affect nighttime views in the area. Pursuant to *SCA Aesthetics-2: Lighting,* all proposed new exterior lighting fixtures must be adequately shielded to a point below the light bulb, with a reflector to prevent unnecessary glare onto adjacent properties. With implementation of SCA Aesthetics-2, the Project's potential adverse effects related to lighting and glare onto adjacent properties would be reduced to levels of less than significant.

Air Quality

Air-3, Community Health Risks from Toxic Air Contaminants – Construction: During construction, the Project's sources of toxic air contaminants could expose sensitive receptors to substantial levels of toxic air contaminants (TACs) from diesel particulate matter (DPM). These TAC emissions could result in an increase in cancer risk levels greater than 10 in one million to the nearest sensitive receptor and could increase annual average PM2.5 concentrations to greater than 0.3 micrograms per cubic meter at other nearby sensitive receptors. The EIR's calculations for the increased cancer risk attributed to Project construction at nearby sensitive receptors includes application of BAAQMD- recommended age sensitivity factors to reflect the greater sensitivity of infants and small children to cancer-causing TACs. The maximum concentrations for DPM and PM2.5 occur at a single-family residence southeast of the Project site along Charleston Street (the maximally exposed individual, or MEI). Pursuant to *SCA Air-3, Diesel Particulate Matter Controls - Construction Related, t*he Project applicant shall ensure that all off-road diesel equipment is equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type as certified by CARB. Tier 4 engines automatically meet this requirement. This equipment must be properly maintained and tuned in accordance with manufacturer specifications and verified through an equipment inventory submittal and Certification Statement. As shown in Table 5-5 of the DEIR, with

implementation of SCA requirements for all diesel-powered construction equipment to use engines rated and certified as Tier 4, construction-related health risks would not exceed single-source thresholds and would be less than significant.

Air-3, Community Health Risks from Toxic Air Contaminants – Operations: Operation of the Project would have long-term emissions from mobile sources (i.e. traffic) and stationary sources (i.e. generators). The California Department of Transportation EMFAC2017 (CT-EMFAC2017) emissions model was used to estimate DPM, organic TAC and PM2.5 roadway emissions, based on the increase in Project-related traffic volumes as contained in the Traffic Impact Study. The Project-related traffic on the Loop Road is estimated to be 1,184 daily trips using the upper school drop-off/pick-up area (including on-site parking and other trips, and 1,066 daily trips using the lower/middle school drop-off/pick-up area – all circulating on the Loop Road. Average hourly Project-related traffic volumes were then used to calculate TAC and PM2.5 emissions along the Loop Road. Dispersion modeling of TAC and PM2.5 emissions was conducted using the U.S. EPA AERMOD dispersion model. The Loop Road and drop-off/pick-up areas were evaluated with the model, using a series of traffic volumes along the Loop Road. The maximum increased lifetime cancer risks and annual PM2.5 concentrations for individual receptors were then computed, using modeled TAC and PM2.5 concentrations and BAAQMD-recommended methods. Additionally, the Project is assumed to include two 150-kW emergency diesel generators with an approximately 201 HP engine. Pursuant to *SCA Air-5, Stationary Sources of Air Pollution (Toxic Air Contaminants),* the Project's diesel engines would be subject to CARB's Stationary Diesel Airborne Toxics Control Measures (ATCM) and will require permits from the BAAQMD. As part of the BAAQMD permit requirements for toxics screening analysis, the engine emissions will have to meet Best Available Control Technology for Toxics (TBACT) and pass the toxic risk screening level of less than ten in a million. Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally are not considered to have a significant air quality or community health risk impact. As shown in Table 5-6 of the DEIR, operational related health risks would not exceed single-source thresholds and would be less than significant.

Air-3, Community Health Risks from Toxic Air Contaminants – Construction and Operations Combined: The total health risk impacts from the Project are represented by the combination of construction and operational sources. The same sensitive receptor identified as the construction-period MEI is also the MEI for all Project emissions. At this location, the MEI would be exposed to one year of construction cancer risks and 29 years of operational cancer risks. The maximum cancer risks from construction and operation activities of the Project would exceed the single-source significance threshold, with a cancer risk of 29.3 per million attributed to construction, and a cancer risk of approximately 5.2 per million attributed to operational emissions. The PM2.5 concentration and HI from combined construction and operation activities would not exceed the single-source significance threshold. As shown in Table 5-7 of the DEIR, with implementation of *SCA Air-3, Diesel Particulate Matter Controls - Construction Related,* the total Project-related community health risks and hazards (for construction and operations, combined) would not exceed the single-source thresholds, and the Project's combined construction and operational health risks would be reduced to levels of less than significant.

Cumulative Air Quality Effects: Other than the cumulative health risks from toxic air pollutants presented above, air pollution is largely a cumulative impact. Emissions from past, present, and reasonably foreseeable future projects all contribute to the region's air quality on a cumulative basis. However, few individual projects are of sufficient size to cause regional non-attainment of ambient air quality standards. Thresholds for air quality impacts as used in this EIR are set such that projects that do not meet the thresholds are considered to lead to cumulatively considerable air quality impact. With implementation of identified SCAs, air quality emissions associated with the Project would not make a cumulatively considerable contribution to significant cumulative air quality impacts.

Biological Resources

Biology-3, Wetlands: The Project will not have a substantial direct adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act. No wetlands or other waters of the U.S. or the State are present on the Biology Study Area, and the Project would have no direct impacts on State or federally protected wetlands or aquatic habitats. However, wetlands and other waters of the U.S. and/or the State are present adjacent to the Biology Study Area in the off-site stormwater channel. Potential indirect impacts to water quality in this channel could occur from Project construction and operational activities located upslope of the channel if runoff increases in intensity or frequency. *Pursuant to SCA Hydrology-1: State Construction General Permit*, a Notice of Intent must be filed with the State Water Board prior to the start of any Project-related construction or demolition, and the Project applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) and other required permit registration documents to SWRCB.

The SWPPP must be developed and maintained during construction of the Project, and it must include the use of Best Management Practices (BMPs) to protect water quality until the site is stabilized. Standard permit conditions under the Construction General Permit require that the applicant utilize various measures including on-site sediment control BMPs, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors. Pursuant to *SCA Hydrology-2: NPDES C.3 Stormwater Requirements for Regulated Projects,* the Project must also implement BMPs and incorporate Low Impact Development practices into the Project's design to prevent stormwater runoff pollution, promote infiltration, and hold/slow down the volume of water coming from the site after construction has been completed. In order to meet these permit and policy requirements, projects must incorporate the use of green roofs, impervious surfaces, tree planters, grassy swales, bio-retention and/or detention basins, among other factors. These regulatory requirements will reduce the potential for the Project to cause indirect impacts to water quality in the nearby off-site drainage channel during Project construction and operational activities to less than significant.

Biology-4, Wildlife Movement and Nursery Sites: The Biology Study Area is entirely developed and is located within a dense matrix of urban development. The stormwater channel located adjacent to the site does not provide an important movement pathway for aquatic or terrestrial wildlife species as it is surrounded by extremely steep vertical walls, and the majority of its length is located underground. The Project would not fragment natural habitats. Any common, urban-adapted wildlife species that currently move through the site will continue to be able to do so following Project construction. The Project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors in the site vicinity. However, construction disturbance during the nesting season for birds could result in the incidental loss of eggs or nestlings. Pursuant to *SCA Biology-1: Tree Removal during Bird Breeding Season,* all Projects that involve removal of a tree shall not, to the extent feasible, remove any tree and/or other vegetation suitable for nesting birds during the bird breeding season of February 1 to August 15. If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. If the survey indicates the potential presence of nesting raptors or other birds, the biologist (in consultation with the CDFW) shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. With implementation of this SCA, the CDFW regulatory requirements for protecting native migratory birds (including raptors) will be met, and the Project's effects on nesting native migratory birds during tree removal will be less than significant.

Biology-5, Conflict with the City of Oakland's Tree Protection Ordinance: Of the 480 total existing trees inventoried on the Project site, 321 trees are identified as protected trees pursuant to the definitions of the

City Tree Protection Ordinance. Of the 321 total protected trees on the site; 35 protected trees (11%) are recommended for removal because they are in poor condition and should be removed for safety; 86 protected trees (27%) are indicated for removal; 31 protected trees (10%) are considered transplant candidates; and 169 protected trees (52%) would be preserved and retained. Of the 121 protected trees indicated for removal, 30 are natives. The Project's proposed removal of protected trees would not fundamentally conflict with the City of Oakland's Tree Protection Ordinance. Pursuant to *SCA Bio-2: Tree Permit* and pursuant to OMC Chapter 12.36 (the Protected Tree Ordinance), the Project applicant is required to obtain a Tree Permit for the removal or pruning of any protected tree, and to abide by all conditions of that permit. Native protected trees that are to be removed (not including transplanted trees) must be replaced per the City's Code, Section 12.36.060. With review and approval of a Tree Permit for the removal of protected trees, and implementation of all conditions of that permit (including tree protection measures and tree replacement plantings), potential impacts pertaining to a conflict with the City's Tree Protection Ordinance will be less than significant.

Biology-6, Compliance with the City of Oakland Creek Protection Ordinance: The stormwater channel that is located adjacent to and south of the Biology Study Area likely meets the definition of a creek. This channel has a day-lighted (i.e. not culverted) channel with a bed and bank, is hydrologically connected via a culvert to other waters downstream and conveys seasonal flows. As an off-site feature, the Project will avoid direct impacts to this stormwater channel. However, Project-related construction will occur between 20 feet from the top of bank and 100 feet from the centerline of the creek, and earthwork involving more than three cubic yards of material will occur more than 20 feet from the top of bank. Grading and construction activities have the potential to erode the underlying soil and result in increased sedimentation and pollution of water within this creek. Pursuant to the requirements *SCA Hydro-3: Creek Protection Plan* and the City's Creek Protection Ordinance, the Project will be required to obtain a Creek Permit (assumed to be a Category 3 permit) for those elements of the Project listed above. Pursuant to that permit, a Creek Protection Plan (to be reviewed and approved by the City) must incorporate Best Management Practices (BMPs) to protect indirect adverse effects to the creek both during construction and after construction. Construction-period BMPs must incorporate all applicable erosion, sedimentation, debris and pollution controls. Post-construction BMPs shall prevent any substantial increase in stormwater runoff volume or velocity into the creek, shall include site design measures to reduce the amount of impervious surface runoff to the creek, and shall include energy dissipation at any new drainage outfalls to the creek to slow the velocity of the runoff, maximize infiltration and minimize erosion. With review, approval and implementation of a Creek Protection Plan according to these requirements, potential impacts pertaining to a conflict with the City's Creek Protection Ordinance will be less than significant.

Cumulative Biological Resource Effects: Cumulative impacts to biological resources may arise due to the linking of impacts from past, current and reasonably foreseeable future projects pursuant to the City General Plan. Cumulative impacts to biological resources depend on the relative magnitude of adverse effects, as compared to the relative benefits of avoiding impacts or minimizing impacts pursuant to applicable CEQA mitigation measures and regulatory requirements for each project. In the absence of avoidance, minimization, compensatory mitigation and conservation measures, cumulatively significant impacts on biological resources would occur. However, all cumulative projects that may affect biological resources similar to those affected by the Project will be subject to CEQA and to the same regulatory requirements, and these requirements will similarly mitigate cumulative impacts on sensitive habitats, special-status species and other biological resources. Regardless of the magnitude and significance of cumulative impacts that result from other projects, the Head-Royce School South Campus Redevelopment Project is not expected to have a substantial effect on biological resources and will implement SCAs as described above to reduce its impacts to less than significant levels. Provided the Project successfully incorporates these SCAs, the Project will not make a cumulatively considerable contribution to cumulative effects on biological resources.

Cultural Resources

Cultural-2, Vibratory Damage to Historic Buildings: The Project's construction activity has the potential to cause a substantial adverse change in the significance of historical resources (Buildings 0, 1 and 2) from ground borne vibration associated with the proposed pedestrian tunnel excavation. Pursuant to *SCA Cultural-4: Vibration Impacts on Adjacent Historic Structures, t*he Project applicant must prepare and submit a Vibration Analysis for City review and approval. The Vibration Analysis shall establish a pre-construction baseline condition, and threshold levels of vibration that could damage the structure. The Vibration Analysis shall identify design means and methods of either tunnel excavation or building protection to be used to prevent damage to on-site historic Buildings 0, 1 and 2. With implementation of a Vibration Analysis and establishing threshold levels of vibration that could damage these historic structures, potential vibration impacts to these historic buildings will be reduced to less than significant.

Cultural-3, Cultural Resources: The Project site contains no known cultural resources that might be disturbed or adversely affected by the Project. However, during ground disturbing activities associated within the Project, it is possible that currently unidentified historic-period archaeological or cultural resources could be discovered and disturbed. Pursuant to *SCA Cultural-1: Archaeological and Paleontological Resources – Discovery during Construction*, all work within 50 feet of any historic or prehistoric subsurface cultural resources that may be discovered during ground disturbing activities shall be halted. The project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures as recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the Project site while measures for the cultural resources are implemented. With implementation of avoidance measures or other appropriate measures (e.g., data recovery, excavation), impacts related to the unanticipated discovery of historic or prehistoric subsurface cultural resources will be reduced to less than significant.

Cultural-4, Tribal Cultural Resources: The Project site contains no known Tribal cultural resources, and the Project would not cause a substantial adverse change in the significance of a known tribal cultural resource. However, it is possible that, during ground disturbing activities associated within the Project, currently unidentified Tribal cultural resources could be discovered and disturbed. A records search of the NAHC Sacred Lands File was completed, and the results were negative. Seven Native American tribal groups were contacted to elicit information regarding Tribal cultural resource, and representatives of two of the seven Tribes responded. The representative of the North Valley Yokuts Tribe responded that they are unaware of the Project site being culturally sensitive, and the representative of The Confederated Villages of Lisjan was provided with additional information but did not respond back. The absence of specific site information does not indicate the absence of cultural resources, and ground-disturbing activities associated within the Project may discover currently unidentified and unknown Tribal cultural resources. In the event that Native American Tribal cultural resources are discovered during ground disturbing activities, *SCA Cultural-1: Archaeological and Paleontological Resources – Discovery during Construction* will require that all work within 50 feet of the resource be halted, and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. A tribal representative shall be consulted to determine an appropriate mitigation plan (including monitoring and data recovery), with specific steps and timeframe to be stipulated. Work near the found tribal cultural resource may only resume upon completion of a mitigation plan and/or recovery of the tribal cultural resource. With implementation of SCA Cultural-

1, impacts related to the unanticipated discovery of tribal cultural resources will be reduced to less than significant.

Cultural-5, Discovery of Human Remains: Although there is no reason to expect a discovery of human remains at the site, there is a remote possibility of such an occurrence. In the event that Native American human remains, or any funerary objects are discovered, the provisions of the California Health and Safety Code (and *SCA Cultural-3: Human Remains*) would be followed. If any remains are recognized as being of Native American origin, the County Coroner is responsible for contacting the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. With implementation of SCA Cultural-3, impacts related to the unanticipated discovery of human remains will be reduced to less than significant.

Cumulative Historic and Cultural Resource Effects: The City is unaware of any other past, present or future reasonably foreseeable projects in the general vicinity of the Project that have, or may, result in significant cumulative impacts on historic resources. Compliance with regulatory requirements and mitigation measures identified for the Project would ensure the Project would not make a cumulatively considerable contribution to any other potential future cumulative historic resource impacts. The Project will have no impact on historic resources, and thus will not contribute to any such potential future cumulative effects on historic resources. Historic archaeological resources associated with the City's historic development may exist throughout the City. Similar to the Project, ground-disturbing activities associated with past, present and reasonably foreseeable future projects have the potential to disturb historic archaeological resources and tribal cultural resources. These cumulative construction activities could cause a substantial adverse change in the significance of archaeological or tribal cultural resources. As with the Project, regulatory requirements and SCAs will be required of all present and reasonably foreseeable future projects in areas where such resources are likely to be present. With implementation of applicable regulatory requirements and SCAs, the Project in combination with other past, present, and future reasonably foreseeable projects would not result in significant cumulative impacts on archaeological or tribal cultural resources, and the Project would not make a cumulatively considerable contribution to significant cumulative cultural resource impacts.

Geology and Soils

Geology-2, Seismic Ground Shaking: With implementation of all applicable regulatory requirements and SCAs, the Project would not, directly or indirectly, potential cause substantial adverse effects involving strong seismic ground shaking. The 2012 Rockridge Geotechnical Report judges that very-strong to violent shaking could occur at the site during a large earthquake on the Hayward Fault or one of the other active regional faults, potentially causing significant damage in structures that are not adequately engineered. The proposed pedestrian tunnel is also in close proximity to the Hayward Fault and will be susceptible to strong ground shaking generated during earthquakes on this fault, as well as nearby faults. Pursuant to *SCA Geo-1: Construction-Related Permits*, all new construction and renovations to existing structures will require construction-related permits and approvals issued by the City of Oakland. These permits require compliance with all standards, requirements and conditions contained in the City's construction-related codes, including but not limited to the CBC, the Oakland Building Code and the Oakland Grading Regulations to ensure structural integrity and safe construction. Current industry standards for geotechnical practices and seismic structural design as included in the most recent version of the CBC incorporate design measures to reduce the potential for catastrophic damage during strong to violent seismic-related ground shaking.

All new construction and renovation pursuant to the Project will occur in accordance with the CBC and local City requirements and would reasonably reduce the potential damage and personal injury from ground shaking to less than significant levels. *Pursuant to SCA Geo-2: Soils Report*, a design-level geotechnical

investigation will be performed for each new building and site improvement. The investigations conducted pursuant to these soil reports will determine final design parameters for earthwork, foundations, foundation slabs and any surrounding related improvements (including utilities, parking lots, roadways and sidewalks). Pursuant to *SCA Geo-1: Construction-Related Permits*, the proposed tunnel will be designed in accordance with the requirements of California Building Code (CBC) Section 1613 and ASCE 7-16. The proposed tunnel will therefore need to be designed to withstand seismic shaking and temporary increases in lateral earth pressure (earthquake load). Development of seismic loading will be determined as part of the project final design evaluations. Implementation of the City's *SCA Geo-1 (Construction-Related Permits)* and *SCA Geo-2 (Soils Report)* fully address the substantial adverse effects involving strong seismic ground shaking, requiring site-specific design-level investigations be developed for each new and/or renovated building and other site improvements, including the proposed pedestrian tunnel. Implementation of these SCAs would reduce potential impact from ground shaking to less than significant because they require preparation, review and approval of site-specific and design-level investigations consistent with applicable regulations (e.g., CBC) that ensure construction methods that minimize seismic exposure risk.

Geology-3, Slope Instability: Portions of the Project site include geologic units or soils that are unstable or that may become unstable because of the Project. With implementation of all applicable regulatory requirements and SCAs, and additional mitigation measures, the Project would not result in on- or off-site landslides, lateral spreading, subsidence or collapse. An on-site fill slope on the southern side of Building 9 has displayed indications of minor instability since its construction. The fill was placed in the mid to late 1940's and was likely placed without engineering control such as ground preparation, adequate compaction, sub-drainage and a proper keyway. Based on the geotechnical investigation of this slope, Rockridge Geotechnical has concluded that the fill prism on this slope may be prone to earthquake-induced deformation during a strong earthquake. *SCA Geology-2: Soils Report* requires the Project applicant to submit a soils report that shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design, and the project applicant shall implement the recommendations contained in the approved report during project design and construction. In furtherance of *SCA Geo-2*, the August 2020 Rockridge Geotechnical and Geological Evaluation includes recommendations *(Recommendations Geo-3A: Stability of Slope below Building 9)* to address surface drainage improvements, slope reconstruction and retaining walls to mitigate the potential for future slope instability under static and seismic conditions. With implementation of all recommendations, Rockridge concludes the potential for future slope instability at the Project site would be low. Implementation of site-specific recommendations for the fill slope south of (below) Building 9 would reduce the risk of slope failure, and potential impacts would be reduced to a less than significant level.

Geology-4, Surface Settlement and Ground Movement – Tunneling: Head-Royce School proposes to construct a tunnel below Lincoln Avenue, linking the proposed South Campus) to the existing school. Surface settlement commonly occurs during tunnel excavation, and ground loss during tunnel excavation and construction operations could result in settlement of overlying road and/or utilities. Pursuant to *SCA Geo-1: Construction-Related Permits*, tunnel construction will require applicable permit approvals issued by the City of Oakland, requiring compliance with all standards, requirements and conditions contained in the City's construction-related codes, including but not limited to the CBC, the Oakland Building Code and the Oakland Grading Regulations. These standards ensure structural integrity and safe construction, including industry standards for seismic structural design as included in the most recent version of the CBC. Construction of the tunnel will occur in accordance with the CBC and local City requirements and would reasonably reduce potential damage from surface settlement and ground movement during tunneling. In furtherance of SCA Geo-1, the 2019 McMillen Jacobs Conceptual Design and Constructability Evaluation Report (which has been peer-reviewed by the City's geotechnical engineering consultants) includes *Recommendations Geo-4A: Concept Design and Constructability Recommendations for Pedestrian Tunnel*.

All recommendations for appropriate tunnel design, construction methods and dewatering practices that are included in the McMillen Jacobs Report must be implemented during the Project's tunnel design and construction. Pursuant to final grading plans, the Oakland Building Services Division will also review the engineering analysis for the Project's tunneling plans and accompanying detailed engineering drawings. These detailed engineering plans must demonstrate implementation of all recommendations from the 2019 McMillen Jacobs Conceptual Design and Constructability Evaluation Report, and those engineering documents must be approved by Building Services prior to any excavation, grading, or construction activities associated with the pedestrian tunnel. Pursuant to *SCA Standard-1,* special inspectors, independent technical reviews and monitoring expertise of independent third-party technical and special inspectors may be needed. With implementation of all recommendations form McMillen Jacobs, including lowering the tunnel invert and providing face support and continuous pre-support measures will help reduce the impact of ground losses and potential settlement to a degree that repairs will be similar to routine pavement repair – i.e., less than significant. Additional consideration may be needed for addressing settlement impacts to the existing utilities beneath the road, but this work is also anticipated to be similar to routine utility construction.

The recommended design and construction considerations listed in these recommendations are considered typical for a tunnel constructed in an urban area, such that a jacked box approach to construction of the tunnel can be implemented successfully and without significant ground loss or land settlement. With implementation of all applicable regulatory requirements, SCAs and recommendations from the 2019 Cahill and McMillen Jacobs Conceptual Design and Constructability Evaluation, the Project would not create a substantial risk to life or property due to surface settlement or ground loss, and impacts would be less than significant.

Geology-5, Expansive Soils: With implementation of all applicable regulatory requirements and SCAs, the Project would not create substantial direct or indirect risks to life or property due to the presence of expansive soil. Laboratory test results for a limited number of soil samples indicate the presence of highly plastic soils. Evidence of expansive soil was also indicated in field observations of distressed pavements and concrete flatwork at this site. Pursuant to *SCA Geo-2: Soils Report*, a design-level geotechnical investigation will be performed for each new building and site improvement. The investigations conducted pursuant to these soil reports will determine final design parameters for earthwork, foundations, foundation slabs and any surrounding related improvements. In furtherance of *SCA Geo-2*, the 2012 Rockridge Geotechnical Report includes *Recommendations Geo-5A: Grading Practices for Expansive Soils,* which provides recommendations for appropriate grading practices to be implemented as part of the Project's overall design. These practices include moisture-conditioning the expansive soil subgrade, providing select and non-expansive fill below pavements and concrete flatwork and behind retaining walls, and by properly managing surface and subsurface drainage to prevent water from collecting beneath pavement or behind below-grade walls. Implementation of the City's *SCA Geo-2 (Soils Report)* and grading practices as recommended in the 2012 Rockridge Geotechnical Report fully addresses the adverse effects associated with expansive soils and would reduce potential impact from expansive soils to a less than significant level.

Geology-6, Substantial Soil Erosion or Loss of Topsoil: With implementation of all applicable regulatory requirements, future development pursuant to the Project would not result in substantial soil erosion or the loss of topsoil. Of the approximately 8-acre proposed South Campus property, the Project would entail grading activities that would occur on approximately 5.1 acres, or approximately 64% of the site. The most substantial cut grading activities would be conducted for excavation of the proposed pedestrian tunnel entrance near Lincoln Avenue, and other substantial cut grading would occur near the upper entrance to the Loop Road and cuts into the slope uphill from the proposed Performing Arts building. Overall, the Project would result in total cuts of approximately 13,800 cubic yards (CY) of soil, fills of approximately 8,100 CYs, and a net export of approximately 5,700 CY of soil. The additional quantity of tunneled material to

be removed and hauled off-site is approximately 1,300 CY. During and after the grading operation, exposure of newly excavated and newly placed soil could be subject to substantial wind and water erosion if not properly controlled. Pursuant to *SCA Geo-3: Erosion and Sedimentation Control Plan for Construction,* the Project applicant is required to prepare and submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan must include measures such as short-term erosion control planting, waterproofing of slopes with covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap and filter sediment, and stormwater retention basins to be implemented during construction. Pursuant to the Erosion and Sedimentation Control Plan, no grading may occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building. The requirements of *SCA Geo-3*, which require all reasonable and feasible erosion control measures, will would reduce the potential impacts associated with substantial soil erosion or the loss of topsoil to less than significant.

Cumulative Geologic Effects: The geographic context for the analysis of impacts resulting from geologic hazards is generally site-specific rather than cumulative in nature. Each development site has a different set of geologic considerations that would be subject to specific site development and construction standards. As such, the potential for cumulative geologic impacts to occur is limited. Construction associated with all cumulative development is required to conform to the provisions of applicable federal, State, county and city laws and ordinances, including but limited to the California Building Code, City building codes and applicable City SCAs. With adherence to all relevant plans, codes and regulations pertaining to building design and construction, cumulative development would provide adequate levels of safety and cumulative geologic impacts would be less than significant. The Project would not present a cumulatively considerable contribution to cumulative geologic impacts.

Hazards and Hazardous Materials

Hazards-1, Cortese List - Exposure to Site Contamination: The Project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and as a result does not represent a significant hazard to the public or the environment. The Project site has been used by Head-Royce for storage of school-related materials and parking, and has not been used to transport, use or disposal of hazardous materials. Recent (January 2020) reviews of applicable DTSC and SWQCB databases have not identified any new listings of known contaminate soil or groundwater at the site or in the immediate surroundings. The City of Oakland imposes numerous SCAs to reduce the potential for contaminated site conditions (known or unknown) to result in hazards to the public or the environment. Pursuant to *SCA Hazards-2: Hazardous Building Materials and Site Contamination*, the School is required to submit their Phase I Environmental Site Assessment report to the City for review and approval. This report does not include any recommendations for remedial action for hazardous materials. Additionally, *SCA Hazards-1: Hazardous Materials Related to Construction* provides for actions needed under circumstances if soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities. With implementation of these SCAs, hazards to public and environmental health related to known, as well as unknown hazardous contamination will be reduces to less than significant levels.

Hazards-2, Hazardous Building Materials – Disposal and Use of Hazardous Building and Construction Materials:
Demolition of existing buildings on the proposed South Campus will likely encounter existing hazardous building materials, and the Project's construction activities will likely utilize construction materials and fuels considered hazardous. Handling, spills or accidents with these materials or chemicals could result in a significant impact to the health of workers and the environment. The 2012 Phase I ESA cites several previous asbestos abatement activities that have been performed at the site, subsurface transformers have

been identified along Lincoln Avenue, and fluorescent lighting is present in most buildings. Based on the age of some of the buildings on the Project site, PCB-containing light ballasts and construction materials may be present. Additionally, based on the pre-1982 construction dates of several on-site buildings, lead-based paint may be present. Project construction activities may also involve the use, transport and disposal of hazardous materials such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances used during construction. Prior to approval of demolition, grading or building permits, *SCA Hazards-2: Hazardous Building Materials and Site Contamination r*equires the Project applicant to prepare and submit a comprehensive assessment documenting the presence or lack thereof of ACMs, lead-based paint, PCBs and any other building materials or stored materials classified as hazardous. If any of these hazardous materials are present, the Project applicant is required to submit specifications for the stabilization and/or removal of these hazardous materials in accordance with all applicable laws and regulations. *SCA Air-6, Asbestos in Structures* requires compliance with all applicable laws and regulations regarding demolition and renovation of ACM, including California Code of Regulations Title 8, California Business and Professions Code Division 3, California Health and Safety Code Sections 25915-25919.7, and BAAQMD Regulation 11 Rule 2. During construction activities, *SCA Hazards-1: Hazardous Materials Related to Construction* requires the construction contractors to implement BMPs to minimize potential negative effects on groundwater, soils, and human health. With implementation of these SCAs, hazards to workers, the public and the environment related to hazardous building materials will be reduced to less than significant levels.

Hydrology and Water Quality

Hydrology-1, Water Quality during Construction: During construction activities, the Project does have the potential to violate water quality standards or waste discharge requirements, and result in substantial erosion or siltation that could affect the quality of receiving waters or otherwise substantially degrade water quality. The Project would involve grading activities during the construction phase and during and immediately after these grading operations, newly exposed soil would be subject to substantial water erosion if not properly controlled. Project construction would also involve use of motorized heavy equipment including trucks and grading equipment that require fuel, lubricating grease and other fluids. Accidental chemical release or spill from a vehicle or large equipment could affect surface water. Such spills could become washed into the on-site drainages and eventually the Bay or could infiltrate into soil affecting groundwater quality. Pursuant to *SCA Hydro-1: Erosion and Sedimentation Control Plan for Construction,* the Project applicant will be required to submit an Erosion and Sedimentation Control Plan for the Project and will be required to implement the approved Erosion and Sedimentation Control Plan during all grading operations. No grading operations will be allowed during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building. Pursuant to *SCA Hydro-2: State Construction General Permit*, the Project applicant will be required to comply with all regulations and requirements of the Construction General Permit issued by the SWRCB. The Project applicant will need to submit a Notice of Intent (NOI), a Stormwater Pollution Prevention Plan (SWPPP) and other required permit registration documents to SWRCB, and then file evidence of compliance with these state permit requirements with the City.

The SWPPP will be required to include a detailed description of construction materials, practices and equipment storage and maintenance, as well as a list of pollutants likely to contact stormwater. Site-specific erosion and sedimentation control practices will need to be identified, a list of measures demonstrating how the discharge of materials to the stormwater system will be eliminate or reduce (including site-specific BMPs) must be documented and approved, and an inspection and monitoring program established. Each of these SWRCB permit approvals and requirements shall be obtained prior to approval of the Project's grading permit. With implementation of City-required *SCAs Hydro-1 and Hydro-2*, the Project's potential impacts pertaining to water quality and sedimentation during construction would be reduced to a level of less than significant.

Hydrology-2, Water Quality during Operations: During operations, the Project does have the potential to violate water quality standards or waste discharge requirements that could affect the quality of receiving waters or otherwise substantially degrade water quality. The Project site will include new impervious surfaces including paved streets, parking lots and building rooftops, and stormwater that flows over these impervious does not infiltrate through these surfaces, but runs off these surfaces as stormwater runoff. Stormwater runoff picks up pollutants like oil and grease, heavy metals, bacteria, trash, sediment and other pollutants from the urban landscape. The Project has the potential to contribute to an increased amount of non-point sources of pollutants in the runoff from the site. Increased pollutant load in stormwater runoff can harm local creeks, lakes and the Bay waters, as these pollutants directly affect water quality. Since the Project creates or replaces more than 10,000 square feet of new or existing impervious surface area, it is considered a Regulated Project under the NPDES C.3 requirements, and C.3 source control, site design, and treatment requirements apply.

Pursuant to *SCA Hydro-3: NPDES C.3 Stormwater Requirements for Regulated Projects,* the Project applicant must comply with requirements of the applicable Municipal Regional Stormwater Permit. The project applicant is required to submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements and shall implement the approved Plan during construction. The Project applicant is also required to enter into a maintenance agreement with the City, providing for acceptance of the responsibility for the adequate installation/ construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures, and providing for legal access to the on-site stormwater treatment measures to verifying and inspect the on-site stormwater treatment system. The Project's proposed Preliminary Stormwater Control Plan includes both source control measures to limit stormwater pollution, and stormwater treatment measures to remove pollutants from stormwater runoff. Based on peer-review of the Project's Preliminary Stormwater Control Plan, the post-construction stormwater treatment facilities provided for the Project are in general conformance with Alameda County Clean Water Program, Provision C.3 of the MRP, and thus also consistent with SCA Hydro-3: NPDES C.3 Stormwater Requirements for Regulated Projects. These requirements reduce impacts to surface water quality from new development on downstream receiving water. With implementation of these measures pursuant to a Final Stormwater Control Plan to be submitted to the City for review and approval with detailed Project drawings submitted for site improvements, and implemented during construction, post-construction operational impacts of the Project on stormwater quality will be less than significant.

Hydrology-4, Groundwater: The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Existing storm drainage systems in the Project Area currently intercept most rainfall and runoff waters, thus limiting the amount of groundwater recharge that occurs. The Project will not result in increased runoff from the site, and the minor amount of retained stormwater will minimally increase the volume of surface water that can filter into the ground and recharge groundwater basins, but such increase in potential infiltration would not be substantial. Groundwater is likely to be encountered during construction of the tunnel. Depending on the volume and pollutant loads of non-stormwater discharges associated with construction dewatering during tunnel excavation, different regulatory requirements apply. Pursuant to *SCA Hydro-2: State Construction General Permit*, the Project applicant will be required to comply with all regulations and requirements of a Construction General Permit, a statewide low-threat discharge Waste Discharge Requirements (WDR), or a site-specific NPDES permit may be required. Implementation of the Construction General Permit and/or statewide low-threat discharge Waste Discharge Requirements (WDR) or site-specific NPDES permit requirements will reduce potential water quality impacts from groundwater dewatering activities during construction to a less than significant level. Best Management Practices (BMPs) will be required and incorporated into individual SWPPPs and other permits prior to approval of grading permits, providing an acceptable level of water quality protection.

Hydrology-6, Conflict with the City of Oakland Creek Protection Ordinance: Portions of the Project's improvements are within 100 feet of the Laguna Branch of Peralta Creek, including portions of the Loop Road, retaining walls, fill, and stormwater treatment measures. Uncontrolled erosion and sedimentation from these improvements could adversely affect this creek, in direct conflict with the Creek Protection Ordinance. As a project with exterior development that is beyond a 20-foot setback from the top of bank of the creek, but within 100 feet of the centerline of the creek, the Project qualifies for a Category III Creek Permit. Pursuant to *SCA Hydro-5: Creek Protection Plan,* all such projects require a Category III or IV Creek Protection Permit. Creek Permit applications must provide a Creek Protection Plan that describes the BMPs that will be employed to assure construction activity will not adversely affect the creek bank, riparian corridor or water quality. The Creek Protection Plan is reviewed and approved by the City, together with project drawings submitted to the City for site improvements. Per the applicant's pre-permit memorandum pursuant to a Creek Permit application, construction-period erosion control measures will include construction fencing, a silt fence near the property line, and straw wattles placed on contour and spaced across the slope between the improvements and the construction fence. The channelized drainage and point source runoff will be managed on-site with check dams and sediment basins. Pursuant to SCA Hydro-2, the Project will also be required to implement a Stormwater Pollution Prevention Plan to ensure that construction activities comply with stormwater runoff regulations. The Project will be required to obtain and comply with all applicable regulations and requirements of the City of Oakland Creek Permit, thereby protecting waterbodies. The proposed South Campus is likely to be determined to be a "Creekside property". The creek is not on the proposed South Campus site, but the site is contiguous to the off-site Laguna Branch of Peralta Creek on the adjacent properties. As such, the Project will be required to implement *SCA Hydro-6: Vegetation Management on Creekside Properties,* requiring additional BMPs for managing vegetation prior to, during, and after construction.

Cumulative Hydrology Effects: The Project will not result in a cumulatively considerable contribution to significant cumulative impacts on hydrology or water quality. With implementation of applicable regulatory requirements, cumulative impacts to hydrology and water quality would be less than significant, and the Project would not result in a cumulatively considerable contribution to a significant cumulative hydrology or water quality impact. All present and reasonably foreseeable construction projects are required to comply with the same regulatory requirements as the Project, which are designed to control the discharge of construction-period stormwater pollutants. All regulated cumulative development projects are required to implement Stormwater Management Plans that comply with applicable C.3 provisions, and to incorporate post-construction stormwater controls and low-impact development (LID) measures. Development pursuant to the Project will not contribute to potential cumulative effects that might alter the course of Sausal Creek or Peralta Creek, contribute to cumulative siltation effects, or increase the rate or amount of cumulative runoff that contributes to Sausal Creek, Peralta Creek or the Bay.

Noise

Noise-1, Construction Noise: Construction of the Project would include demolition of existing development, site preparation, grading and excavation, trenching and foundations, building construction, paving, and construction of the pedestrian tunnel undercrossing. Pile driving is not anticipated for Project construction. Tunnel excavation will be conducted using a jacked box (jack and bore) methodology and will not include the use of explosives. Noise impacts resulting from this construction will depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, the distance between construction noise sources and noise-sensitive receptors, any shielding provided by intervening structures or terrain, and ambient noise levels. Each of the Project's construction phases would include a different mix of operating equipment. The highest noise levels from this equipment are typically generated during demolition of existing structures, when impact tools are used.

The Project does not propose to use any equipment classified as extreme noise generators (i.e., construction equipment that would generate noise levels greater than 90 dBA at a distance of 50 feet, such as pile drivers or impact hammers) under typical construction conditions, or at nominal distances of 50 feet or less from adjacent residences. At 50 feet from construction noise sources, maximum instantaneous noise levels generated during the Project's construction phases on the South Campus are calculated to range from 81 to 90 dBA Lmax. Residence that back up adjacent to the Project site and within approximately 50 feet of construction would be subject to hourly average noise levels calculated to range from 78 to 86 dBA Leq. Without further noise attenuation, the Project's construction noise would exceed the performance standard of the City Noise Ordinance (i.e., 65 dBA at residential properties) at unshielded residences located within 500 feet of construction activities, and especially at immediately adjacent residences.

Pursuant to *SCA Noise-1: Construction Days/Hour***s**, the permitted hours for the Project's general construction activities would be limited. Implementation of *SCA Noise-2: Construction Noise and SCA Noise-3: Extreme Construction Nois***e** will require the Project applicant to implement practical noise reduction measures to control and reduce noise emitted by construction equipment using best-available noise controls. *SCA Noise-4: Project-Specific Construction Noise Reduction Measures* requires the Project applicant to submit a Construction Noise Management Plan containing a set of Project-specific noise attenuation measures to reduce construction noise impacts on adjacent sensitive receptors. The Noise Study prepared for this EIR includes such recommended noise reduction measures to address Project-specific construction-period noise impacts to adjacent sensitive receptors and to minimize the noise impact at the adjacent property boundaries wherever possible.

Pursuant to *SCA Noise-5: Construction Noise Complaints,* the Project applicant is required to establish procedures for responding to and tracking complaints received pertaining to construction noise. Even with implementation of all of the City-required SCAs, construction noise would remain well above ambient daytime noise levels in the adjoining neighborhoods, especially at those residences that are immediately adjacent to the Project site. The Oakland Municipal Code standards that pertain to construction noise (OMC Section 17.120.050(G): Temporary Construction and Demolition Noise) allow for an exemption to the otherwise applicable threshold of 65 dBA as the maximum allowable construction noise over more than 10 days, if an acoustical analysis is performed and that acoustic analysis recommends measures to reduce construction noise impacts. The recommendations listed above pursuant to SCA Noise-1 through Noise-5 would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With implementation of these noise controls and recognizing that noise generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels during construction would be less than significant.

Utilities and Service Systems

Utilities-1, Water Supplies: The total increased water demand attributed to the Project is estimated as the increased domestic water consumption attributed to the increase in students and faculty (2,330 gpd), plus the increment of additional outdoor irrigation attributed to the increased landscaped surfaces at the proposed South Campus (300 gpd), for 2,630 total gpd. The water demands of the existing Head-Royce Campus, plus these additional demands of the Project, are fully assumed in the EBMUD Demand Study's projection of water demands by year 2040. EMBUD's 2040 Water Supply management Program (WSMP) concluded that EBMUD's existing water supplies are estimated to be sufficient to meet projected demand to year 2040 in normal and wet year conditions, and that the combination of rationing, conservation, and raw and recycled water would satisfy increased customer demand even during drought years through 2040. Supplemental water supplies will be needed to keep rationing at a lower level and to meet the need for water in drought years, and EBMUD will continue to study several supplemental supply components as part of the WSMP 2040 Portfolio.

With implementation of *SCA Utilities-1: Water Efficient Landscape Ordinance and Utilities-2: Green Building Requirements*, the Project will participate in required water conservation programs and practices. As with all land uses with the EBMUD service area, the Project may also be subject to water rationing as may be imposed by EBMUD during drought year conditions. Because the Project is not located within the EBMUD Recycled Water Project area (which generally includes portions of West Oakland, Downtown, and Jack London Square), the Project is not required to provide for the use of recycled water for feasible recycled water uses, as would otherwise be required pursuant to City SCAs and Section 16.08.030 of the Oakland Municipal Code. Based on the above applicable SCAs and regulatory requirements, the Project will have sufficient water supplies available from EBMUD to serve its water demands and those of other reasonably foreseeable future development, during normal and multiple dry years.

Utilities-4, Utility Service Connections: The Project will require relocation or construction of new or expanded water distribution, wastewater collection, and electric power, natural gas and telecommunication facilities. The construction or relocation of these utility connections will not cause significant environmental effects. The Project will require new water services (domestic, fire and irrigation systems), sewer connections and storm drain connections, and updated electrical, gas and communication system infrastructure. The relocation or construction of new utility connection will be required to comply with all construction related SCAs as identified in the EIR. Additionally, pursuant to *SCA Utilities-3: Sanitary Sewer System,* the project applicant will be required to submit a Sanitary Sewer Impact Analysis to the City, including an estimate of pre-project and post-project wastewater flows from the Project site.

If this analysis indicates a net increase in wastewater flow that exceeds projected increases in wastewater flow, the Project applicant would be required to pay Sanitary Sewer Impact Fees in accordance with the City's Master Fee Schedule. Pursuant to *SCA Utilities-4: Underground Utilities,* the project applicant will also be required to underground all new utilities serving the project. Utilities under the control of other agencies (such as PG&E) shall be placed underground if feasible, and all utilities shall be installed in accordance with standard specifications of the serving utilities. With implementation of all applicable SCAs and regulatory requirements, the construction or relocation of utility connections will not cause significant environmental effects.

Utilities-5, Solid Waste: The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. The Project would comply with federal, State and local management and reduction statutes and regulations related to solid waste. The Project is estimated to generate between approximately 0.6 pounds of waste per person per day, or 1 pound of waste per student per day. Using these waste generation rates, The Project (at 344 additional students and 17 additional staff) may generate between 220 and 344 pounds of waste per day. The Project's incremental contribution to total waste managed at the Transfer Station represents a very small fraction of the transfer station's average daily outflow, and an even smaller fraction of the permitted maximum disposal capacity at the Altamont Landfill. The Project's impact on the capacity of local solid waste infrastructure would be less than significant.

Pursuant to *SCA Utilities-5: Construction and Demolition Waste Reduction and Recycling,* the Project applicant will be required to prepare and implement a Construction and Demolition Waste Reduction and Recycling Plan, specifying the methods by which construction will provide for the diversion of construction and demolition debris from landfill disposal, in accordance with current City requirements. During Project operations and pursuant to *SCA Utilities-6, Recycling Collection and Storage Space,* the Project applicant will provide recycling collection and storage areas at the Project site that are in compliance with City Ordinance requirements. With implementation of all regulatory requirements and the extension of School programs for waste diversion and source reduction, the Project will comply with federal, State and local management and reduction statutes and regulations related to solid waste and will not impair attainment of citywide solid waste reduction goals.

Wildfire and Emergency Evacuation

Fire-1, Wildland Fires: The Project is located in the Oakland Hills, an area that exhibits a complex wildfire environment that presents a significant risk to public and firefighter safety and to the built and natural environment. This region has been subject to numerous damaging wildland fires. The region is influenced by local extreme wind and weather conditions with steep and varied terrain and containing a complex mosaic of different vegetation types. It is one of the highest risk areas in the country for devastating wildland urban interface (WUI) fires. The Project is located within a portion of the Oakland Hills within the City of Oakland-designated Very High Wildfire Hazard Severity Zone (VHFHSZ). Head-Royce School has prepared a Vegetation Management Plan in compliance with *SCA Fire-1, Designated Very High Fire Severity Zone – Vegetation Management*, as required for all projects involving construction of new facilities located in the Designated Very High Fire Severity Zone. The Vegetation Management Plan has been developed to provide an enhanced level of safety at the Head-Royce School from wildfire, by meeting defensible space requirements. Pursuant to *SCA Fire-1* requirements, this Vegetation Management Plan includes a map depicting the fuel management area, and the separate fuel management zones where different vegetation treatments are required. A list of treatment performance standards are provided for each fuel management zone, with a list of recommendations for implementing treatments, including sufficient information to provide clear instructions to contractors performing the fuel management work.

Details regarding spacing, pruning heights and volumes of litter/chips are provided. Diagrams indicate fuel types present on the property and current vegetation condition, as well as images needed to support specific fuels management and treatment recommendations. Additional recommendations are included in the Vegetation management Plan to perform vegetative treatments on other properties owned by Head-Royce School when it lies within the Defensible Space Zone. Furthermore, pursuant to *SCA Fire-3, Compliance with Other Requirements*, all new buildings and building remodeling will be required to comply with all other applicable federal, state and local laws and code requirements, including but not limited to those imposed by the City's Bureau of Building and the Fire Marshal. These Code requirements include all State and City Fire Code requirements for fire protection and life safety systems, fire service features and materials and construction methods for fire-safe structures. With implementation of the Vegetation Management Plan and required construction-period requirements, the Project will comply with all Defensible Space requirements of the California and Oakland Fire Codes, and fire risks associated with the Project will be reduced to levels considered acceptable pursuant to these Code requirements (i.e., less than significant).

XI. SIGNIFICANT AND UNAVOIDABLE IMPACTS

Pursuant to Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092 and 15093, and to the extent reflected in the EIR and the SCA/MMRP, the Planning Commission finds that the Project would not result in any impacts that would remain significant and unavoidable with imposition of all feasible Standard Conditions of Approval and mitigation measures as listed above.

XII. FINDINGS REGARDING ALTERNATIVES

The Planning Commission finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project described in the EIR for the reasons stated below, and that the Project should be approved.

The EIR evaluated a reasonable range of alternatives to the Project that were described in the EIR (DEIR Chapter 18) which are hereby incorporated by reference. The three alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project and/or provide decision-makers with additional information about Project. The Project alternatives include: a) a No Project Alternative, b) a Minor Development Alternative, and c) a Reduced Alternative. The EIR also identified an environmentally superior alternative that was considered to have the least number of environmental impacts if implemented. In the absence of a practical and reasonable No Project alternative wherein the Project site is preserved in its existing condition, Alternative 2 (the Minor Development Alternative) is environmentally superior as compared to the Project and other alternatives. On balance, the potential environmental effects of Alternative 2 and the Project are both able to be mitigated to less than significant levels. The environmental effects of Alternative 2 are comparatively less than those of the Project, but the differences as measured against CEQA threshold criteria are not substantial (i.e., there are few significant impacts or potentially significant that would be completely avoided under Alternative 2, as compared to the Project). There are no significant impacts of the Project that can only be reduced or avoided by consideration of Alternative 2. Alternative 2 would result in impacts that are comparably less than the impacts of the Project, and therefore Alternative 2 is environmentally superior to the Project and all other alternatives considered in this EIR.

The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission 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 Staff Report. While the Project may cause some significant impacts, mitigation measures and the City's SCAs identified in the EIR mitigate all of these impacts to a less than significant level. The alternatives and environmentally superior alternative evaluated in the EIR are not necessary to reduce or avoid any significant and unavoidable environmental effects of the Project, and are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the Project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

A. Alternative #1: No Project

The Project site has an existing General Plan land use designation of Institutional, and is currently zoned Residential Detached (RD-1). Whereas disapproval of the Project would not involve any efforts toward permanent preservation of the Project site as open space, the practical results on non-approval would likely lead to a proposal for some other institutional use of the site, or the development of detached single unit residences with the potential for a limited range of commercial uses. Under this alternative, use of the former Lincoln site by Head-Royce School would continue to be limited to surplus parking, there would be no increase over the currently permitted maximum enrollment of 906 students, and no additional faculty or staff positions would be needed. The 12 existing buildings on the former Lincoln site, including the three historic buildings (Buildings 0, 1 and 2) would remain as they are today. There would be no rehabilitation of the three existing historic buildings, and these buildings would not be used for any School-related functional purposes such classrooms or administrative functions. No interior upgrades or renovations to these buildings would occur. Vehicular access to the former Lincoln site would continue to be limited to the two existing driveways off Lincoln Avenue. No additional vehicular access to or through the former Lincoln site would be provided. The existing 129 paved parking spaces on the former Lincoln site would remain available for the School's use as surplus and overflow parking. All student drop-off and pick-up activity would continue to occur along Lincoln Avenue, as would public and private bus loading and unloading. The loading zones for AC Transit and private buses would be maintained on Lincoln Avenue. No new traffic signals would be installed, and existing traffic signals would remain. The current Transportation Policy Guide and TDM program for the School's identified "Loop" through public streets

in the adjacent, downhill neighborhood would remain as-is, as would use of the Mormon Temple parking lot near Highway 13 as a staging area for afternoon pick-up. No grading or earthwork would occur at the site, and no new electrical, gas, communication, sewer, water, fire, or irrigation utility systems would be installed.

This Alternative is rejected as infeasible because: a) it would not accomplish any of the objectives for the Project; b) it would not provide for the rehabilitation and adaptive reuse of the three existing historic buildings on the site; c) it would not return the site to productive use; and d) it would not alleviate traffic congestion at the existing drop-off and pick-up locations for the School along Lincoln Avenue.

B. Alternative 2: Minor Development Alternative

Under the Minor Development Alternative, there would be no increase in student enrollment at the School. Enrollment would remain capped at a maximum of 906 students. Physical changes at the proposed South Campus site pursuant to the Minor Development Alternative would include demolition of eight existing buildings; restoration and rehabilitation of Buildings 0, 1 and 2 for reuse as classroom and/or School administrative purposes; and reuse of Building 9 for classroom and/or School administrative purposes. Alternative 2 also includes improvements for outdoor gathering spaces, improvement and reuse of the existing playfield at the proposed South Campus for outdoor recreational activity, and tree removal as necessary to implement those physical improvements listed above. The Minor Development Alternative would not include any other physical improvements on the proposed South Campus, and no change to the existing Campus. There would be no change to the current operations for School drop-offs and pick-ups that occur along Lincoln Avenue, and the underground pedestrian tunnel and the Performing Art building would not be constructed. A PUD amendment would be required to allow expansion of the Head Royce School onto the former Lincoln site to establish a new proposed South Campus under this Alternative.

The Minor Development Alternative is rejected because it would not achieve most of the Project objectives. While this alternative could restore and rehabilitate the historic Buildings 0, 1 and 2 for reuse as classroom and/or School administrative purposes, there is no certainty that the School would elect to implement improvement to these historic buildings without the additional beneficial uses of the site as proposed pursuant to the Project. The Minor Development Alternative is rejected as infeasible because: a) it would not accomplish most of the objectives for the Project; b) it would not return the site to fully productive use; and c) it would not alleviate traffic congestion at the existing drop-off and pick-up locations for the School along Lincoln Avenue. There are no significant impacts of the Project that can only be reduced or avoided by consideration of the Minor Development Alternative (Alternative 2).

C. Alternative 3: Reduced Alternative

The Reduced Alternative would provide for a reduced incremental increase in student enrollment, increasing from the current cap at a maximum of 906 students with an increase of 144 students, to a total student enrollment of 1,050 students. Physical improvements at the proposed South Campus pursuant to the Reduced Alternative would include all of the improvements identified for the Minor Development Alternative (Alternative 2). Additionally, the Reduced Alternative would include the new Loop Road with off-street drop-off and pick-up locations, new/relocated traffic signals along Lincoln Avenue, and pedestrian crossings of Lincoln Avenue at the at-grade crossings. The number of parking spaces on the proposed South Campus would be incrementally increased to accommodate the expected increased demand. Tree removal would be conducted as necessary to implement the physical improvements listed above. Under the Reduced Alternative, the underground pedestrian tunnel and the Performing Arts Center building would not be constructed. A PUD amendment would be required to allow expansion of the Head Royce School onto the former Lincoln site to establish a new proposed South Campus under this Alternative.

The Reduced Alternative is rejected because: a) it would not achieve the Project objectives to the same extent as the proposed Project; b) it would not return the site to fully productive use; c) it would not alleviate traffic congestion at the existing drop-off and pick-up locations for the School along Lincoln Avenue; d) it would not provide for construction of a new Performance Arts Center for student curriculum relating to theater, music, dance and culture; and e) it would not integrate the existing and proposed South Campus together with an underground pedestrian tunnel below Lincoln Avenue, reducing the number of student at-grade crossings. There are no significant impacts of the Project that can only be reduced or avoided by consideration of the Reduced Alternative (Alternative 3).

Preliminary Planned Unit Development Permit Findings (PUD/PDP)

A Preliminary Planned Unit Development Permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the planned unit development regulations in Chapter 17.142:

A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.

General Plan. The proposed Project consists of the approval of a proposal to integrate an existing but current vacant 8-acre campus (formerly the Lincoln Child Center—a residential school for emotionally disturbed youth) into the existing 14-acre campus of the Head-Royce School ("HRS"). The project contemplates the demolition of eight existing non-historic buildings, rehabilitation and reuse of four existing buildings for administration and classroom space (three of which retain historic features), construction of two new buildings, landscaping, and new vehicular and pedestrian circulation on the former Lincoln Child Center Campus (the "South Campus"). The two new buildings consist of the approximately 1,500 square-foot Link Pavilion and approximately 16,500 square-foot multi-use performance arts building with up to 450 seats, resulting in the net addition of approximately 894 square feet on the South Campus. In addition, the Project proposes a privately owned and maintained pedestrian tunnel to connect the South Campus to the current HRS Campus (the "North Campus"). Limited new construction is proposed on the North Campus, consisting of an accommodation of the north end of the underground pedestrian tunnel and the lifting of the roof of the building known as the MEW to better function as a gymnasium (its original purpose.).

The South Campus, where the bulk of the construction is proposed, has a General Plan designation of Institutional. The Institutional General Plan land use classification is intended to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character. The maximum FAR for this classification is 8.0. Policies that support the Institutional classification are Neighborhood Objectives N2 and N5.

The Project is consistent with the Institutional classification and the objectives that support it. The Project updates the South Campus to serve educational uses at an intensity far below 8.0 FAR (the Project would have an intensity of 0.13 FAR, which is less than the intensity of the North Campus). Further, the Project is consistent with Neighborhood Objective N2 and its supporting policies:

Objective N2 states: Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community. The Project expands the educational

facilities in Oakland through the sensitive redesign of the South Campus that rehabilitates the best of the existing buildings and adds new facilities that address today's educational needs. The new structures are designed to work with the existing campus, but not to mimic it so it is clear which buildings are old and which are new and sited to allow easy and safe school and community access to the performance arts building.

- *Policy N2.1 states: Designing and Maintaining Institutions. As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.* The Project would result in the maintenance and improvement of the South Campus. The Project maintains the three buildings on the South Campus that retain historic integrity and one other building and rehabilitates these buildings. In addition, the Project adds two new high-quality, energy efficient buildings designed to meet LEED Gold standards. As discussed above, the buildings are designed and would be operated in a manner that is sensitive to surrounding residential uses.
- *Policy N2.3 states: Supporting Institutional Facilities. The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.* The proposed performance arts building would add enhance the school's ability to expose its students to the performance and enjoyment of theater, music, dance and culture.
- *Policy N2.5 states: Balancing City and Local Benefits of Institutions. When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area.* The Project would benefit the City by expanding HRS's enrollment, thereby allowing HRS to accept more of the many students (many from Oakland) who seek to go there. As discussed above, the Project would resolve some of the past conflicts between HRS's operations and residents by creating enough space to allow vehicular drop off and pick up operations to occur entirely within the South Campus.

The North Campus, where only minimal work is proposed, has the General Plan designations of Hillside Residential and Detached Unit Residential. The Hillside Residential designation is intended for low-density neighborhood residential uses. The Detached Unit Residential designation is intended for residential areas with single-family homes, with appropriate allowances for schools and other small scale civic institutions. An existing Planned Unit Development Permit governs the allowed land uses on the North Campus, permitting institutional uses. The proposed changes to the North Campus consist of the opening for the pedestrian tunnel and the increase in the roof and interior ceiling height of an existing gymnasium.

In sum, the Project's location, design, size, and uses are consistent with the Oakland General Plan.

Zoning. The South Campus, where the bulk of the construction is proposed, is zoned RD-1. Under the City's Planning Code, the RD-1 district is intended to accommodate detached, single unit structures and a limited range of commercial uses. The North Campus is zoned RH-4 (See Figure 3.02). The RH-4 district is intended to create, maintain, and enhance areas for single-family dwellings on minimum lot sizes of 6,500 to 8,000 square feet and a limited range of civic uses, and is typically appropriate in already developed areas of the Oakland Hills.

K–12 schools are classified as a Community Education Civic Use in the City's Planning Code. (OPC, § 17.10.180.) Community Education Civic Uses are conditionally permitted in the RH-4 and RD-1 zones. (OPC, § 17.13.030, Table 17.13.01: § 17.15.030, Table 17.15.01.) In the RD-1 zoning district, where the bulk of new development would occur, the minimum lot size is 5,000 square feet and maximum height is 30 feet for structures located on lots with a footprint slope of less than 20 percent and between 35 to 40 feet

for structures located on lots with a footprint slope equal to or greater than 20 percent. (OPC, § 17.15.050, Tables 17.15.03 and 17.15.06.) Civic facilities developed in the RD-1 zoning district are conditionally permitted to exceed the applicable height limits up to a height of 75 feet. (OPC, § 17.108.020.) The tallest proposed building, the Performing Arts Center, would be approximately 32 feet, meeting the zoning requirements without a CUP.

Uses and structures that are conditionally allowed under the zoning code are also allowed through processing of a PUD. (OPC, § 17.134.110.) Whenever a conditional use permit is required for a proposal also requiring a planned unit development permit, the City must confirm that the Project conforms to the applicable use permit criteria. (OPC, § 17.134.110.) As discussed below, the Project conforms to the applicable use permit criteria.

The Project is thus consistent with the Property's applicable zoning controls.

B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development.

The Project would be well integrated in location, size, and design with its surroundings, making it compatible with its surroundings. The majority of the Project is located on property designated for institutional uses and all the Project is on property used for institutional uses for almost 100 years. HRS has operated in a predominantly residential area for decades and has worked with neighbors to minimize use conflicts. To that end, the Project includes a new loop on the South Campus that would be used for drop off and pick up and is long enough to accommodate all anticipated private vehicles. Busses would still use Lincoln Avenue. In addition, the design and size of the proposed buildings are in keeping with the historical scale of buildings on the North and South Campuses. The Project results in less than 900 square feet of new building area on the South Campus and therefore would not be a significant departure from existing conditions. The new buildings have a contemporary design that complements the existing architecture both on and off the Project site. The performance arts building incorporates a lot of glass, which acts to make the building mass seem smaller than it would if the building were a predominantly opaque material.

The pedestrian tunnel not only integrates the North and South Campuses with each other, but also reduces the potential for conflicts between the campus community and surrounding residents. Rather than disrupt traffic by crossing at grade, HRS community members can safely walk between the North and South Campuses through a below-grade pedestrian passage. Because it is underground, the pedestrian tunnel integrates well with its surroundings.

The Project will minimize conflicts with surrounding residential uses. For example, the site design strategy is to reuse previously developed and paved areas to maintain as much mature vegetation as possible, particularly along the Project site's edges that border residential development. The Project would add features, including a new turn-around area, to improve circulation and would not substantially increase the intensity of institutional uses on the site. The Project would relocate a parking lot that is now near residences to the other side of the site and replace it with landscaped areas that better compliment nearby residential uses. The Project also adds a circulation loop that would eliminate the need for HRS to use Lincoln Avenue as part of its drop off and pick up travel area, which will reduce the potential for conflicts between school and residential vehicular traffic on Lincoln Avenue.

The proposed use would not be residential and would occur mainly from 7:00 am to 6:30 pm on weekdays, with some school activities such as play rehearsals, band practices, and school meetings occurring on weekends or after 6:30 pm, and in summers from 7:30 am to 6:00 pm on weekdays only (HRS also is permitted a limited number of special events that can occur outside these hours). Given the improved

circulation and parking, small additional amount of additional space for institutional uses and reduced overall time the site is used for institutional uses, the Project will not result in new conflicts between its uses and surrounding residential uses.

In sum, the location, design, and size are such that the development can be well integrated with its surroundings and is not a departure from uses existing on the Project site and includes features that would reduce impacts on nearby residents.

C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.

The Project would comply with HRS's TDM and other traffic reducing programs and requirements. To maintain maximum feasible flow and minimize use of local streets during peak traffic hours (drop off and pick up) HRS would continue to enforce its extensive traffic management rules.

In addition, to further reduce safety concerns and the potential for congestion, the Project includes a new loop designed to accommodate private vehicular drop off and pick up operations within the South Campus. The Project also adds a new signalized intersection at the northeast corner of the South Campus along Lincoln Avenue to provide safe access to the South Campus. The Lincoln Avenue right-of-way will be reconfigured to accommodate a downhill left-turn pocket and an uphill right-turn pocket. Parallel parking spaces along the south side of Lincoln Avenue will be removed to accommodate this modification. Egress from the South Campus is controlled by a new signalized intersection at the northwest corner of the South Campus, which would replace the signal that currently controls the pedestrian crosswalk at the Head-Royce Gatehouse. With these modifications, the Project is anticipated to improve existing traffic conditions.

In sum, the Project's location, design, size, and uses are such that traffic generated by the Project can be accommodated safely and without unsafe congestion on major streets and will mostly avoid traversing other local streets.

D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.

The Project can be adequately served by existing services and facilities. The Project would result in use of the South Campus that is consistent with its historical use. For this reason, the Project likely would not require additional fire protection, police services, wastewater, potable water, or solid waste disposal needs beyond what was used by Lincoln Child Center when it was fully operational. In sum, the location, design, size, and uses of the Project are such that HRS's operations would be adequately served by existing facilities and services.

E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.

Project's location, design, size and uses will result in an attractive, healthful, efficient and stable environment for education and community uses that could not be achieved under the existing zoning regulations. The Project would rehabilitate the three historic buildings on the South Campus and renovate one other building, providing much needed updates, as well as improve the landscaping. In addition, the Project provides a better drop off/pick up solution than HRS currently has, a new performance arts building, additional outdoor teaching space, and a pedestrian link between the North and South Campuses that would not disrupt traffic. None of these benefits would be possible under the Project site's residential zoning. 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 architectural coatings, and energy-efficient buildings (the new buildings would be designed to meet LEED Gold requirements).

In sum, the PUD permit allows the construction of an integrated master plan campus, including a new community asset (the performance arts building) and better transportation operations, that would not be possible under the Project site's existing zoning.

F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

As noted above, the proposed Project would be well integrated into its setting, will not be visually obtrusive and will harmonize with surrounding areas and facilities. The discussion below addresses the following issues: (1) earth moving and maintenance of desirable natural features, (2) visual compatibility with surroundings and protection of views, and (3) buffering in the form of spatial separation and vegetation.

Earth Moving and Maintenance of Desirable Natural Features. The Project would not require substantial earth moving, although the construction of the pedestrian tunnel will result in more earth moving than an at-grade pedestrian crossing. However, the safety benefits of separating pedestrians from vehicles more than makes up for the additional required earth moving. The proposed construction is on previously developed areas that are already fairly flat. In addition, the Project is designed to preserve the site's desirable natural features, including the majority of mature trees and sloping topography.

Visual Compatibility and Protection of Major Views. The Project would be visually compatible with the institutional buildings already on the Project site. The Project adds two buildings to the South Campus that would complement the remaining, mainly Spanish Colonial Revival style buildings. The new buildings have the same simple massing as the existing buildings, but update the materials, providing voids (windows) for walls where Spanish Colonial Revival style would have stucco. These buildings also visually connect the North and South Campuses by introducing some of the design language of the North Campus to the South Campus. The transparency of the new buildings also acts to reduce the perceived mass and integrate the buildings into both the campus and surrounding areas. The proposed pedestrian tunnel would not have much of a visual impact because it is underground. There are no public scenic views in the area that would be affected by the Project, which would not obscure any bay views.

Buffering through Spatial Separation and Vegetation. The Project provides ample space between the property line and proposed buildings. This space would include vegetation to provide a visual buffer between the Project and adjacent residences. In addition, of the 395 trees on the Project site, the Project would protect in place or through relocation approximately 254 trees and add approximately 50 new trees that would provide visual screening.

Final Development Permit Findings (FDP)

1. **The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary development plan plus the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.**

The combined Phase I and II FDP conforms in all major respects with the PDP and the proposed phasing schedule. It includes the information required by the Planning Code at a scale that allows the City to review the ultimate operation and appearance of the Project. For example, the FDP includes floor plans and elevations for Buildings 0, 1, and 2, a topographic survey and a demolition plan, arborist report, tree protection and removal schedule, grading, erosion control, stormwater management, landscape plan, architectural and plant material schedules, irrigation plan, lighting plan, and wayfinding signage program. The plan also includes plans addressing off-site improvements.

CONDITIONAL USE PERMIT FINDINGS

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Section 17.134.050 – Conditional Use Permit

A. The location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The Project's location, size, design, and operating characteristics would be compatible with and not adversely affect the livability of abutting properties and the surrounding neighborhood.

Location. The Project would be located in an area designed for institutional uses that has long been used for institutional uses. The Project site is large enough to ensure that the project is appropriately set back from neighboring residential uses.

Size (Scale and Bulk). The Project would result in approximately 894 net additional square feet on the South Campus and therefore is in keeping with the overall size of development that has historically been on the campus. The performance arts building would be taller than the buildings to be demolished due to the unique height requirements of theater space, which require a ceiling high enough to allow full-height backdrops to be raised out of view, sloped floors, and adequate space above the ceiling and under the roof to accommodate the complex sound, lighting, and mechanical systems necessary for stage performances. The building would be set back from the property line a sufficient distance such that its height would not adversely affect surrounding areas. In addition, as noted above, the building is predominantly glass, causing it to appear less bulky than a similarly sized building constructed of solid materials. The other proposed building is only 1,500 square feet and would be smaller than the majority of residential homes in the nearby neighborhood.

Design. The Project design is contemporary and intended to complement the existing buildings that would be retained on the South Campus, while echoing some of the North Campus buildings. As noted above, the lightness that can be achieved through the use of modern materials prevents the proposed buildings from appearing bulky or out of scale for their setting.

Operating Characteristics. The Project would improve HRS's current operating characteristics by creating a new loop road contained entirely in the South Campus for drop off and pick up. This internal loop will replace the current drop off and pick up procedures, which make use of the Mormon Temple parking lot and Lincoln Avenue. The Project also would add signals to Lincoln Avenue to facilitate safe entry to and

egress from the South Campus. In addition, the Project proposes an underground pedestrian connection between the North and South Campuses to maximize student safety and minimize potential conflicts with neighborhood vehicular travel. Finally, unlike the former use of the South Campus, which was a twenty-four hour residential care facility for youth, the Project would use the Property during school hours only. This change will reduce the potential for nighttime operational conflicts with the adjacent residential community.

Availability of Civic Facilities. The Project is an expansion of an existing civic facility that serves Oakland residents and the larger East Bay community. As such it adds to the provision of civic facilities in the community.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

As discussed above, the Project will improve HRS's transportation operations and thereby decrease potential conflicts with the neighborhood, making life more convenient and functional for both HRS community members and neighbors. Specifically, the Project is organized to allow a loop drive to encircle the South Campus. By pushing the loop towards the edges of the property, the loop will be long enough to accommodate HRS's drop off and pick up queues. This design also allows the center of the South Campus to be a pedestrian space free from conflicts with vehicular traffic. The pedestrian tunnel also is designed to provide a convenient and safe way for people to move between the North and South Campuses without disrupting traffic. The proposed new landscaping and rehabilitation of the remaining buildings on the South Campus will increase the site's attractiveness, as will the addition of a well-designed, high quality performance arts building.

C. The proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The Project enhances the successful operation of the surrounding streets by providing space for HRS to have its drop off and pick up procedures occur completely on its property. In addition, the Project provides an essential service to the community through expansion of educational opportunities at one of Oakland's premiere independent schools.

D. The proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code.

The Project complies with all applicable Regular Design Review criteria. Please refer to the Regular Design Review findings submitted in conjunction with this application.

E. The proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposed Project consists of the approval of a proposal to integrate an existing but currently vacant 8-acre campus (formerly the Lincoln Child Center—a residential school for emotionally disturbed youth) into the existing 14-acre campus of the Head-Royce School ("HRS"). The project contemplates the demolition of eight existing non-historic buildings, rehabilitation and reuse of four existing buildings for administration and classroom space (three of which retain historic features), construction of two new buildings, landscaping, and new vehicular and pedestrian circulation on the former Lincoln Child Center Campus (the "South Campus"). The two new buildings consist of the approximately 1,500 square-foot Link Pavilion and

approximately 16,500 square-foot multi-use performance arts building with up to 450 seats, resulting in the net addition of approximately 894 square feet on the South Campus. In addition, the Project proposes a privately owned and maintained pedestrian tunnel to connect the South Campus to the current HRS Campus (the "North Campus"). Limited new construction is proposed on the North Campus, consisting of an accommodation of the north end of the underground pedestrian tunnel and the lifting of the roof of the building known as the MEW to better function as a gymnasium (its original purpose.).

The South Campus, where the bulk of the construction is proposed, has a General Plan designation of Institutional. The Institutional General Plan land use classification is intended to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character. The maximum FAR for this classification is 8.0. Policies that support the Institutional classification are Neighborhood Objectives N2 and N5.

The Project is consistent with the Institutional classification and the objectives that support it. The Project updates the South Campus to serve educational uses at an intensity far below 8.0 FAR (the Project would have an intensity of 0.13 FAR, which is less than the intensity of the North Campus). Further, the Project is consistent with Neighborhood Objective N2 and its supporting policies:

Objective N2 states: Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community. The Project expands the educational facilities in Oakland through the sensitive redesign of the South Campus that rehabilitates the best of the existing buildings and adds new facilities that address today's educational needs. The new structures are designed to work with the existing campus, but not to mimic it so it is clear which buildings are old and which are new, and sited to allow easy and safe school and community access to the performance arts building.

- *Policy N2.1 states: Designing and Maintaining Institutions. As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.* The Project would result in the maintenance and improvement of the South Campus. The Project maintains the three buildings on the South Campus that retain historic integrity and one other building and rehabilitates these buildings. In addition, the Project adds two new high-quality, energy efficient buildings designed to meet LEED Gold standards. As discussed above, the buildings are designed and would be operated in a manner that is sensitive to surrounding residential uses.
- *Policy N2.3 states: Supporting Institutional Facilities. The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.* The proposed performance arts building would add enhance the school's ability to expose its students to the performance and enjoyment of theater, music, dance and culture.
- *Policy N2.5 states: Balancing City and Local Benefits of Institutions. When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area.* The Project would benefit the City by expanding HRS's enrollment, thereby allowing HRS to accept more of the many students (many from Oakland) who seek to go there. As discussed above, the Project would resolve some of the past conflicts between HRS's operations and residents by creating enough space to allow vehicular drop off and pick up operations to occur entirely within the South Campus.

The North Campus, where only minimal work is proposed, has the General Plan designations of Hillside Residential and Detached Unit Residential. The Hillside Residential designation is intended for low-density

neighborhood residential uses. The Detached Unit Residential designation is intended for residential areas with single-family homes, with appropriate allowances for schools and other small scale civic institutions. An existing Planned Unit Development Permit governs the allowed land uses on the North Campus, permitting institutional uses. The proposed changes to the North Campus consist of the opening for the pedestrian tunnel and the increase in the roof and interior ceiling height of an existing gymnasium.

Design Review Findings

Section 17.136.050 . Regular Design Review Criteria for Non-Residential Facilities

1. **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 Project would create a unified campus for HRS with buildings and outdoor spaces that are well related to each other and result in a well-composed design of old and new buildings in a landscaped setting:

Site. The Project responds to site conditions. Through the organization of the buildings, landscape, and drive aisles, the Project reorganizes the pedestrian and vehicular movement on the South Campus. This reorganization increases safety and provides better flow than currently exists. The design also considers site by locating the community-oriented performance arts building near residences and surface parking away from nearby residences. In addition, through careful placement of the new buildings, the Project creates a new central quad for student interactions and to provide a central green space. The quad would be surrounded by hills and buildings, providing natural noise attenuation.

Landscape. The Project has been designed to maintain over half of the on-site trees and would add educational gardens as well as native and ornamental trees to the Project site. The Project would include a central quad (approximately 65 feet by 170 feet) consisting of a sloped and terraced landscape with an interactive water feature and shade garden.

Bulk, Height, Texture, Materials, Colors and Appurtenances. Consideration also was given to bulk, height, texture, materials, colors, and appurtenances. The Project proposes two new buildings, resulting in an 894-square-foot net increase of building area. Thus, the intensity of building on the South Campus would not drastically change. However, there would be fewer buildings, with one of the proposed new buildings being larger than most of the other buildings on the South Campus. To ensure that building did not seem too bulky, its predominant exterior wall material is glass. The modern design of the new buildings echoes the design of buildings on the North Campus, integrating the two into a cohesive whole. The tallest new building would be 65 feet, which is not out of scale with other institutional buildings in the area.

2. **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 Project would be of a quality and character that harmonizes with, and service to protect the value of, private and public investments in the area. The Project would renovate several buildings on the South Campus and add a new, high-quality performance arts facility that serves both HRS and the community as

well as one other new building. These buildings would be designed to meet LEED Gold requirements and be made of high-quality, durable materials. The renovated and new buildings, along with upgraded landscaping and well-designed pedestrian and vehicular circulation would protect the value of investments in the area.

3. **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.**

General Plan. The proposed Project consists of the approval of a proposal to integrate an existing but currently vacant 8-acre campus (formerly the Lincoln Child Center—a residential school for emotionally disturbed youth) into the existing 14-acre campus of the Head-Royce School ("HRS"). The project contemplates the demolition of eight existing non-historic buildings, rehabilitation and reuse of four existing buildings for administration and classroom space (three of which retain historic features), construction of two new buildings, landscaping, and new vehicular and pedestrian circulation on the former Lincoln Child Center Campus (the "South Campus"). The two new buildings consist of the approximately 1,500 square-foot Link Pavilion and approximately 16,500 square-foot multi-use performance arts building with up to 450 seats, resulting in the net addition of approximately 894 square feet on the South Campus. In addition, the Project proposes a privately owned and maintained pedestrian tunnel to connect the South Campus to the current HRS Campus (the "North Campus"). Limited new construction is proposed on the North Campus, consisting of an accommodation of the north end of the underground pedestrian tunnel and the lifting of the roof of the building known as the MEW to better function as a gymnasium (its original purpose.).

The South Campus, where the bulk of the construction is proposed, has a General Plan designation of Institutional. The Institutional General Plan land use classification is intended to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character. The maximum FAR for this classification is 8.0. Policies that support the Institutional classification are Neighborhood Objectives N2 and N5.

The Project is consistent with the Institutional classification and the objectives that support it. The Project updates the South Campus to serve educational uses at an intensity far below 8.0 FAR (the Project would have an intensity of 0.13 FAR, which is less than the intensity of the North Campus). Further, the Project is consistent with Neighborhood Objective N2 and its supporting policies:

Objective N2 states: Encourage adequate civic, institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community. The Project expands the educational facilities in Oakland through the sensitive redesign of the South Campus that rehabilitates the best of the existing buildings and adds new facilities that address today's educational needs. The new structures are designed to work with the existing campus, but not to mimic it so it is clear which buildings are old and which are new, and sited to allow easy and safe school and community access to the performance arts building.

- *Policy N2.1 states: Designing and Maintaining Institutions. As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.* The Project would result in the maintenance and improvement of the South Campus. The Project maintains the three buildings on the South Campus that retain historic integrity and one other building and rehabilitates these buildings. In addition, the Project adds two new high-quality, energy efficient buildings designed

to meet LEED Gold standards. As discussed above, the buildings are designed and would be operated in a manner that is sensitive to surrounding residential uses.

- *Policy N2.3 states: Supporting Institutional Facilities. The City should support many uses occurring in institutional facilities where they are compatible with surrounding activities and where the facility site adequately supports the proposed uses.* The proposed performance arts building would add enhance the school's ability to expose its students to the performance and enjoyment of theater, music, dance and culture.
- *Policy N2.5 states: Balancing City and Local Benefits of Institutions. When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area.* The Project would benefit the City by expanding HRS's enrollment, thereby allowing HRS to accept more of the many students (many from Oakland) who seek to go there. As discussed above, the Project would resolve some of the past conflicts between HRS's operations and residents by creating enough space to allow vehicular drop off and pick up operations to occur entirely within the South Campus.

The North Campus, where only minimal work is proposed, has the General Plan designations of Hillside Residential and Detached Unit Residential. The Hillside Residential designation is intended for low-density neighborhood residential uses. The Detached Unit Residential designation is intended for residential areas with single-family homes, with appropriate allowances for schools and other small scale civic institutions. An existing Planned Unit Development Permit governs the allowed land uses on the North Campus, permitting institutional uses. The proposed changes to the North Campus consist of the opening for the pedestrian tunnel and the increase in the roof and interior ceiling height of an existing gymnasium.

This proposal meets all the required findings under Sections 17.136.050C and 17.136050.D. as set forth below and which are required to approve the application. Required findings are shown in bold type and the reasons the proposal satisfies them are shown in normal type. In addition, findings have been developed pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq.; "CEQA") and the CEQA Guidelines (Cal. Code Regs. Title 14, § 15000 et seq.). The basis to approve the Project and related permits are not limited to the findings contained herein, but also includes the information contained in the March 6, 2023 Staff Report to the Landmarks Preservation Advisory Board (LPAB), the conditions of approval and the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), the EIR prepared for the Project, and the entire administrative record, hereby incorporated by reference.

SECTION 17.136.050 C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:

1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall he given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

Building 0 (Junior Alliance Hall), and Building 1 (Mary A. Crocker Cottage), both have revised ratings of B3 based on the analysis in the Historic Resource Evaluation (HRE) completed for the project and these buildings qualify as Local Register Properties based on Policy 3.8 and the Definition of "Local Register" in the Appendix of the City of Oakland General Plan Historic Preservation Element.

Building 0 and Building 1 are both proposed for rehabilitation and re-use consistent with the Secretary of the Interior Standards for Rehabilitation as documented in the HRE. p.107-114, 133, 134; DEIR Chapter 7 Cultural Resources Attachment B p.49-60.

- Building 0 will be used as a community performance center, which is consistent with its original use as an auditorium. Building 1 will be used for offices and classrooms, and the changes required to accommodate these uses are primarily interior alterations.
- The historic character of the property will be retained and preserved as the majority of character-defining features of these buildings will be either retained or restored. Their mass, fenestration, stucco cladding, roof forms and clay tile roofing, and decorative features will generally be retained and rehabilitated.
    - An exterior terrace will be constructed at the southeast corner of Building 0, replacing an asphalt parking area, but will not significantly alter any of the historic character, materials, features or spatial relationships of the building.
    - An accessible entry ramp will be constructed at the East Elevation of Building 1, the ramps will feature compatible stucco-clad walls.
- All Type 2 windows are proposed to replace incompatible, non-original aluminum sash windows. Replacement wood shutters, and replacement balconettes will be designed based on available historical design drawings. No features that are not documented in historical architectural drawings are proposed to be added. In cases where new windows or doors are proposed they would be clearly contemporary in style and material, with undivided lites and slim aluminum frames, which avoids any potential for a false sense of historical development.
- A number of features added outside the period of significance that detract from the integrity of the buildings are to be removed. These features include exterior stairways, aluminum-sash windows with incompatible design (operability and pattern of lites) and added doorways.
- Most extant character-defining features will be fully retained or minimally altered at Buildings 0, 1 and 2, including distinctive materials, features, finishes and examples of craftsmanship. Specifically:
    - At Building 0, the large steel sash windows along the north (Lincoln Avenue) façade will be retained, as will the stucco cladding, gable roof with terra cotta clay tiles, three covered entry porches, pilasters, and terra cotta tile vents.
    - At both Building 1 the stucco cladding, gable roof with terra cotta clay tiles, decorative features surrounding the windows and doors, chimney tops, balconettes, plastered-wood grilles, decorative leader heads, and terra cotta tile vents will all be retained.
    - The arched partially glazed wood panel door at the east façade of Building 1 is proposed to be repaired or replicated to meet egress path requirements.
    - Several smaller steel sash windows at Building 0 are to be replaced with compatible double-glaze steel sash windows (Type 2).
- Most of the extant historic features and materials at Buildings 0 and 1 will be retained in place, including siding, roofing, decorative details around the windows, clay tile vents, and plastered wood grilles.
- Several extant original windows, metal balcony railings and brackets, and lintel details that have become weathered or damaged over time, are to be repaired and repainted in place. If it is necessary to propose chemical or physical treatments, these methods would not involve the use of harmful treatments (no sandblasting or power washing) that would damage the historic elements.
- The proposed demolition of non-historic buildings and site features would not have a negative effect on the historic resources, their spatial relationships, or their environment.
- Signage and lighting do not detract or overwhelm the historic design or historic features.
- The proposed adjacent new buildings and site features, including the Performing Arts Center, Link Pavilion, and Link Tunnel, are physically separated from the historic Buildings 0, and 1. If any of the adjacent new buildings or features were demolished in the future, there would be no detrimental effects on Buildings 0 or 1.

- The proposed adjacent new buildings and site features, including the Performing Arts Center, Link Pavilion, Link Tunnel and landscape materials are sited such that they will not impair existing views of the historic buildings from the public right-of-way.

SECTION 17.136.050.D. For Potential Designated Historic Properties that are not Local Register Properties:
That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or
2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Building 2, (Grace L. Trevor Cottage) has a confirmed ratings of C3 based on the analysis in the Historic Resource Evaluation (HRE) completed for the project and qualifies as a Potential Designated Historic Property that is not a Local Register Property based on Policy 3.8 and the Definition of Local Register in the Appendix of the City of Oakland General Plan Historic Preservation Element.
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Criterion 1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design.

Building 2 is proposed for rehabilitation and re-use consistent with the Secretary of the Interior Standards for Rehabilitation as documented in the HRE. p.107-114, 133, 134; DEIR Chapter 7 Cultural Resources Attachment B p.49-60.

- The majority of character-defining features of Building 2 will be either retained or restored. The building's mass, fenestration, stucco cladding, roof forms and clay tile roofing, and decorative features will generally be retained and rehabilitated.
- All Type 2 windows are proposed to replace incompatible, non-original aluminum sash windows. Replacement wood shutters, and replacement balconettes will be designed based on available historical design drawings.
- Most of the extant historic features and materials at Building 2 will be retained in place, including siding, roofing, decorative details around the windows, clay tile vents, and plastered wood grille.