

ATTACHMENT A

PROJECT FINDINGS

Findings in Support of GENERAL PLAN AMENDMENT

The General Plan Amendment for the California College of the Arts Redevelopment Project changes the designation from Institution Land Use to Community Commercial Land Use. Policy A3 of the General Plan Land Use and Transportation Element (LUTE) states that the City may amend its General Plan, if deemed to be in the public interest, up to four times per year per mandatory element, subject to specific findings including: a) how the amendment advances General Plan implementation; b) how it is consistent with the policies in the LUTE; c) any inconsistencies that would need to be reconciled; and d) examination of citywide impacts to determine if the amendment is contrary to achievement of citywide goals.

1. The Amendment of the Land Use Diagram is consistent with Policy A3 of the LUTE of the Oakland General Plan.

- a. The Amendment of the Land Use Diagram is consistent with and will further advance the Oakland General Plan, including the LUTE. The following summary lists major goals and policies of the LUTE and discusses how the Project is consistent with these goals and policies.
 - Transportation and Transit-Oriented Development objectives and policies encourage inclusion of bikeways and pedestrian walks in new streets and safe streetscape design. Applicable LUTE transportation-related policies include, but are not limited to, Policies:
 - *T3.5 Including Bikeways and Pedestrian Walks,*
 - *T3.6 Encouraging Transit,*
 - *T3.7 Resolving Transportation Conflicts and*
 - *T4.1 Incorporating Design Features for Alternative Travel).*
 - b. The Project provides bikeways and pedestrian walkways, as well as bicycle parking, and therefore is consistent with these policies. Neighborhood objectives and policies ensure compatible development in terms of density, scale, design and existing or desired character of surrounding development.
 - c. The General Plan's existing policy directions on compatible land uses would apply to the Project, including, but not limited to the following Policies
 - *N3.2 Encouraging Infill Development,*
 - *N3.5 Encouraging Housing Development,*
 - *N3.8 Required High-Quality Design,*
 - *N3.9 Orienting Residential Development), and*
 - *N3.10 Guiding the Development of Parking.*
 - d. The proposed Project provides much-needed housing in an in-fill site, is of a high-quality design, is of a density and scale in keeping with the surrounding area, and provides adequate parking that is conveniently located with no visual prominence. Therefore, the Project is consistent with these policies.

2. In addition, the Amendment of the Land Use Diagram is consistent with and will further advance the Oakland General Plan Historic Preservation, Safety, Housing, and Noise Elements, as well as the Bicycle Master Plan and the Pedestrian Master Plans. The following summary lists major goals and policies of

these elements and discusses how the General Plan Amendment is consistent with these goals and policies.

- a. The Amendment of the Land Use Diagram is consistent with the goals, policies and actions of the Historic Preservation Element (HPE) to encourage the preservation of older buildings with historic value. Applicable HPE-related policies include, but are not limited to,
- *Policy 3.1 Avoid or minimize adverse historic preservation impacts related to discretionary actions), 3.5 (Historic preservation and discretionary permit approvals,*
 - *Policy 3.7 Property relocation rather than demolition as part of discretionary projects,*
 - *Policy 3.8 Definition of “local register of historical resources” and historic preservation “significant effects” for environmental review purposes), and*
 - *Policy 3.11 Historic preservation and seismic retrofit and other building safety programs.*

The amendment to the Land Use Diagram will ensure continued, economically viable use for two historic properties on the project site. By obtaining discretionary approvals that preserve these two historic properties, the Project is consistent with these policies

- a. The Amendment of the Land Use Diagram is consistent with the policies of the Safety Element that will help guide the public decision-making process for safety hazards. Applicable Safety Element-related policies include, but are not limited to:
- *Policy GE-1 Develop and continue to enforce and carry out regulations and programs to reduce seismic hazards and hazards from seismically triggered phenomena),*
 - *Policy GE- 2 Continue to enforce ordinances and implement programs that seek specifically to reduce the landslide and erosion hazards*
 - *Policy GE-3 Continue, enhance or develop regulations and programs design to minimize seismically related structural hazards from new and existing buildings,*

The Project abides by all applicable laws and regulations related to structural and environmental hazards. As a result, the Project is consistent with these policies.

- b. The Amendment of the Land Use Diagram is consistent with the goals and policies of the Housing Element to provide adequate sites for housing and promote sustainable development and sustainable communities. Applicable Housing Element-related policies include, but are not limited to,
- *Policy 1.2 Availability of Land)*
 - *Policy 1.7 Regional Housing Need),*
 - *Policy 7.1 Sustainable Residential Development Programs,*
 - *Policy 7.2 Minimize Energy and Water Consumption,*
 - *Policy 7.3 Encourage Development that Reduces Carbon Emissions and*
 - *Policy 7.4 Minimize Environmental Impacts from New Housing.*

The Project would redevelop a site with 448 new, much-needed residential units, which will help the City with meeting its housing requirement. It will be designed to meet Title 24 requirements. The Project therefore would be consistent with these policies.

- c. The Amendment of the Land Use Diagram is consistent with the policies of the Noise Element to ensure compatibility of existing and proposed development with the surrounding noise environment and reduce the community’s exposure to noise by minimizing noise levels. Applicable Noise Element-related policies include, but are not limited to,
- Policies 1 Ensure the compatibility of existing and, especially, of proposed development projects not only with neighboring land uses but also with their surrounding noise environment,
 - Policy 2 Protect the noise environment by controlling the generation of noise by both

stationary and mobile noise sources, and

- Policy 3 Reduce the community's exposure to noise by minimizing the noise levels that are received by Oakland residents and others in the City

The Project locates sensitive receptors, such as residences, away from noise-generating uses. Therefore, the Project is consistent with these policies.

- d. The Amendment of the Land Use Diagram is consistent with policies of the Bicycle Master Plan to support safe and convenient bicycle access and to ensure that the needs of bicyclists are considered in the design of new development. Applicable Bicycle Master Plan-related policies include, but are not limited to,
- *Policies 1A Bikeway Network: Develop and improve Oakland's bikeway network,*
 - *Policy 1B Routine Accommodation: Address bicycle safety and access in the design and maintenance of all streets,*
 - *Policy 1C Safe Routes to Transit: Improve bicycle access to transit, bicycle parking at transit facilities, and bicycle access on transit vehicles, and*
 - *Policy 1D Parking and Support Facilities: Promote secure and conveniently located bicycle parking at destinations throughout Oakland.*

The Project proposes bicycle paths and access that is consistent with these policies.

- e. The Amendment of the Land Use Diagram is consistent with policies of the Pedestrian Master Plan including pedestrian safety and access and improving streetscapes. Pedestrian Master Plan-related policies include, but are not limited to,
- Policy 1.3 (Sidewalk Safety: Strive to maintain a complete sidewalk network free of broken or missing sidewalks or curb ramps),*
- Policy 2.1 (Route Network: Create and maintain a pedestrian route network that provides direct connections between activity centers), and*
- Policy 3.2 (Land Use: Promote land uses and site designs that make walking convenient and enjoyable).*

There are no inconsistencies between the Amendment of the Land Use Diagram and the Oakland General Plan that need to be reconciled. In addition, there are no inconsistencies with the Bicycle Master Plan and the Pedestrian Master Plan. The Project is therefore consistent with and will further advance achievement of Citywide goals, including providing much-needed housing.

3. Adoption of the Amendment to the Land Use Diagram meets the provisions of California Government Code Section 65351 et seq.

The City will provide “opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate.” (Government Code section 65351.) The City will hold numerous public hearings concerning the design of the Project, including hearings before the Landmarks Preservation Advisory Board (LPAB); the Design Review Committee; and the Planning Commission.

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

Findings in Support of REZONING AND ZONING TEXT AMENDMENT Oakland Planning Code (OPC) Chapter 17.144

The application requests a Rezoning from Mixed Housing Residential Zone 3 (RM-3) Height

Area 35 to Community Commercial; Height Area 95 and Neighborhood Commercial Zone (CN-1) Height Area 95 to Community Commercial (CC-2) Height Area 95.

1. Proper and timely notice regarding the City’s intent to rezone the Project site was provided in accordance with Section 17.144:

The City will provide newspaper notice of all public hearings before decision making bodies in the Oakland Tribune and will provide notice of the proposed action to property owners and residents both within the Project area and up to 300 feet beyond the Project area boundaries. Notices will also be posted along the Project site boundaries and will be placed on the Project page of the City’s website.

2. The existing zone or regulations are inadequate or otherwise contrary to the public interest.

The existing RM-3 and CN-1 zone are inadequate to meet the required minimum density required by the S-14 Combining Zone because the maximum capacity in the RM-4zoned portion of the site is 79 units with a Height Area of 35 feet and the maximum capacity in the CN-1 portion of the site is 130 units. The Project includes a rezoning of the entire Project site to CC-2, Height Area 95. The rezoning allows the creation of a residential development that meets the minimum density requirement of the S-14 Combining Zone by increasing housing capacity from 209 units to 520units and allows appropriately scaled office uses along with group usable open space.

The rezoning promotes the public interest by establishing a pedestrian-oriented neighborhood that contains a mix of housing, office and group usable open space.

Findings in Support of

S-14 CONSISTENCY

OPC Section 17.96

The Project is located in the S-14 Housing Sites Combining Zone Overlay which implements the Housing Opportunity Site designation in the Housing Element of the General Plan, codified at Oakland Municipal Code Section 17.96. In the S-14 Overlay, all projects must be a primarily residential and meet the minimum density requirement set forth in the Overlay designation. Minimum density is defined as 75 percent of the realistic capacity for a site which is set forth in the Housing Sites Inventory.

1. The Project meets both the majority residential and the minimum density requirement required in the Housing Sites Inventory

The Project is a residential project that includes 506,091 gross square feet of residential activity in 448 housing units, 14,391 gross square feet of commercial activity, and 13,442 square feet of group assembly activity.

The Project provides 448 residential units which meets the S-14 requirements because the project site is designated in the Housing Sites Inventory for 510 residential units and the minimum density is 383 units (75% of the designation).

Findings in Support of

PLANNED UNIT DEVELOPMENT

OPC Section 17.140.080

A Planned Unit Development is a large, integrated development adhering to a comprehensive plan and located on a single tract of land of thirty thousand (30,000) square feet or more, or on two (2) or more tracts of land equaling thirty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way. In a Planned Unit Development project, certain uses may be permitted in

addition to those otherwise allowed in the underlying zone, certain of the other regulations applying in said zone may be waived or modified, and the normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development permit.

A 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:

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

The proposed Project is an integrated plan for the development of multiple buildings and public-serving open space subject to design guidelines. The proposed Project includes the construction of up to 448 residential units; 14,391 square feet of commercial space comprised of 7,760 square feet in Macky Hall, and 6,631 square feet on the ground floor of a new building along Broadway; and 1,230 square feet of community serving Group Assembly Commercial space in a historic building and on Macky Lawn. The Project also includes 68,318 square feet of open space available to the public and 29,818 of open space serving the residents. Redevelopment of the former CCA site with residential, retail and commercial uses, is consistent with the proposed Community Commercial land use designation. In addition, the proposed Project is consistent with applicable General Plan policies, as set forth below.

The project is consistent with and will further advance the Oakland General Plan Historic Preservation, Safety, Housing, and Noise Elements, as well as the Bicycle Master Plan and the Pedestrian Master Plans. The following summary lists major goals and policies of these elements and discusses how the PUD is consistent with these goals and policies.

The PUD is consistent with the goals, policies and actions of the Historic Preservation Element (HPE) that encourage the preservation of older buildings with historic value. Applicable HPE- related policies include, but are not limited to,

- *Policies 2.4 Landmark and Preservation District regulations for demolition*
 - *Policy 3.1 Avoid or minimize adverse historic preservation impacts related to discretionary actions, Policy 3.5 Historic preservation and discretionary permit approvals,*
 - *Policy 3.7 Property relocation rather than demolition as part of discretionary projects,*
 - *Policy 3.8 Definition of “local register of historical resources” and historic preservation “significant effects” for environmental review purposes, and*
 - *Policy 3.11 Historic preservation and seismic retrofit and other building safety programs.*
- a. The PUD will provide preservation and rehabilitation of the Treadwell Estate. and will require project mitigation of demolition of historic resources identified the CEQA review. See Demolition Findings below for analysis of the required Historic Preservation Element findings related to demolition of resources in preservation districts under Policies 2.4 and 3.5.
- b. The PUD is consistent with the policies of the Safety Element that will help guide the public decision-making process for safety hazards. Applicable Safety Element-related policies include, but are not limited to:
- *GE-1 (Develop and continue to enforce and carry out regulations and programs to reduce seismic hazards and hazards from seismically triggered phenomena),*
 - *GE- 2 (Continue to enforce ordinances and implement programs that seek specifically to reduce the landslide and erosion hazards)*
 - *GE-3 (Continue, enhance or develop regulations and programs design to minimize seismically related structural hazards from new and existing buildings),*

The Project abides by all applicable laws and regulations related to structural and environmental hazards. As a result, the Project is consistent with these policies.

- c. The PUD is consistent with the goals and policies of the Housing Element Housing Opportunity Area designation which establishes a feasible capacity of 510 units for the site. The Project would redevelop the site with 448 new residential units and meets the required, 383-unit minimum density. It will be designed to meet Title 24 requirements.
- d. The PUD is consistent with the Noise Element goal of ensuring the compatibility of existing and proposed development with the surrounding noise environment and reducing the community's exposure to noise by minimizing noise levels. Applicable Noise Element-related policies include, but are not limited to,
 - *Policy 1 Ensure the compatibility of existing and, especially, of proposed development projects not only with neighboring land uses but also with their surrounding noise environment,*
 - *Policy 2 Protect the noise environment by controlling the generation of noise by both stationary and mobile noise sources, and*
 - *Policy 3 Reduce the community's exposure to noise by minimizing the noise levels that are received by Oakland residents and others in the City*

The redevelopment plan is inward facing with residential building entries off of the Paseo, and interior structured parking located within Building A. Noise levels at the commercial entry off of Clifton Street, the Building A garage entries on Clifton Street, and the -drop off driveway at Building B are regulated by Standard Conditions of Approval **SCA-NOI-6: Operational Noise (#73)**: *Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.*

- Group assembly activities are located in the interior of the project on the first floor of the Carriage House and the exterior Carriage House Terrace which is located away from neighborhood sensitive receptors.
- The new development locates sensitive receptors, such as residences, away from noise-generating uses.
- Group Assembly activities are anticipated outside on the Macky Lawn in the interior of the site.
- All group assembly activities are to serve residents and the local community and are regulated by Oakland's adopted noise standards.
- Furthermore, site specific Condition of Approval for # 33 for Group Assembly/Personal Instruction Activities requires: A schedule of activities anticipated on or within the 13,476 square feet of Group Assembly/Personal Instruction space on Macky Lawn, on the first floor of the Carriage House, and the outdoor deck of the Carriage House.
 - i. The anticipated number of attendees, time limits, frequency and duration of activities, sound system, parking, drop off and vendor areas for events in POPOS and commercial/public interior and exterior spaces is to be provided.
 - ii. Temporary or event parking for delivery trucks/vendors for activities is to be identified.
 - iii. An annual monitoring report is to be reviewed by an independent third-party

consultant The monitoring report shall confirm conformance with any requirements needed for these activities.

f, The PUD is consistent with policies of the Bicycle Master Plan: To support safe and convenient bicycle access and to ensure that the needs of bicyclists are considered in the design of new development. Applicable Bicycle Master Plan-related policies include, but are not limited to,

- *Policy 1A Bikeway Network: Develop and improve Oakland's bikeway network),*
- *Policy 1B Routine Accommodation: Address bicycle safety and access in the design and maintenance of all streets),*
- *Policy 1C Safe Routes to Transit: Improve bicycle access to transit, bicycle parking at transit facilities, and bicycle access on transit vehicles), and*
- *Policy 1D Parking and Support Facilities: Promote secure and conveniently located bicycle parking at destinations throughout Oakland.*

The Project proposes 476 bicycle parking spaces with secure access. The project is located adjacent to a bus stop in a transit accessible area. Secure bicycle parking will be included in the project design.

- e. The PUD is consistent with policies of the Pedestrian Master Plan including pedestrian safety and access and improving streetscapes. Pedestrian Master Plan-related policies include, but are not limited to,
- Policies 1.3 (Sidewalk Safety: Strive to maintain a complete sidewalk network free of broken or missing sidewalks or curb ramps),
 - Policy 2.1 (Route Network: Create and maintain a pedestrian route network that provides direct connections between activity centers), and
 - Policy 3.2 (Land Use: Promote land uses and site designs that make walking convenient and enjoyable.

The project includes a pedestrian circulation system including a 26' paved Paseo, and pedestrian paths connecting multiple building entrances, and activity centers within the site with publicly available open space. The circulation system connects with the City's sidewalk network at multiple locations along Broadway Ave. and Clifton St. The project restores the historic entry, the Broadway wall and stairs and provides new ADA access from Broadway to the project interior through a repositioned former vehicular / service entry on the Broadway frontage.

- f. Furthermore, Site Specific Condition of Approval #29 requires **High Quality Playground, Open Space, Pedestrian Pathways:** *In order to ensure a safe and lively pedestrian realm, the pedestrian pathways, POPOS, and playground shall be high-quality, well-designed spaces that include excellent pedestrian- scaled lighting, extensive furnishings, interactive art and high-quality amenities for children in the playground.*

2. 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.

- a. The proposed Project includes a mix of residential development, office, and Group Assembly Commercial space open to the community. The Project site is opposite to a variety of small-scale commercial uses along Broadway and is surrounded by a shopping mall, apartment buildings, and a vacant lot (planned for a new shopping center) to the south.
- b. The Project would be well integrated in location, size, and design to its surroundings, making it compatible with its surroundings.

- c. The Project's Design Guidelines, which complement the Project's zoning, provide details about materials, landscaping, architectural styles, massing, fencing, and exterior lighting that would further ensure that the Project is well integrated with its surroundings.

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 in the immediate surroundings.

3. 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 bring traffic to the surrounding area. However, the mix of land uses (residential with commercial and retail uses) within the Project site is subject to:

- a) Standard Condition of Approval (SCA) Trans 3: Transportation Improvements and
- b) SCA Trans 4: Transportation and Parking Demand Management and Site -Specific Conditions of approval as follows:
 - #36 Parking Reduction and GHG, #39 Streetscapes and TDM Plan, #48 Street Paving and Striping,
 - #49 Curb Ramps and #50 Street Geometry and Design.

Project traffic would generally use major roadways and not traverse existing local streets when getting to and from the Project site since access to the Project site would be provided from Clifton Street with all vehicular access to Clifton Street from Broadway.

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.

4. 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 and proposed services and facilities.

- a. *Fire Protection.* The proposed Project would be expected to result in an incremental increase in the number of emergency medical calls at the Project site, but it would not require the City to construct new firehouses or expand existing firehouses. Also, the Fire Department will review the Project plans at the time of building permit issuance to ensure compliance with all applicable state and County fire safety requirements, including adequate fire and life safety measures.
- b. *Police Services.* Because the Project increases the overall City population, it is anticipated that the Project could result in an incremental increase in the number of police calls, but this incremental increase would not result in the need for additional police facilities.
- c. *Public Schools.* The Project sponsor would be required to pay fees to the public school district under Senate Bill 50. These fees are required to ensure that public schools have funding sources for new and improved facilities.
- d. *Parks and Recreation.* The Project would improve and maintain approximately 68,318 square feet of publicly accessible open space and would provide 27,125 square feet of new group and private open space for the residents in the form of a courtyard and two decks, which is adequate to meet the needs of new and adjacent residents and meets CC-2 zone requirements.
- e. *Sanitary Wastewater.* EBMUD has indicated it has capacity to provide wastewater treatment services to the Project. EMBUD will thus ensure that the Project's wastewater would be treated to meet applicable San Francisco Bay Regional Water Quality Control Board standards. The quality

and quantity of the wastewater that would be generated by the Project would not contain any unusual constituents that would require alterations to the EBMUD wastewater treatment facilities, or which would conflict with the wastewater treatment standards under which the plant must operate.

f. *Potable Water.* EBMUD would serve water to the Project and concluded it has sufficient supplies to meet Project demands. Additionally, the Project would comply with the Water Efficiency Landscape Ordinance and the City's Green Building Standards and Title 24, both of which require use of water efficient fixtures.

g. *Solid Waste.* The landfills that serve the City have sufficient capacity to serve the Project.

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

5. 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.

This project uses site specific Design Guidelines and bonus provisions authorized as part of the PUD regulations, to create an integrated design concept that presents a quality residential environment and meet City policies supporting housing. The project design uses flexible regulations available through the PUD bonus provisions for setbacks, height and building placement to increase building floor area and provide a range of unit sizes, and affordable housing.

- Specifically, one story of additional height in Building A will facilitate additional building square footage needed to provide 448 housing units.
- A bonus exception to reduce the rear setback from 10' to 5' for Building B will allow a deeper floor plate throughout the 8 story and add residential living area to the project.
- A bonus exception will allow townhouse units within 5 feet of the Broadway Wall and will facilitate inclusion of 3-bedroom units and a commercial forecourt in the project.
- A bonus for additional group assembly activities will add small scale commercial and public assembly activities to outdoor spaces.

The design guidelines provide objective standards that result in higher quality new development than would occur under zoning regulations and will also preserve the status of the buildings in the Treadwell Estate, an Oakland Landmark, through required height and setback restriction in areas adjacent to these buildings.

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.

In sum, the PUD will allow for development of a Project with a location, design, size and uses that will result in a more attractive, healthful, efficient and stable environment than would be possible under the typical development standards of the CC-2 zone.

6. 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.

The project design guidelines, see Attachment E, establish objective standards intended to integrate the Project into its setting. The design guidelines provide a range of tools to modulate the apparent mass of the larger, modern buildings. These design standards were derived from elements of the urban development in the surrounding Rockridge community and within the existing API as illustrated in the Resources Section of the design guidelines, Page 103. The standards reflect building materials, and design

features of existing buildings located the adjacent College Ave and Broadway corridors.

Techniques such as step backs, setbacks, modulation standards, and height restrictions are intended to reduce visually obtrusive design elements, protect views, and provide buffering. These standards are also intended to protect the integrity of the Treadwell Estate, a designated Landmark. The Project's proposed uses and design integrates the development into an existing setting that already includes residential and commercial uses. The building masses will cascade to follow the natural grade change of the site. In addition, vertical visual breaks have been incorporated along the Broadway façade. A historic wall on Broadway will be retained, which will help provide spatial separation of the Project from the surrounding area. Existing trees on the site will be preserved, including a Heritage Oak, and will provide additional spatial separation. Finally, the proposed design guidelines will ensure compatible architecture with Oakland and Bay Area styles.

Findings in Support of
GENERAL CONDITIONAL USE PERMIT
OPC Section 17.134.040

- 1. 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.**

To provide emergency vehicles the most efficient access to the interior of the Project site, the Neighborhood Paseo shall serve as an emergency vehicle access route (EVA). The EVA is also designed as part of the Project feature and amenity identified as the Neighborhood Paseo. The configuration of the Paseo is similar to the access when operated as the California College of the Arts. As such, the location, size, design, and operating characteristics of the EVA is compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. The location, size, design, and operating characteristics of the EVA have no effect on the scale, bulk, coverage, and density of the abutting properties and surrounding neighborhood, since the EVA has no bulk, coverage or density, nor does the EVA effect the generation of traffic and the capacity of surrounding streets and thus will not result in harmful effect. The location, size, design, and operating characteristics of the EVA will aid the availability of the commercial facilities in Macky Hall and Carriage House by providing access to such uses located at the interior of the Project site.

- 2. That 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.**

Because the EVA also serves as a paseo for pedestrian access to and through the Project site, the location, design, and site planning of the EVA will provide a convenient and functional living, working, shopping, and civic environment. As a landscaped paseo, the EVA will be attractive, consistent with the nature of the location and setting.

- 3. That 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 EVA both enhances the successful operation of the surrounding area and provides an essential service by ensuring that emergency vehicles have efficient access to the entire Project site.

4. That the proposal conforms to all applicable Regular Design Review criteria set forth in the design review procedure in Section 17.136.050.

The EVA is part of the larger Project and conforms to all Regular Design Review criteria set forth in the design review procedure in Section 17.136.050.B because 1) the EVA serves a group of facilities and result in a well-composed design; 2) the EV harmonizes with and directly protects investment in Macky Hall and Carriage House; 3) the EVA complies with the General Plan and all design review guidelines.

5. That 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 EVA conforms in all significant respects with the Oakland General Plan as well as applicable provisions of the City's Zoning Code.

The City of Oakland's Safety Element (Oakland 2045, Oakland Safety Element, Adopted September 26, 2023, Resolution #:89907 C.M.S.) describes several goals and actions to minimize the risk of wildfire hazards. The EVA implements Safety Element Policy SAF-A-9

- **SAF-A.9.** – Continue to review development proposals to ensure that they incorporate required and appropriate fire-mitigation measures, including adequate provisions for occupant evacuation, and access by fire-fighting personnel and equipment.

**Findings in Support of
SHARED ACCESS FACILITIES**

OPC Section 17.102.090.B

1. Compliance with Guidelines. Each shared access facility proposal shall be in compliance with the City Planning Commission guidelines for development and evaluation of shared access facilities.

The EVA is in compliance with the Planning Commission guidelines for development and evaluation of shared access facilities.

2. Public Safety. The width of a shared access facility shall be adequate to ensure unimpeded emergency and non-emergency ingress and egress at all times. Additionally, the shared access facility shall conform to city standards for roadway layout and design.

The width of the EVA is adequate to ensure unimpeded emergency and non-emergency ingress and egress at all times and the shared access facility conforms to City standards for roadway layout and design.

3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.

The EVA is designed to provide the environmentally superior alternative to other approaches for the development of the property and is visually compatible with its surroundings, as it is also designed as a

Neighborhood Paseo within the Project site and does not have retaining walls and is not visibly obtrusive.

- 4. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the city thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.**

The proposed EVA crosses two parcels owned by the same entity, but a condition of approval will require an agreement for access facility maintenance and landscape maintenance should the parcels ever be sold and require such agreement to be recorded at the time of final map. Applicant shall further provide the required documentation of continuing liability insurance coverage at time of final map.

- 5. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.**

Such condition will be imposed as a condition of approval on the vesting tentative map.

Findings in Support of
REGULAR DESIGN REVIEW
OPC Section 17.136.050

Design Review is intended to ensure high quality attractive designs that will compliment and benefit the surrounding neighborhood and city as a whole. Design Review is primarily focused on site planning and the exterior appearance of structures. This can include things such as architectural style; design quality; building materials; building mass and bulk; façade articulation; landscaping; preservation of sunlight, views, and privacy; screening of parking and loading areas; and other design related issues.

All of the following applicable findings from Chapter 17.136 for Regular Design Review can be made:

For Residential Facilities (17.136.050.A)

The Project includes, in part, 448 residences, which include a mix of multi-family and townhomes units that provide efficiency units, one-bedroom units and two-bedroom units. The Project requires approval of a Preliminary Development Plan and Final Development Plan for the Planned Unit Development Permit, which incorporates Design Guidelines. The Design Guidelines provide planning, architectural, and landscape design guidance for the overall character and intent of development, which will inform the Final Development Plans submitted to the City.

- 1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures:**

Pursuant to the Design Guidelines, the design of the residential buildings would relate well to the surrounding area in their setting, scale, bulk, height, materials, and textures. The buildings would be near

residential uses, and the scale would be consistent with such adjacent uses. The materials and textures within the proposed development would relate well to each other.

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics:

The Project would protect, preserve, and enhance desirable neighborhood characteristics through implementation of a design concept that is consistent with a set of Design Guidelines, to be adopted for the site, that seek to maintain and enhance the existing character of the community.

Further, the proposed development will enhance the desirable neighborhood characteristics by filling in an underdeveloped site with a new mixed-use residential, commercial and community uses.

3. That the proposed design will be sensitive to the topography and landscape:

The proposed building mass cascades to follow the natural grade of the Project site. In addition, 38 mature, existing trees, 15 on-site and 23 within 10 feet of the site, will be preserved. The historic Macky Lawn will be preserved as the centerpiece of a new Group Assembly area.

Overall, the design of the Project responds to and is suitable for the topography and landscape of the site.

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill:

As mentioned above, the proposed building mass cascades to follow the natural grade of the Project site.

5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which has been adopted by the Planning Commission or City Council.

The Project would be designed in conformance with the Preliminary Development Plan and Final Development Plan and the Design Guidelines, which together set forth the design and development criteria for the Project. The Project will also be consistent with the Oakland General Plan, as discussed above.

For Non-Residential Facilities and Signs (17.136.050.B)

The Project includes 14,391 square feet of commercial space comprised of 7,760 square feet in Macky Hall and 6,631 square feet on the ground floor of a new building along Broadway. In addition, the Project also includes 68,318 square feet of public plaza/privately owned public open space.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060.

The Project is a residential development with appropriately scaled retail and office uses along with group usable open space. Some of the proposed office (or residential amenity space) would be within existing buildings, while the rest of the office use would be on the ground floor of a new building. The new building would relate well to the surrounding area in its setting, scale, bulk, height, materials, and textures.

- a. Design Guideline GD 2.4.3: Expressed Entries provides that Primary Ground Floor Entries at commercial, residential amenities, and lobbies are differentiated and pronounced to maintain public facing visibility through the use of massing projections, recesses, and extended horizontal elements in keeping with the architecture of the CCA period buildings.
- b. Design Guideline 2.5.2: Proportion of fenestration at the base supports a higher proportion of transparency & openings has been provided at the base of new buildings to support indoor-outdoor connections and visibility between new buildings and open spaces similar to storefronts along College Avenue and Broadway.

c. Design Guideline 2.4.1 provides that a minimum of 50% of the ground floor length along the west edge of building a is dedicated to commercial use in order to provide continuity along the Commercial Corridor.

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

The Project's proposed uses and design integrates the development into an existing setting that already includes residential and commercial uses. The Project would follow a design concept of a quality and character that is consistent with maintaining and enhancing the dominant character of the existing community. As a result, it will harmonize with and serve to protect the value of private and public investments in the area.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The Project would be consistent with the Oakland General Plan, as discussed above. In addition, the Project would be designed in conformance with the Preliminary Development Plan and Final Development Plan and the Design Guidelines, which together set forth the design and development criteria for the Project.

For Local Register Properties that are not Landmarks or Located in the S-7 or S-20 Zone (17.136.050.C)

The Project includes demolition of 10 of the existing buildings, all of which are part of an Area of Primary Importance (API).

That for demolition or removal,

a. The affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community;

- OR -

b. The structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it;

- OR -

c. Considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity.

A thorough financial analysis that included the pricing of detailed architectural plans, the assembling of rent and operating expense data, and the application of debt and equity underwriting parameters, found that preserving or restoring the ten buildings would not be economically feasible. The analysis evaluated two "Preservation Alternatives" that preserved and repurposed, for office use, between 5 and 10 of the most significant existing buildings on-site, combined with the development of 228 to 335 new residential units. Part of the analysis was a design and pricing package to evaluate the existing building conditions for rehabilitation. The evaluation of existing building systems determined that essentially all mechanical, electrical, plumbing and fire protection systems need to be replaced. In addition, the analysis included an independent cost estimate for rehabilitation of the existing buildings. The estimated cost for base building rehabilitation (exclusive of tenant improvements) of the 10 existing buildings was \$22,272,075 in 2020. A second estimated cost for base building rehabilitation (exclusive of tenant improvements) of the 10 existing buildings was \$22,624,863 in 2020. Based on the construction cost estimates, comparable office rents and projected operating expenses, a detailed financial analysis for each of the existing buildings was prepared, which found that due to a low return on cost, the rehabilitation and reuse of the buildings would not be economically feasible and would not occur.

Moreover, preservation or restoration of any of the buildings would result in a reduction in the number of new homes, which are much needed in the City. The Project would redevelop a site with 448 new homes, which will help the City with meeting its housing requirement. These units will be well located given their proximity to the abundant open space that will be developed as part of the Project, 68,318 sq ft of which will be open to the public, and local transit. Specifically, the Project is near a bus stop at the intersections of Broadway/College Avenue, which provides local and regional service, and approximately 0.6 miles from the Rockridge BART Station.

Findings in Support of
DEMOLITION OF CONTRIBUTING BUILDINGS IN API
OPC Section 17.136.075.C

Category II Demolition Findings includes any property in the S-7 or S-20 zone or in an historic neighborhood defined as an “Area of Primary Importance” by the Oakland Cultural Survey. The demolition of any building, including those that do not contribute to the historic district, fall into this category.

Finding 1 or Finding 2 plus Findings 4, 5 and 6 must be met to demolish a Category II Historic Resource that contributes to a historic district. Findings 3, 4, and 5 are required to be met to demolish a noncontributing property. Because all buildings proposed for demolition are contributors to the CCA API and the buildings are not hazardous, Findings 2 and Findings 3 do not apply to the project.

All of the following applicable findings for Category II demolition can be made except for section Finding 5 subsection vi (see the Minor Variance findings below), as follows:

1. Category II – Finding 1 (17.136.075.C.1(a)(i))

The existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return.

Finding 1 applies to each contributing building. For this analysis, the ten buildings proposed for demolition are contributing elements to the CCAC API. These include the Facilities Building, Building B, Irwin Student Center & A-2 Café, Founders Hall, Martinez Hall, Martinez Hall Annex, Noni Eccles Treadwell Ceramic Arts Center, Raleigh and Claire Shaklee Building, Oliver and Ralls Building and Barclay Simpson Sculpture Studio. The submittal requirements for Finding 1 include (i) a building Soundness Report; (ii) a building maintenance history; (iii) a market analysis, supported by existing building appraised value, demonstrating that the current use of each building does not generate an economic return, the appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return, that alterations or additions to the existing building could not make the current or future use generate a reasonable economic return, and potential federal tax credits, Mills Act Contracts, façade grants, transfer of development rights or other funding sources are not feasible to bridge the gap; and (iv) a public benefits analysis report taking into consideration the educational, cultural, social, equity, and economic benefits of the historic buildings and proposed project.

(i) and (ii): In lieu of a Soundness Report the applicant stipulated that the buildings are “sound” for use as a college campus. As the buildings are considered “sound”, a maintenance records report was not required.

(iii): Cost estimates for re-use of each existing building based on current costs, current appraisal, and market viability was submitted and documented in Demolition Findings Class II Historic Properties (Demolition Findings Memo,) see Attachment F pages 16-63. The Demolitions Findings Memo is also supported by a financial feasibility analysis of the proposed project and two preservation scenarios and a preliminary pricing package outlining the anticipated scope-of-work for rehabilitating the CCA buildings for commercial office use. The City's Economic and Workforce Development Department peer reviewed the provided documents. The analysis and conclusions are well-supported by detailed financial data, market analysis, and sensitivity assessments, demonstrating a sound methodology.

The applicant's financial assessments, tested and confirmed by the City, highlight that the cost of rehabilitating and converting these structures for office use would far exceed the potential returns, even under optimistic market conditions. Considering the provided information included in the Demolition Findings Memo, the existing buildings are generally unsuitable for residential use due to a combination of structural limitations, specialized designs, and configurations that would require extensive and costly modifications. Additionally, the small size of some buildings and the high costs associated with converting large open spaces (e.g., gallery art spaces, studios, etc.) make residential conversion financially infeasible.

The Demolitions Findings Memo analyzes each building independently and in aggregate, and supports the required findings that for each of the 10 buildings proposed to be demolished and the property as a whole, (a) the current use would not generate a reasonable economic return, (b) appropriate and reasonable alternative uses of each building for commercial office, retail, or residential rental space could not generate a future reasonable economic return, (c) alterations or additions to the existing buildings cannot support a reasonable economic return, and (d) potential Federal tax credits, Mills Act contracts, façade grants, transfer of development rights or other funding sources are not feasible to bridge the gap.

(iv): The public benefits analysis is found on Pages 25-28 of the Demolitions Findings Memo.

Tourism. The replacement project has the potential to stimulate development and tourism by programming of the street frontages, mixed-use areas, the ground floor of the Carriage House, and the publicly accessible open spaces with views of Downtown Oakland, the San Francisco-Oakland Bay Bridge, the San Francisco Bay, the Golden Gate Bridge, and beyond.

Benefits to other commercial and residential owners and renters. The proposed project is located within the neighborhood of Rockridge. The proposed project would revitalize the currently vacant four-acre site and the surrounding neighborhood, which is served by BART, by adding 448 residential units, 237 parking spaces, and 14,390 square feet of commercial space. This increase in development intensity would increase area activity and vibrancy, provide capacity to help address a severe and long-running shortage in housing, support retail businesses along College Avenue, increase jobs and grow the local economy through increased population and foot traffic, provide additional recreation and open space area and improve existing resources for use and enjoyment by residents and the wider public. The nearby (approx. ¾ mile) Rockridge BART Station would link the project site with the wider region thereby providing more opportunities for residents to live closer to their jobs and achieve a better life/work balance.

Services provided to the community, including social services. According to Alameda County Assessor, the current (i.e., July 1, 2024) total net tax value for the four-acre project site is \$13,921,523 and currently generates \$176,981 of property tax revenue. The replacement project would significantly increase this amount by 18-fold as well as increasing transfer taxes from the sale of property and business taxes created by office, retail, and residential uses included in the replacement project; revenues that the majority of would go to the City's General Fund.

Housing and jobs opportunities. The existing API has no residential units. The replacement project would create 448 residential units. The replacement project has the potential to add hundreds of jobs to Oakland's economy through short-term construction jobs and long-term non-construction jobs in property management and by attracting businesses to the new spaces within the new buildings and stimulate further occupancy of any nearby vacant commercial spaces along Broadway and College Avenue.

Civic, community, and neighborhood identity. The existing API no longer contains an arts college and its relocation to San Francisco has diminished the neighborhood's vibrancy and energy that a college campus can bring to an area. The existing API generates little to no foot traffic. As time goes by, the vacant campus will provide an increasingly attractive nuisance within the neighborhood as the vacant buildings could be squatted in, tagged with graffiti, or vandalized with the attendant increase in trash and litter, resulting in an overall deterioration of the four-acre campus. This could result in more fencing and intrusive security lighting, creating an impression that the API is an unwelcome and uninviting place for pedestrians and reduce foot traffic along this stretch of Broadway and near College Avenue. The replacement project would bring new residents, employers, and businesses into the area restoring vibrancy and energy to make for a lively and welcoming amenity to the Rockridge neighborhood and this part of Oakland.

Cultural heritage and the image of the City and local neighborhood. The replacement project would demolish ten buildings in the four-acre API. Only Treadwell Mansion/Macky Hall and the associated Carriage House, the Broadway Wall and Stairs as well as various landscape features would remain. These elements would be rehabilitated according to the Secretary's Standards for the Treatment of Historic Properties and serve as a bridge from the earlier Treadwell Estate era (circa 1879-1921), through their evolution as elements of the CCA campus' built environment, and a central feature of the replacement project. The Treadwell Mansion/Macky Hall would be used as commercial space. The Carriage House, which has been moved twice in its history, would be moved from its current location, and sited southwest of the Treadwell Mansion/Macky Hall. In its proposed location, the third in its history, the Carriage House will return to its historical orientation and remain secondary, subservient, and east of and behind the Treadwell Mansion/Macky Hall. To further draw attention to Macky Hall's prominence, the Carriage House will rest at a slightly lower elevation than Macky Hall and the topography would partially obscure views of the Carriage House from Macky Lawn and Macky Hall. The Carriage House would be repurposed as a community amenity with the ground floor containing exhibition and interpretation space containing a permanent exhibit of the CCA's history. A wrap around deck will be open to the public and afford views of Downtown Oakland, the San Francisco-Oakland Bay Bridge, and of San Francisco Bay, the Golden Gate, and beyond. The replacement project would also retain the full-length of the Broadway Wall and Stairs and Carriage Entrance Gate to maintain the site's historical appearance along Broadway. A proposed additional entrance, to the left of the Broadway Stairs would provide ADA accessibility to the publicly accessible open space. The replacement project would retain the site's existing west-sloping topography which features a large grassy area, which covers approximately 13,600 square feet that would be preserved as an open commons area.

Educational opportunities and cultural benefits regarding architectural and local history. As stated above, the replacement project would retain Macky Hall and the associated Carriage House which, as described above contain a permanent art exhibit as well as interpretive space to illustrate the site's association with the CCA. The replacement project would re-use the two Sequoia stumps located west of and downslope of Macky Hall. These stumps are part of the Landmark designation adopted in 1975 and generally frame the view west from Macky Hall. The two stumps are remains of two mature Sequoia trees removed for poor health in 2019-2020. Reuse of the two stumps is encouraged by but not limited to materials for furnishings or landscape features to reference their history on site through educational

signage or interpretive markings. According to the approved Design Guidelines, the replacement project could include the following various arts and educational features.

- New Art. New artwork is encouraged to be integrated along pathways in the publicly accessible open space similar to how art is displayed in the CCA Period campus.
- Arts and Educational Programming. Arts and educational programming within the open space are encouraged, in keeping with the teaching, making, and learning activities of the CCA period.
- Educational Signage. Signage highlighting the site's CCA Period history and significance shall be included throughout the landscape. Locations for signage may include but are not limited to locations where historic buildings stand or stood (such as, Macky Hall, Carriage House, Founders Hall, Noni Eccles Treadwell Ceramic Arts Studio, Martinez Hall, and Barclay Simpson Sculpture Studio).

Conclusion Finding 1

The City's review of the applicant submittals for Finding 1 supports the overall finding that the existing buildings have no reasonable use or cannot generate a reasonable economic return and that the proposed project will provide a reasonable use. Furthermore, Condition of Approval #30 requires the project sponsor to demonstrate that the project will generate a reasonable economic return prior to demolition permits, and Condition of Approval #31 requires building permits to be issued prior to demolition permits for the historic resources and requires that the replacement project will be diligently constructed to completion.

2. Category II - Finding 4 (17.136.075.C.3(a))

The design quality of the replacement structure is equal/superior to that of the existing structure

Site-specific Design Guidelines, see Attachment E, were submitted by the applicant as part of the PUD application to supplement the design review process and provide additional design guidance that addresses the required demolition findings. Applications for a project subject to Finding 4 and Finding 5 are required to submit a report that provides specific information and analysis of how the project addresses the design quality of the replacement project. The applicant submitted the Demolition Findings Memo, see Attachment F, to meet this requirement. The memo specifically addresses the information required for Finding 4 on pages 64-71 and addresses information for Finding 5 on pages 72-84.

The applicant also submitted the project Design Guidelines Implementation Checklist (Implementation Checklist) see Attachment G. The Implementation Checklist provides a project level analysis of how the design criteria respond to each finding and provides a summary of how the project design is consistent with each design guideline.

The Demolition Findings Memo provides analysis of the following topics and concludes that the project affirmatively addresses each category.

1. The proposed design reflects contemporary architectural composition and aesthetic and demonstrates equal or superior quality with respect to a clearly identifiable visual or design value
2. The proposed design demonstrates equal or superior quality with respect to the materials in the replacement project that would be used to enhance the architectural design elements of the building
3. The proposed design demonstrates equal or superior quality with respect to enhancement of the visual interest of the surrounding area
4. The proposed design demonstrates equal or superior quality with respect to high quality detailing
5. The proposed design demonstrates equal or superior quality with respect to site setting, neighborhood, and streetscape contexts Composition. A well composed building integrates all aspects of the building (materials, façade patterns, proportions, openings, forms, massing, detailing, etc.) into its overall character and design.
6. The proposed design demonstrates equal or superior quality with respect to site setting, neighborhood, and streetscape contexts.

7. The proposed design demonstrates equal or superior quality with respect to “especially fine” construction details, methods, or structural materials.
8. The proposed design demonstrates equal or superior quality with respect to the buildings’ reflection of the time they were designed. The replacement project features a consistent contemporary architectural aesthetic.
9. The proposed design demonstrates equal or superior quality with respect to the replacement building’s contemporary interpretation of the demolished buildings’ elements

Conclusion Finding 4

The City’s review of the applicant submittal for Finding 4 the Demolition Findings Memo supports the overall finding: *The design quality of the replacement structure is equal/superior to that of the existing structure.* In addition, staff reviewed the project Implementation Checklist, see Attachment G, and concluded that it provides a detailed summary of how the project plans conform to the project design guidelines and documents the required findings.

Furthermore, Site Specific Condition of Approval #38 requires the project sponsor to provide additional verification of consistency with the PDP and FDP planning entitlement and the site-specific project Design Guidelines prior to building permit. Information provided shall be equivalent to the required Final Development Permit (FDP) submittal requirements for a vertical FDP as listed in the submittal checklist included in the Basic Application and shall provide dimensions, materials, colors and a materials board sufficient to demonstrate compliance with standards for new construction including but not limited to: Guidelines 2.3. New Building Form Guidelines (2.3.5 through 2.3.24), 2.4 New Building Base (Guidelines (2.4.1 through 2.4.11), and 2.5 New Building Facade Composition (Guidelines 2.5.1 through 2.5.13). Demonstrate compliance with objective standards for modulation, step backs, height reductions, height and roofline features, building separation, and interface with the remaining historic resource buildings.

3. Category II - Finding 5 (17.136.075.C.3(b))

The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:

i. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;

The Resources section of the Design Guidelines, see Attachment E, page 103, provides examples of architectural features within the district such as facade composition fenestration patterns and opening depths which are incorporated into the design guideline standards. Furthermore, the Implementation Checklist, see Attachment G, demonstrates how, in the aggregate, the project responds to architectural qualities of the built environment elements within the API

ii. New street frontage includes forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street.

The replacement project responds to the recommendations in the Design Guidelines in terms of forms that reflect the widths and rhythm of the façades and entrances on the street.

iii. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district.

The proposed project is of a high-quality design and visual interest. The design retains many historic elements including Treadwell Mansion/Macky Hall, Carriage House, the Broadway Wall, Broadway Stairs, Broadway Carriage Gate, Macky Lawn, 80-foot View Corridor (centered on Macky Hall entrance and extending west towards Broadway), heritage trees and groves, and historic art and landscape elements.

iv. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district.

The replacement project would enrich the historic character of the API by preserving several historic buildings, structures, landscape, and artifacts while respecting the association of the API with the CCA Period through on-site programming, commemoration, and the reinterpretation of its physical characteristics.

v. The replacement project is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results

The replacement project is consistent with the visual cohesiveness of the API as initially identified by OCHS in 1986. The proposed design provides a level of detail and craft consistent with the extant campus and the principles of the Arts & Crafts movement that informed the design of the built environment within the API. As described above, natural, tactile materials such as plaster, brick, ceramic tile, wood, and concrete would be used throughout, as seen in the extant buildings. Building structure, joinery details and the properties of materials are celebrated throughout the new buildings, reflecting the extant campus buildings. Particular attention is paid to the building bases where tactile and structural highlights would be seen closely. At upper levels, recessed, articulated windows and Juliette balconies are designed to create depth and shadow, further enhancing the building details and changes in façade depth.

vi. The replacement project will not cause the district to lose its current historic status.

The replacement project would eliminate the CCA API's eligibility for the California Register of Historic Resources and National Register of Historic Places. However, the Treadwell Estate would remain eligible as an API. The applicant submitted an application for a Minor Variance to address this requirement.

Conclusion Finding 5

The City's review of the Demolition Findings Memo, see Attachment F, for Finding 5, supports the overall finding: *The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area.* All of the applicable findings can be made except for Finding 5 subsection vi (see the Minor Variance findings below)

In addition, staff reviewed the project Implementation Checklist, see Attachment G, and concluded that it provides a detailed summary of how the project plans conform to the project design guidelines and documents the required findings.

4. Category II – Finding 6 (17.136.075.C.1.(b))

It is economically, functionally architecturally, or structurally infeasible to incorporate the historic building into the proposed development.

Finding 6 applies to all buildings within the API. Documentation and analysis for all buildings is provided pages in 85 through page 88 of the Demolition Findings Memo, see Attachment F, to this report.

Conclusion Finding 6

There is no level of rehabilitation of the extant built environment within the four-acre API that would generate a reasonable rate of return and meet the project's goals. Based on the scale of the proposed project, and the anticipated rentable square footage and number of residential units following project completion, no feasible ways to reuse the API's built environment could meet the goals of the replacement project. Such a project would provide significantly fewer housing units and not provide for a reasonable return on investment. The City's review of the applicant's Demolitions Findings Memo supports the finding that neither rehabilitation nor alterations of the existing buildings would generate a reasonable economic return if preserved and integrated into the proposed project. This conclusion is supported by a detailed analysis of the estimated costs for rehabilitating the buildings, which highlights the projected return on cost considering the necessary structural upgrades and potential earnings under an office use scenario. The conservative assumptions used throughout the evaluation provided by the applicant further underscores the financial infeasibility of preserving the buildings as part of the proposed project.

Findings in Support of

MINOR VARIANCE

to 17.136.075(C)(3)(b)(vi)

Requirement that the replacement project will not cause the district to lose its current status

OPC Section 17.148.050

- 1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

This variance is to the demolition findings because the proposed Project will demolish 10 of the buildings associated with the CCA campus that are located within an API. While the project will partially meet the 17.136.075(C)(3)(b)(vi) finding (that the replacement project will not cause the district to lose its current status) by preserving Macky Hall, the Carriage House, Macky Lawn, the Broadway wall, Broadway Stairs, Broadway Gate, substantial elements of the site landscaping, historic artworks and other campus features, the proposed Project would demolish ten of the CCA buildings and cause the Campus API to no longer be eligible for listing in the California Register of Historic Resources or the National Register of Historic Places.

The unique circumstance of the site is that it is developed with 10 CCA campus buildings which cannot be reused for an institutional use, nor can they be repurposed to provide housing to meet the General Plan designation of the site for housing. Given the need to preserve the Landmarked buildings and other site features, the only way to preserve enough of the CCA campus buildings to retain the district, and still provide the requisite number of housing units, would be to build a much taller tower of residential housing. The height would be inconsistent with the zoning ordinance and the height of the surrounding neighborhood and such an alternative was met with significant community opposition and results in a higher per-unit construction cost.

Because strict compliance with the findings necessary for Design Review would preclude demolition of the buildings, which in turn would preclude the development of new housing, strict compliance with the finding would preclude improving the livability of Oakland by providing much needed housing and would not be in compliance with the Oakland Housing Element which calls for at least 383 units of housing on this site.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

There are no other similarly zoned Institutional properties that were formerly used as a college campus located in the heart of a transit-oriented neighborhood that has been identified as a priority site for high-density residential development. If strict compliance with the demolition findings precluded demolition, it would preclude an effective design of high-density housing and would not fulfill the basic intent of the City's Zoning Regulations and General Plan policies that designate the Property for housing and encourage the construction of housing in transit-oriented locations like the Property.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

The proposed buildings have been designed to preserve Macky Hall, the Carriage House, the Macky Lawn, the Broadway wall, Broadway Stairs, Broadway Gate, mature site landscaping and numerous CCA art features. The proposed buildings are also situated on site to reflect the CCA campus layout and massing and the project design quality reflects the character of the CCA buildings. As such, the variance will not adversely affect the character, livability or development of abutting properties – and specifically the Landmark structures and API will remain on the original Treadwell Estate site. The proposed Project will restore and improve Macky Hall, the Carriage House, Macky Lawn, and restore the historic wall along Broadway. The Project will also provide much-needed housing and will be of high-quality design. The project will also open the CCA campus and Treadwell Estate to the public and provide access to these historic buildings which will educate the public about the history of the CCA college and the Arts & Crafts Movement. Moreover, the project will offer community meeting and event space in the historic Carriage Hall and on Macky Lawn. It will also provide publicly accessible open space on the Macky Lawn and pedestrian paths and paseos that will be an asset to the community's livability. As the project design conforms to the highly nuanced Design Guidelines for the site, the proposed Project is of an excellent quality of design that will positively contribute to the character of the neighborhood. The proposed Project will also appropriately assist with the development of the abutting property located at Broadway and 51st that has sat vacant for many years.

Far from being will detrimental to the public welfare or contrary to adopted plans or development policy, the Project will improve the public welfare by transforming the currently abandoned and increasingly blighted former campus into much needed housing with public access, both of which are consistent with the General Plan and housing development policies.

- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

The variance will not grant a special privilege inconsistent with limitations of similarly zoned properties. The use of the site for housing is consistent with the General Plan Housing Element and not inconsistent with the purpose of the zoning regulations.

- 5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.**

The proposed Project complies with all the applicable sections of Section 17.136.050 as explained in the Design Review Findings.

- 6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

The proposed Project conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council as discussed in the EIR discussion of Applicable Regulatory Documents and Policy Consistency.

Findings in Support of
Design Review Findings for Alteration of Landmark Site

OPC Section 17.136.070.B

- 1. That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features.**

The only exterior feature of Macky Hall that may be altered are the windows which may require reglazing based on an energy analysis that will determine the most effective way to reduce energy use at Macky Hall. If alternative measures are shown to be less effective, the windows will be reglazed to improve the energy efficiency of the building. The reglazing will not adversely affect the exterior of Macky Hall. If a change to the existing color scheme of Macky Hall is desired, the revision will be based upon a historical analysis of the building by a paint conservator and thus will not adversely affect the exterior features of Macky Hall.

The Carriage House will be relocated onsite. The relationship between Macky Hall and the Carriage House will be stronger than their relationship to new buildings on site and the relocated Carriage House will remain secondary in relation to Macky Hall. The finished floor elevation of Macky Hall will be maintained and remain at a higher topographical position in relation to the relocated Carriage House building, retaining the historical prominence of Macky Hall. As such, this change to Carriage House will not adversely affect the exterior of Macky Hall. In addition, the Macky Hall View Corridor will be retained, preserving views of Macky Hall from Broadway and College Avenue and the Macky Lawn will be maintained as a gradually sloping, open grass lawn of roughly 8,000 square feet, maintaining its role as the front lawn to Macky Hall and the main social space within the site. Open space design between the Broadway Stairs, Macky Lawn, and Macky Hall will emphasize the main entry and porch of Macky Hall along with the main entrance to the site at the Broadway Stairs.

As to the Carriage House, prior to being relocated on site it will undergo structural upgrades to ensure stability before, during, and after the relocation of the building. During the relocation of the Carriage House none of the following elements of the building will be altered: exterior walls and roof, façade composition except for new openings approved per design guideline 2.1.11, architectural details such as siding, brackets, and trim. If any new openings are added to the Carriage House building, they will be located, as permitted, on the east façade in keeping with the size and design of the Early Estate Period carriage entrance consistent with the HRE. If a change to the existing color scheme of the Carriage House is desired, the revision will be based upon a historical analysis of the building by a paint conservator. The paint color of the Carriage House will match the same era of color that Macky Hall will be painted. As such, these potentially changes to the Carriage House will not adversely affect the exterior of the Carriage House.

The Broadway Wall and Stairs will be retained and rehabilitated in compliance with the Secretary of the Interior's Standards. The current openings along the Broadway Wall, at the Broadway Stairs and the Carriage Entrance, will remain as a means of access to the site. New openings in the Broadway Wall to provide accessible access to the publicly accessible open spaces and to provide access to Building A will be no more than one foot wider than required and will be visibly narrower than the Carriage Entrance. Planting surrounding the Broadway Wall will be limited to planters, vines, or groundcover and no less than 50% of the western edge of the wall will be kept clear of any plantings. No plantings will block any access paths or entrances. Carnegie Bricks will be salvaged and retained as a contributing landscape feature on site.

2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting.

The proposal will not adversely affect the character, interest or value of the landmark. Finding 1 addresses how the building themselves along with the Macky Lawn and Broadway Wall and Stairs will not be adversely affected. As to the setting, the Carriage House will be relocated on site in a manner that retains its status as a contributor to the National Register by maintaining its compatibility with the Early Estate Period and California College of the Arts Period. No new buildings have been sited within the required setbacks from the relocated and reoriented carriage house building, consistent with the existing relationship between the Carriage House and the nearest buildings of the California College of the Arts Period such there is no adverse effect to the buildings themselves or their setting. New building heights within the reduced height zone surrounding Macky Hall comply with guideline requirements in order to allow Macky Hall to stand proud on the site. In addition to retaining Macky Lawn, the project will provide additional open space program areas at the Neighborhood Paseo and Central Plaza, supporting the characteristics of the California College of the Arts Period.

3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The proposal is consistent with the Design Guidelines and the interior of both Macky Hall and the Carriage House will be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation. A professional that meets the Secretary of the Interior's Professional Standards in Architecture or Historic Architecture will review for compliance drawings related to the rehabilitation design of Macky Hall and the Carriage House. In addition, the Broadway Wall and Stairs will be retained and rehabilitated in compliance with the Secretary of the Interior's Standards.

Furthermore, the project Implementation Checklist, see Attachment G, also provides a detailed summary of how the project plans conform to the project design guidelines for alteration of a landmark site and documents the required findings.

- 4. If the proposal does not conform to the criteria set forth in Subdivisions 1, 2 and 3:**
 - i. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or**
 - ii. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.**

This finding is not applicable because the proposal conforms to the criteria set forth in Subdivisions 1, 2, and 3.

Findings in Support of
VESTING TENTATIVE PARCELMAP
Oakland Municipal Code Chapter 16.24

The two existing parcels constituting the Project site will be re-subdivided into two developable parcels.

Tentative Parcel Maps are required for subdivisions that create a total of four or less new lots. Newly created lots must meet the City's Lot Design Standards and must also be shown to be capable of supporting the type and density of development that is permitted by the applicable zoning regulations for the zone that the property is located within. Tentative Parcel Map or Tentative Tract Map approval can only be granted if all of the following findings can be made:

Lot Design Standards

- 1. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:**
 - a. Lots created in conjunction with approved private access easements.**
 - b. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage) shall not be included in computing the minimum lot area requirements of the zoning district.**

The property meets the frontage requirements.

- 2. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography:**

The property meets the lot line requirements.

- 3. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:**

Where the area is still considered acreage.

Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development:

The property meets the lot size requirements.

- 4. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.**

The property meets the lot design requirements.

Vesting Tentative Map Findings

1. The proposed map is consistent with applicable general and specific plans as specified in the State Government Code Section 65451:

The Vesting Tentative Parcel Map, and the design and improvement of the proposed subdivision, is consistent with the goals and policies of the General Plan and the General Plan Amendment proposed as part of the Project, as set forth above.

2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans:

The design and improvements of the proposed subdivision are consistent with the goals and policies of the General Plan and the proposed amendment. The proposed Vesting Tentative Tract Map effectuates the development of uses as described in the Preliminary Development Plan and Final Development Plan that are in line with the purposes of the Community Commercial land use designation in the General Plan.

3. The site is physically suitable for the type of development:

The Project site is located in a developed area, is currently used for institutional uses, and is served by roads and other infrastructure. No unusual physical conditions would prevent the development of the site.

Overall, the type of development in the proposed Vesting Tentative Parcel Map responds to and is suitable for the physical features of the site. The development of the various aspects of the Project is designed to respond to the general topography and existing natural features of the site. Specifically, the building mass cascades to follow the natural grade change of the Project site.

4. The site is physically suitable for the proposed density of development:

The Project site is approximately 4 acres, which is suitable to accommodate the Project's proposed density. There are no physical conditions on the site that would render the site unsuitable for the proposed density.

5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

The Project site is developed and does not contain any fish or wildlife or their habitat.

6. The design of the subdivision or type of improvements is not likely to cause serious public health problems:

The proposed development contains residential, retail and office uses, which do not cause any serious public health or safety problems. Further, the Project incorporates design and development elements that promote public health, such as energy-efficient features.

7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction):

The Project's Vesting Tentative Parcel Map will not conflict with easements, acquired by the public at large, for access through or use of the Project site as none exist.

8. The design of the subdivision provides to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision:

The design of the subdivision does not prevent feasible future passive or natural heating or cooling opportunities in the subdivision.

Further, as reflected in the Vesting Tentative Parcel Map, the design and organization of the Project site provide for passive or natural heating or cooling opportunities. The Project is planned as a walkable system of buildings. All residences will have operable windows, which allow for passive cooling. In addition to the architectural features of the homes that provide links to the outdoors (porches, stoops, verandas, courtyards, decks, etc.), the provided trees and plants produces a vibrant natural setting, and provide for passive and natural cooling opportunities.