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## ATTACHMENT B CEQA FINDINGS

### CEQA FINDINGS:

#### **Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations for the California College for the Arts (CCA) Campus Redevelopment Project**

#### **I. INTRODUCTION**

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the California College for the Arts Campus Redevelopment Project (Project), SCH #2019070044.
2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project.
3. These findings are based on substantial evidence in the entire administrative record, and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

#### **II. PROJECT DESCRIPTION**

4. The DEIR evaluates redevelopment up to 510 residential units in two residential buildings a maximum of 10 stories in height; 16,945 square feet of office space; a 1,408-square foot café; 1.56 acres (63,727 square feet) of privately-owned public open space (POPOS); up to 268 parking spaces (structured and ground level parking); and up to 510 bicycle parking spaces. Macky Hall and the Broadway Wall and Stairs are proposed to be preserved and renovated while the Carriage House would be relocated on-site and renovated. The remaining ten buildings would be demolished.

The project also includes the following amendments to Oakland's General Plan, zoning, and development standards.

1. General Plan: A General Plan Amendment modifying the site's land use designation from Institutional Land Use to Community Commercial Land Use.
2. Rezoning: A rezoning from Mixed Housing Residential – Zone 4 (RM-4) and Neighborhood Commercial – Zone 1 (CN-1) to Community Commercial – Zone 2 (CC-2).
3. Height: A rezoning from a 35-foot Height Area to a 95-foot Height Area for the RM-4 portion of the site.

#### **Property Description**

The approximately 3.95-acre project site is in North Oakland in the Rockridge Neighborhood. The project site is comprised of one parcel located at 5200 Broadway (Accessor Parcel Number [APN] 14-1243-1-1). The project site is approximately 0.6 miles south of Rockridge Bay Area

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Rapid Transit District (BART) Station. The project site is also approximately 0.6 miles south of State Route (SR) 24, 1 mile north of Interstate (I-) 580, and 1.4 miles west of Highway 13.

### Significant Buildings/Historic Resources

The project site is currently developed with three groupings of historic resources:

1. The entire CCAC campus is an Area of Primary Importance (API) identified by the Oakland Cultural Heritage Survey (OCHS). The campus is eligible for listing as a historic district in the California Register and National Register with a period of significance of 1922-1992 for its role as an early and long-operating dedicated arts college in California. The 12 buildings on the project site are contributors to the CCAC API, along with six contributing landscape features and other site characteristics.
2. Four buildings, Martinez Hall, Founders Hall, Noni Eccles Treadwell Ceramic Arts Center, and Barclay Simpson Sculpture Studio are resources individually eligible for listing on the California Register of Historical Resources under Criterion 3 (Architecture) for embodying distinctive characteristics of the Third Bay Tradition, Brutalist, and New Modernist architectural styles.
3. The Treadwell Estate is a City of Oakland Designated Landmark (LM75-221). It includes Macky Hall and the Carriage House, which are also listed on the National Register of Historic Places, together with two sequoia trees (removed with tree removal permits in July 2019), a portion of the Broadway Wall and Stairs, and an 80-foot-wide corridor extending westward from Macky Hall to the Broadway right-of-way intended to maintain the view of the building from Broadway and College Avenue.

### General Plan

The General Plan Land Use and Transportation Element (LUTE) classifies the project site as “Institutional” Land Use. The intent of the “Institutional” land use classification is to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services, and medical uses as well as other uses of similar character. The LUTE was adopted in 1998.

In 2022, the City initiated public review of a new General Plan Housing Element in response to changes in State Law. Sites already in the development process for residential land use throughout the City were evaluated and identified as Housing Opportunity Areas, including those with pending LUTE amendments. The CCA site was evaluated during this review.

The new Housing Element was adopted in January 2023 and designates the site as a Housing Opportunity Area with a feasible housing capacity of 510 units.

### Zoning

Zoning on the CCA site is Residential Multi-family - 4 (RM-4) Height Area 35 feet, and Neighborhood Commercial-1 (CN-1) Height Area 95 feet. The site is in the recently adopted S-14 Combining Zone which requires new development to be: 1) a majority residential project

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and 2) a minimum density of 75% of the Housing Opportunity Area capacity for the site. The CCA site minimum density is 383 units.

### III. ENVIRONMENTAL REVIEW OF THE PROJECT

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR was published on **June 21, 2019**. The topics studied in the EIR with less than-significant impacts after the implementation of mitigation measures or SCAs include: Land Use; Cultural and Historic Resources (including archaeological resources, paleontological resources, and human remains, and select historic resources including rehabilitation of Macky Hall, the Carriage House (also includes relocation), the Broadway Wall, and landscape features); Traffic and Transportation; Air Quality; Greenhouse Gas Emissions and Energy; Soils, Geology, and Seismicity; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise and Vibration (except construction noise which is significant and unavoidable); Biological Resources; Population and Housing; Aesthetics and Shade and Shadow; and Public Services, Utilities, and Recreation.

The following topics were found to be less than significant without the implementation of any mitigation measures or Standard Conditions of Approval: Agriculture and Forest Resources; Mineral Resources; Tribal Cultural Resources; Wildfire.

The topics studied in the EIR with **significant and unavoidable impacts**, even with all feasible mitigation measures include Historic Resources (HIST-2 - loss of eligibility of the CCAC API/historic district for listing in the California Register and National Register; HIST-3 - demolition of four buildings that are individually eligible for listing in the California Register and as Oakland Landmark (Martinez Hall, Founders Hall, Noni Eccles Treadwell Ceramic Arts Center, and Barclay Simpson Sculpture Studio); HIST-4 cumulative impact to Oakland's Late Modern architectural resources); and NOI-1 – construction noise.

Additionally, the NOP was sent to the State Clearinghouse. Scoping sessions were held for the Project on **August 12, 2019** and **August 21, 2019** before the Landmarks Preservation Advisory Board and Planning Commission, respectively concerning the scope of the EIR. The public comment period on the NOP ended on **August 23, 2019**.

A Draft EIR was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the Draft EIR were published on **January 12, 2024**. The Notice of Availability/Notice of Release of the Draft EIR was distributed to appropriate state and local agencies and mailed to individuals who have requested to specifically be notified of official City actions on the Project, City officials including the Planning Commission, and made available for public review at the City of Oakland's Department of Planning and Building, Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 2214) and on the City's website. Duly noticed Public Hearings on the Draft EIR were held before the City of Oakland Landmarks Preservation Advisory Board February 5, 2024 and Planning Commission on February 7, 2024. The Draft EIR was published for a 45-day review period from January 12 to February 26, 2024. The review period was extended to March 12, 2024 by the City's Environmental Review Officer. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Final EIR on **September 20, 2024**. The Final EIR was made available for public review on **September 20, 2024**, 17 days prior to the

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duly noticed **October 7, 2024** Landmark Preservation Advisory Board public hearing and 26 days before the duly noticed October 16, 2024 Planning Commission public hearing. Upon receiving a recommendation by the Planning Commission, the Oakland City Council will consider certification of the EIR at a future hearing date. Any such hearing will be separately noticed.

6. The Notice of Availability/Notice of Release of the Final EIR with a link to the Draft and Final EIR was posted on **September 20, 2024** and emailed or mailed to individuals who have requested to specifically be notified of official City actions on the project; state and local agencies who commented on the Draft EIR; and City officials including the Planning Commission and City Council. Copies were made available for public review at the City's Department of Planning and Building, Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 2214) and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments on the Draft EIR have been published and made available to all commenting agencies at least 10 days prior to hearing. The City Council will review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed Project.

#### IV. THE ADMINISTRATIVE RECORD

7. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:
  - a. The EIR and all documents referenced in or relied upon by the EIR.
  - b. All information (including written evidence and testimony) provided by City staff to the Landmarks Preservation Advisory Board, Planning Commission, and City Council relating to the EIR, the approvals, and the Project.
  - c. All information (including written evidence and testimony) presented to the Landmarks Preservation Advisory Board, Planning Commission, and City Council by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission and City Council.
  - d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
  - e. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
  - f. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, all documents referenced in and relied upon in such environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
  - g. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project (the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP)).
  - h. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

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8. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Department of Planning and Building, Planning and Zoning Division, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California, 94612.

### V. CERTIFICATION OF THE EIR

9. In accordance with CEQA, the City Council certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the City Council confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the City Council.
10. The City Council recognizes that the EIR may contain clerical errors. The City Council reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.
11. The City Council certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the October 16, 2024 Planning Commission staff report and the XXXX City Council staff report. The City Council certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

### VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

12. The City Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the Final EIR contains additions, clarifications, and modifications to the Draft EIR. The City Council has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the City declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.
13. The City Council finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.

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

14. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the XXX City Council staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the City Council. The SCAMMRP satisfies the requirements of CEQA.
15. The standard conditions of approval ("SCA") and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.
16. The City Council will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.
17. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

### VIII. FINDINGS REGARDING IMPACTS

18. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City Council adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The City Council ratifies, adopts, and incorporates, as though fully set forth herein, the analysis, explanations, findings, responses to comments and conclusions of the EIR. The City Council adopts the reasoning of the EIR, staff reports, and presentations provided by the staff as may be modified by these findings.
19. The City Council recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinions exists with respect to those issues. The City Council acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The City Council has, through

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review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the City Council to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

### IX. SIGNIFICANT BUT MITIGABLE IMPACTS

20. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the City Council finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP):
21. Cultural and Historic Resources – HIST 1: The Project would involve the rehabilitation of Macky Hall, the Carriage House, and the Broadway Wall and Stairs, relocation of the Carriage House, and removal of landscape features, which all have the potential to affect the integrity of the Treadwell Estate Landmark. **Mitigation Measures HIST-1a, HIST-1b, and HIST-1c** all require documentation to be prepared by a consultant meeting the Secretary of the Interior's Professional Qualifications Standards for History or Architectural History and to be reviewed and approved by the Director of the Planning & Building Department. Under Mitigation Measure HIST-1a, a rehabilitation plan shall be prepared for Macky Hall, the Carriage House, and the Broadway Wall and Stair which shall include narrative descriptions, plans, elevations, and section drawings, as needed, of each resource. Under Mitigation Measure HIST-1b, a relocation plan shall be prepared for the Carriage House, which shall also include narrative descriptions, plans, elevations, and section drawings, along with procedures for protection of the historic building during relocation, relocation method and procedures for repair due to inadvertent damaged caused during the relocation process. Mitigation Measure HIST-1c shall document the Treadwell Estate landscape features, including Eucalyptus Row, Carnegie Bricks, and Sequoia trees through drawings, photographs, and written history. Lastly, application of **SCA-HIST-1** Archaeological and Paleontological Resources- Discovery During Construction (#36), **SCA-HIST-2** Human Remains-Discovery During Construction (#38), would reduce the Project's potential impacts to the aforementioned resources to a less-than-significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse cultural resource impacts related to historic buildings and features (Macky Hall, the Carriage House, the Broadway Wall and Stairs, and landscape features) and archeological or paleontological resources or human remains.
22. Soils, Geology, and Seismicity – GEO-1: The Project would involve construction activities that could potentially trigger landslides or destabilize existing slopes. However, implementation of **Mitigation Measure GEO-1**, which would require a design level geotechnical report to be prepared prior to the issuance of any grading or construction permit, and application of **SCA-GEO-1** Construction-Related Permit(s) (#40) and **SCA-GEO-2** Soil

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Report (#41) would reduce the Project's potential impacts related to geology and soils to a less-than-significant level.

23. Hazards and Hazardous Materials – HAZ-1, HAZ-2: Construction of the Project would involve use of hazardous materials as part of routine transport of materials, building demolition or construction, or the operations of certain businesses. However, implementation of **Mitigation Measure HAZ-1** would require a Phase II Environmental Site Assessment to be performed for the site by a qualified environmental professional before the start of construction and would reduce Impacts HAZ-1 and HAZ-2. The use of construction best management practices which would be required to be implemented as part of construction and required by SCA-HAZ-1 Hazardous Materials Related to Construction (#47), SCA-HAZ-2 Hazardous Building Materials and Site Contamination (#48), and SCA-AIR-7 Naturally Occurring Asbestos (#26), would minimize the potential adverse effects to groundwater and soils. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure that hazards and hazardous materials impacts would be reduced to a less-than-significant level.
24. Noise and Vibration – NOI-2: Construction of the Project would involve use of vibratory rollers during construction that could impact Oakland Technical High School Upper Campus activities when school is in session. However, the implementation of Mitigation Measure NOI-2 would reduce this impact to a less-than-significant level by limiting the use of vibratory rollers to after school hours or during school breaks.
25. Biological Resources – BIO-1, BIO-2: Redevelopment at the project site could disturb nesting bird and/or pallid bat habitats. Mitigation Measure BIO-1 would require a qualified biologist to conduct a pre-construction survey of all suitable nesting habitat within 200 feet of the project site, and if the survey indicates the presence of nesting birds, a protective no-disturbance buffer zones shall be established. Mitigation Measure BIO-2 would require a qualified biologist to conduct a pre-construction survey of all suitable roosting habitat within the project site, and if active bat roosts are discovered or there is evidence of recent prior occupation, a 200-foot protective no disturbance buffer shall be established around the roost site. Implementation of **SCAs BIO-1** Bird Collision Reduction Measures (#28), **SCA BIO-2** (Tree Removal during Bird Breeding Season (#32), and **SCA BIO-3** (Tree Permit Required/Tree Protection during Construction/and Tree Replacement Plantings (#33) will reduce the Project's potential impacts to biological resources to a less-than-significant level.

### X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

26. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures:
27. Cultural and Historic Resources - HIST-2: The Project proposes to demolish 10 buildings on the project site, all of which are contributors to the California Register- and National Register-eligible CCAC API. Demolition of 10 of the 12 contributing buildings and alteration of six contributing landscape features in the CCAC API would adversely impact the district such that it would no longer be able to convey its significance, resulting in a substantial adverse change to the historical resource. The numerous demolitions would result in the loss of eligibility of



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the district for listing in the California Register and National Register. Implementation of **Mitigation Measures HIST-2a, HIST-2b, HIST-2c, and HIST-2d** would reduce the level of impact to historical resources as a result of the project but the impact would still be significant and unavoidable. Mitigation Measure HIST-2a would require the Project Sponsor to retain a professional to prepare written and photographic documentation of the California Register- and National Register-eligible CCA API. Mitigation Measure HIST-2b would require the Project Sponsor to prepare a permanent exhibit/display of the history of the CCA, including but not limited to historic and current condition photographs, interpretive text, drawings, and interactive media. Mitigation Measure HIST-2c requires the Project Sponsor to establish a permanent outdoor art installation at the project site to reinforce the history of the site as a location for arts education and practice. Mitigation Measure HIST-2d requires the Project Sponsor to contribute to the City's Façade Improvement Program. In addition to these Mitigation Measures, SCA-HIST-3 shall be implemented to provide the opportunity for relocation of contributing buildings in the CCAC API. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

28. Cultural and Historic Resources - HIST-3: Four of the 10 buildings proposed to be demolished—Martinez Hall, Founders Hall, Noni Eccles Treadwell Ceramic Arts Center, and Barclay Simpson Sculpture Studio—are individually eligible for listing in the California Register and as Oakland Landmarks. Demolition of these four buildings would render them ineligible for listing in the California Register or as Oakland Landmarks. Implementation of **Mitigation Measure HIST-3** requires that the Project Sponsor hire a consultant to prepare written and photographic documents of these four buildings to reduce adverse effects on historical resources. However, while this mitigation would reduce the level of impact to historical resources as a result of the project, the impact would still be significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
29. Cultural and Historic Resources - HIST-4: To facilitate construction of the project, three significant examples of Late Modern architecture would be demolished: Founders Hall, a 1968 Brutalist building designed by DeMars & Reay; Martinez Hall, a 1968 Third Bay Tradition building designed by DeMars & Reay; and the Noni Eccles Treadwell Ceramic Arts Center, a 1973 Third Bay Tradition building designed by Worley Wong and Ronald Brocchini. Implementation of the Project, as designed, combined with cumulative development citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute to a significant and unavoidable adverse cumulative impact to Oakland's Late Modern architectural resources. **Mitigation Measure HIST-4** requires implementation of **Mitigation Measure HIST-2d**, which requires that the Project Sponsor contribute to the City's Façade Improvement Program to reduce the level of impact to historical resources as a result of the Project, but the impact would still be significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
30. Noise and Vibration - NOI-1: The noise levels from operation of heavy construction equipment on the project site could impact nearby receptors. **Mitigation Measure NOI-1** requires the Project Sponsor to implement SCA-NOI-1: Construction Days/Hours (#67), SCA-NOI-2: Construction Noise (#68), SCA-NOI-3: Extreme Construction Noise (#69), and SCA-NOI-4: Construction Noise Complaints (#71), which includes preparation of a Construction Noise Management Plan with site-specific noise attenuation measures. To further reduce impacts, an acoustical analysis shall be prepared by a qualified acoustical consultant prior to first construction related-permit issuance. The acoustical analysis shall show how the measures

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identified in the Construction Noise Management Plan will reduce impacts to below the project-specific performance standard of 80 dBA at each sensitive receptor. If such measures cannot reduce construction noise impacts at the nearest sensitive receptors to below 80 dBA, then the specific construction equipment operating above 80 dBA will be limited to 5 days at a time. Even with this specific performance standard and additional project specific mitigation measures, the impact may exceed the City's noise thresholds so the impact would conservatively remain significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

### XI. FINDINGS REGARDING ALTERNATIVES

31. The City Council finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project described in the EIR for the reasons stated below, and that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, Statement of Overriding Considerations.
32. The EIR evaluated a reasonable range of alternatives to the Project that was described in the EIR (DRAFT EIR Chapter VII; RESPONSE TO COMMENTS, CHAPTER III) which are hereby incorporated by reference. The five alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project and/or provide decision makers with additional information about a project that would include partial preservation of some or all of the existing historic buildings and culturally significant landscape features. These alternatives include: (1) No Project/Reuse Alternative, (2) General Plan Amendment (No Rezoning) Alternative, (3) Historic Preservation Alternative, (4) Historic Preservation with Tower Alternative, and (5) Small Housing Campus Alternative. The No Project/Reuse Alternative was identified as the environmentally superior alternative. Under CEQA Guidelines section 15126.6(e)(2), if the No Project/Reuse Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. Excluding the No Project/Reuse Alternative, the General Plan Amendment (No Rezoning) Alternative is the environmentally superior alternative.
33. The City Council certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the City Council's independent judgment as to alternatives. The City Council finds that the Project provides the best balance between the Project Sponsor's objectives, the City's goals and objectives, and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the greatest extent feasible. The alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the Project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.
34. No Project/Reuse Alternative: Under the No Project/Reuse Alternative, the Project would not be developed. However, the No Project/Reuse Alternative includes reasonably foreseeable refurbishment of existing 17 dormitory units to affordable housing. All 12 of the historic buildings would be preserved. The No Project/Reuse Alternative would not introduce General

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Plan Amendments that would allow for increased residential development, decreasing the number of residential units from up to 510 to 17. The No Project/Reuse Alternative would not result in any significant impacts related to land use, cultural and historic resources, hydrology and water quality, noise and vibration, and population and housing, although development would still occur on the Project site on a smaller scale. Structures on the existing site would remain in their current state; however, the 17 existing dormitory units in Irwin Student Center could be refurbished as affordable housing. The No Project/Reuse Alternative would result in less severe impacts related to traffic and transportation, air quality, greenhouse gas emissions and energy, soils, geology, and seismicity, biological resources, aesthetics and shade and shadow, and public services, utilities, and recreation.

The No Project/Reuse Alternative is rejected as infeasible because (a) it would not achieve the Project objectives to the same extent as the Project, (b) with only 17 units instead of up to 510 under the Project, it would not meet the City's minimum residential density requirements of 383 units, and it would not further the City's achievement of the General Plan's Housing Goals and of the Association of Bay Area Government (ABAG) Regional Housing Needs Allocation (RHNA) for the City of Oakland, (c) the Project Sponsor has been unable to identify a suitable institutional user of the project site to occupy or maintain the preserved buildings, (d) the open space would not be improved or maintained as publicly accessible, and (e) this alternative would not redevelop the site into a high-quality mixed-use development near BART that could reduce the neighborhood's dependency on motorized transportation. The existing property is economically infeasible to maintain in its current condition, and the maximum number of units and non-residential space is not enough to make the site economically feasible, or to produce a reasonable return on investment, or to attract investment capital and financing to preserve the remaining buildings.

35. General Plan Amendment (No Rezoning) Alternative: This alternative would preserve 10 out of 12 historic buildings on the site and allow the project site to be developed at a lower intensity, such that all development (both commercial and residential) would be reduced. Under this alternative, there would be a total of 95 residential multi-family and affordable studio rental units, the renovation and repurposing of 57,000 square feet of office (from nine buildings), 41 existing parking spaces, and 87,779 square feet of open space. A General Plan amendment would be introduced to reclassify the project from Institutional to Community Commercial to allow residential development at the project site, and a Planned Development bonus or Variance would be required to allow for the increase in height from 35 feet to 90 feet. This would result in a total of 95 residential units and would not meet the City's minimum density requirement of 383 units. The General Plan Amendment (No Rezoning) Alternative, like the Project, would not result in significant land use or population and housing impacts. Similar to the Project with mitigation measures and SCAs, it would not result in significant impacts related to traffic and transportation, hazards and hazardous materials, hydrology and water quality, and biological resources. The impacts related to cultural and historic resources, air quality, greenhouse gas emissions and energy, soils, geology, and seismicity, noise and vibration would be less compared to the Project.

The General Plan Amendment (No Rezoning) Alternative is rejected as infeasible because (a) it would not achieve any of the Project objectives to the same extent as the Project, (b) it would reduce the number of units from 510 to 95, and therefore would not meet the City's minimum residential density requirements or further the City's General Plan or ABAG RHNA housing goals, and (c) it would not allow enough residential units or non-residential space to make the redevelopment and preservation of existing buildings economically feasible. At only 95 units,

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the alternative would not allow the site to be redeveloped into a high-quality, dense mixed-use development near public transportation.

36. Historic Preservation Alternative: This alternative would preserve 5 out of 12 historic buildings (3 more than the Project) and allow the construction of up to 306 residential multi-family rental or condominium units across two 8-story buildings, the rehabilitation and reuse of 57,000 square feet of office (from five preserved buildings), and 236 parking spaces and would include 50,000 square feet of open space. The Historic Preservation Alternative, similar to the Project, would require a General Plan Amendment and rezoning to reclassify the project from Institutional to Community Commercial to allow residential development at the project site. However, the development would result in a total of 306 units and would not meet the City's minimum density requirement of 383 units. The Historic Preservation Alternative, like the Project, would not result in significant land use or population and housing impacts. The Historic Preservation Alternative would preserve Founders Hall, Martinez Hall, and the Noni Eccles Treadwell Ceramic Arts Center, which would avoid Impact HIST-4 related to cumulative impacts. The Historic Preservation Alternative would result in the removal of seven buildings that contribute to the CCAC API. However, Impact HIST-2 would be avoided because of the five contributors that remain, along with their spatial association and four contributing landscape features, allows the CCAC API to possess sufficient integrity as a district to convey its significance as a post-secondary arts education institution and retain its eligibility for listing as a district in the California and National Register and its listing as an Oakland API. Impact HIST-3 would be reduced because it would preserve three of the four buildings individually eligible for listing in the California Register and as Oakland Landmarks. However, HIST-3 would still be significant and unavoidable as it includes the demolition of the Barclay Simpson Sculpture Studio, which is eligible for listing in the California Register as an individual resource. Under this alternative, like the Project, significant impacts related to construction noise (NOI-1) would still exist. Similar to the Project with mitigation measures and SCAs, it would not result in significant impacts related to traffic and transportation, hazards and hazardous materials, hydrology and water quality, and biological resources. The impacts related to cultural and historic resources, air quality, greenhouse gas emissions and energy, soils, geology, and seismicity, hazards and hazardous materials, hydrology and water quality, aesthetics and shade and shadow, would be less compared to the Project. Lastly, under the Historic Preservation Alternative, the impacts related to public services and utilities would lessen but recreation impacts would be greater because it assumes less units than the project and therefore would provide a reduced amount of open space.

The Historic Preservation Alternative is rejected as infeasible because (a) it would not achieve most of the Project objectives to the same extent as the Project, (b) it would reduce the number of units from 510 to 306, and therefore would not meet the City's minimum residential density requirements or further the City's General Plan or ABAG RHNA housing goals, (c) incorporating additional preserved buildings into the development while reducing the residential units would not generate a reasonable economic return and would result in higher per-unit costs. It would also result in a smaller publicly accessible open space area than the Project and therefore would not meet the Project objective to maintain and improve the quasi-public open space.

37. Historic Preservation with Tower Alternative: This alternative would preserve five out of the 12 historic buildings (3 more than the Project) and allow the construction of up to 446 residential units, 57,000 square feet of office, and 291 parking spaces and would include 50,000 square feet of open space. The Historic Preservation with Tower Alternative, similar to the Project, would require a General Plan Amendment and rezoning to reclassify the project from

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Institutional to Community Commercial to allow residential development at the project site and a Planned Development bonus or Variance to allow for the height increase. Under the Historic Preservation with Tower Alternative, residential development would result in a total of 446 units and would meet the City's minimum density requirement of 383 units. The Historic Preservation with Tower Alternative, like the Project, would not result in significant land use or population and housing impacts. The Historic Preservation with Tower Alternative would preserve Founders Hall, Martinez Hall, and the Noni Eccles Treadwell Ceramic Arts Center, which would avoid Impact HIST-4 related to cumulative impacts. The Historic Preservation Alternative would result in the removal of seven buildings that contribute to the CCAC API. However, Impact HIST-2 would be avoided because of the five contributors that remain, along with their spatial association and four contributing landscape features, allows the CCAC API to possess sufficient integrity as a district to convey its significance as a post-secondary arts education institution and retain its eligibility for listing as a district in the California and National Register and its listing as an Oakland API. Impact HIST-3 would be reduced because it would preserve three of the four buildings individually eligible for listing in the California Register and as Oakland Landmarks. However, HIST-3 would still be significant and unavoidable as it includes the demolition of the Barclay Simpson Sculpture Studio, which is eligible for listing in the California Register as an individual resource. Under this alternative, like the Project, significant impacts related to construction noise (NOI-1) would still exist. Similar to the Project with mitigation measures and SCAs, it would not result in significant impacts related to traffic and transportation, air quality, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, and biological resources, aesthetics and shade and shadow, and public services, utilities, and recreation.

The Historic Preservation with Tower Alternative would achieve all the project objectives to a very similar degree as the Project and in some cases even more so. However, the Historic Preservation with Tower Alternative is rejected as infeasible because (a) the tower would involve significantly higher construction cost for same number of units as the Project, (b) preserving additional historic buildings is not economically feasible, (c) the tower is significantly inconsistent with the CC-2 limits on number of stories, and (d) the public has voiced significant opposition to a tower as inconsistent with neighborhood character. It would also result in a smaller publicly accessible open space area than the Project and therefore would not meet the Project objective to maintain and improve the quasi-public open space.

38. Small Housing Campus Alternative: This alternative would preserve nine out of the 12 historic buildings and allow up to 97 residential units, 77,000 square feet of office, and 55 parking spaces and would include 87,779 square feet of open space. Nine of the 12 buildings would be preserved, and the Carriage House would remain in its existing location. The Small Housing Campus Alternative, like the Project, would require a General Plan Amendment and rezoning to reclassify the project site from Institutional to Community Commercial to allow residential development at the project site and a Planned Development bonus or Variance to allow for the height increase. However, the development would result in a total of 97 units and would not meet the City's minimum density requirement of 383 units. The Small Housing Campus Alternative, like the Project, would not result in significant land use or population and housing impacts. Under this alternative, significant impacts related to cultural and historic resources would still exist but all significant and unavoidable impacts to cultural and historic resources would be avoided. Therefore, the impacts to cultural and historic resources associated with this alternative would be to a lesser extent than the Project. Similar to the project with mitigation measures and SCAs, it would not result in significant impacts related to traffic and transportation and biological resources. The Small Housing Campus Alternative would result

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in less severe impacts related to air quality, greenhouse gas emissions and energy, hazards and hazardous materials, soils, geology, and seismicity, hazards and hazardous materials, hydrology and water quality, noise and vibration, aesthetics and shade and shadow, and public services, utilities, and recreation.

The Small Housing Campus Alternative is rejected as infeasible because (a) it would not achieve most of the Project objectives to the same extent as the Project, (b) it would reduce the number of units from 510 to 97, and therefore would not meet the City's minimum residential density requirements or further the City's General Plan or ABAG RHNA housing goals, and (c) incorporating additional preserved buildings into the development while reducing the residential units would not generate a reasonable economic return and would result in higher per-unit costs.

### XII. STATEMENT OF OVERRIDING CONSIDERATIONS

39. The City Council finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse impacts discussed above in Section X and is an overriding consideration independently warranting approval. The remaining significant unavoidable adverse impacts identified above are acceptable in light of each of the overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.
40. The Project would provide 10% of the total units affordable to moderate income households in the Rockridge neighborhood, which is a High Resource Area, and on the project site, which is an identified Housing Opportunity Site in Oakland's 2023-2031 Housing Element.
41. The Project would meet the City's mandatory minimum residential density requirement of 383 units and the majority residential use requirement of the S-14 zoning overlay.
42. The Project would significantly further the City's Regional Housing Needs Allocation goals both for market-rate units and for moderate-income units, which is the income category in which Oakland is most behind in meeting its target units.
43. The Project would provide a minimum of 448 units and up to 510 residential units that are within the MacArthur BART Priority Development Area and will be approximately ½-mile from BART.
44. The Project would support the existing bicycle access and parking by incorporating pathways that facilitate bicycle access to and within the project site, along with increased bicycle parking on site.
45. The Project will include off-site transportation and pedestrian improvements to the existing road network, including new curb ramps, adequate sidewalks along Broadway and Clifton Street and pedestrian amenities like lighting, street trees, public seating, sculpture garden, and other streetscape improvements.

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46. The Project would increase existing and future residents' access to open space, as it would provide 1.46 acres of privately-owned public space to be maintained as publicly accessible open space in perpetuity through a deed restriction on the project site.
47. The new entrance to the left of the Broadway Stairs would provide ADA accessibility to the publicly accessible open space that does not currently meet ADA standards.
48. The Project would increase the annual property tax by approximately 2,000% after development of the Project.
49. The Project is expected to generate new residential spending on goods and services in the City, new sales tax revenue, and improved vibrancy for the community.
50. The 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.
51. The Project is consistent with and further advances the Oakland General Plan including the Land Use and Transportation Element, Open Space, Conservation and Recreation (OSCAR) Element, Historic Preservation, Safety, and Housing Element, as well as the Bicycle and Pedestrian Master Plans; in addition to other related plans, including the Environmental Justice Element and Energy and Climate Action Plan.