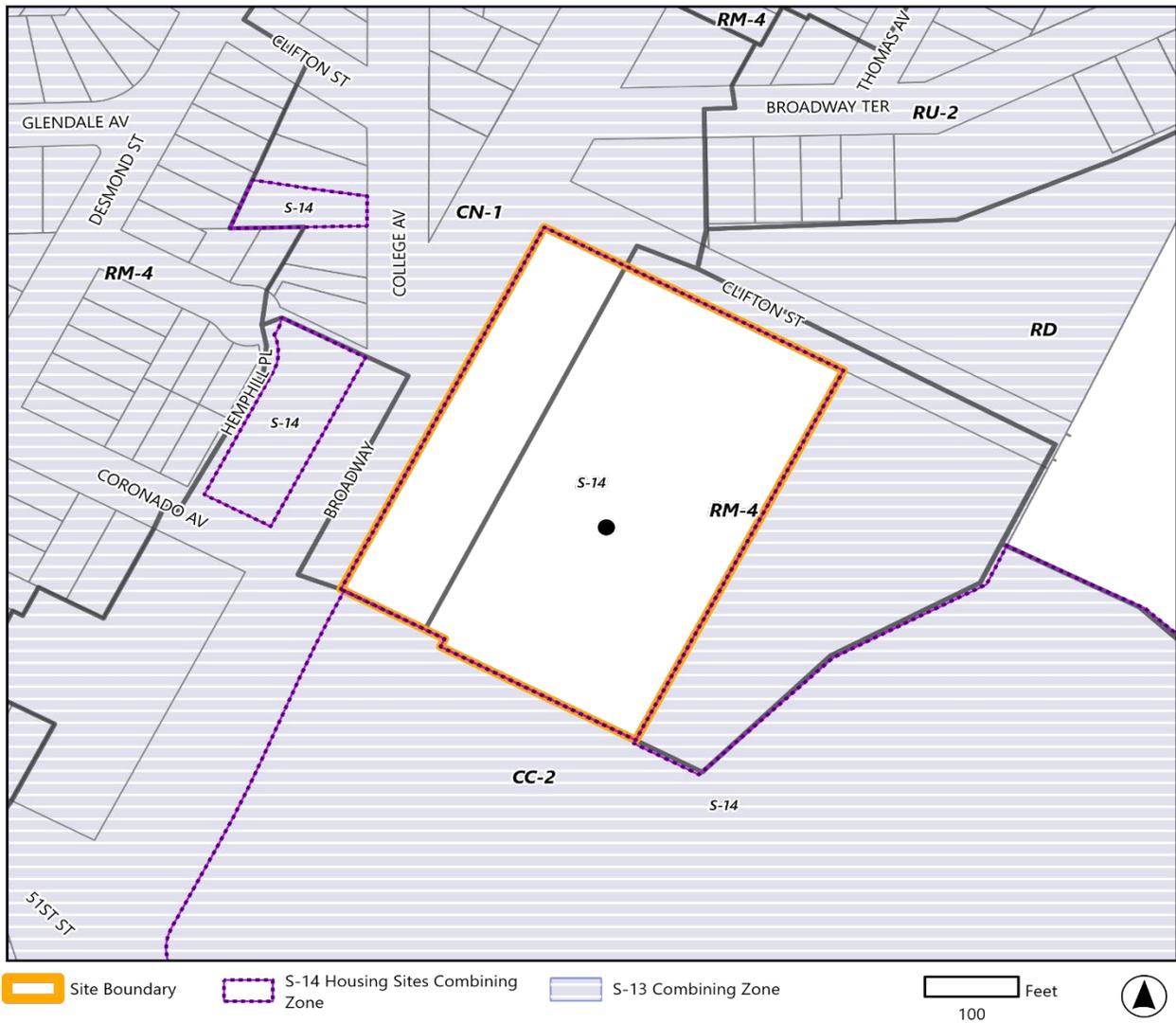


Location:	5212 Broadway, California College of the Arts
Assessor's Parcel Number	014-124-300-101
Proposal:	Planned Unit Development (PUD) Application for the California College of the Arts (CCA) Site Redevelopment Project. The project includes demolition of 10 historic buildings within the CCA Area of Primary Importance (CCAC API), development of 448 multifamily residential units in two buildings with 95- foot height, commercial use, and preservation/renovation of the Oakland Landmark designated as the Treadwell Estate. The Treadwell Estate includes Macky Hall, the Carriage House, the Broadway Wall and Stairs, Macky Lawn, and an open space view corridor.
Applicant:	Arts Campus LLC
Phone Number:	Marc Babsin, 415-489-1313
Owner:	California College of the Arts
Case File Number:	PLN20141, PLN20141-PUDF01, ER19003
Planning Permits Required:	General Plan Amendment (GPA), Re-zone, Planned Unit Development (PUD), Regular Design Review, Conditional Use Permit (CUP) for a Shared Access Facility (SAF), Variance for Demolition Finding, Vesting Tentative Parcel Map (VTPM), and Final Development Permit (FDP).
General Plan:	Institutional
Zoning:	CN-1, RM-4
Proposed Environmental Determination:	The Draft Environmental Impact Report (DEIR) was published for a 45-day review period from January 12 to February 26, 2024. The Final EIR (FEIR) was published September 20, 2024.
Historic Status:	Landmark, API, Campus District including 12 buildings: 4 A1+.4 B1+, and 4 C1+.
City Council district:	1, Kalb
Status:	Under Review.
Staff Recommendation	Recommendations on certification of the EIR and recommendation to Planning Commission on the merits of the project and land use entitlements related to the historic resources.
Action to be Taken:	Provide comments, and consider making recommendation
For further information:	Rebecca Lind: Phone: (510) 672-1474 or by e-mail: rlind@oaklandca.gov .

LANDMARKS PRESERVATION ADVISORY BOARD



Case File: PLN20141; PLN20141-PUDF01
Applicant: Emerald Fund
Address: 5212 Broadway
Base Zone(s):CN-1, RM-4
Combining Zone(s):S-14

SUMMARY

The purpose of this report is to provide information and seek a recommendation from the Landmarks Preservation Advisory Board (LPAB) on the proposed California College of the Arts (CCA) campus entitlement application (“Project”). The Project proposes 448 multifamily residential units in two buildings with up to 95-foot-tall building height, 14,390 square feet of commercial use, parking, and open space. The Project includes demolition of 10 historic buildings within the California College of Arts and Crafts Area of Primary Importance (CCAC API) and proposes preservation/renovation of the Oakland Landmark designated as the Treadwell Estate. Approval of the Project requires certification of the California College of The Arts Oakland Campus Redevelopment Project Environmental Impact Report (EIR); and approval of a General Plan Amendment (GPA), Rezone, Variance, Planned Unit Development (PUD), Final Development Permit (FDP), Conditional Use Permit (CUP) and subdivision. An EIR was prepared in compliance with the California Environmental Quality Act (CEQA). The EIR concludes that approval of the Project would result in four significant and unavoidable (SU) impacts, as detailed later in this report. The City Council is the decision-making body for the proposed entitlements.

BACKGROUND

The site was used as a college campus from 1922 until 2022 when CCA completed its relocation to San Francisco. The site is now vacated with buildings and numerous site features remaining in place. A development application was received for redevelopment of the site as a PUD, under case file PLN20141, on October 4, 2020. The DEIR was published January 12, 2024.

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

The Planning Commission’s Design Review Committee (DRC) held public hearings on the proposed project design guidelines on October 26, 2022, and March 22, 2023. Public hearings on the DEIR were held before Planning Commission (PC) on February 7, 2024.

The proposal was revised by the applicant during the preparation of the EIR and review of the PUD, as follows:

1. The signed application for Environmental Review, case file ER-19003, received March 20, 2019, was for up to 589 units with a 19- foot tower. Then,
2. The Environmental Review application was revised May 8, 2020, for up to 462 units. Then,
3. A signed application for development as a PUD, case file PLN20141, received October 4, 2020, was for up to 447 units. Then,
4. The PUD application was revised again to include a project alternative with a tower for up to 558 units on February 10, 2021. Then,

5. The project was further revised on August 25, 2022, to eliminate the tower, and provide for up to 510 dwelling units. This development plan is the version analyzed in the DEIR, Then,
6. The project was further revised on March 1, 2023, which reduced the height of proposed Building B from 94 feet to 85 feet, and the number of units to 448 dwelling units. This development plan is the version currently proposed in the PUD.

The Planning Commission held a public hearing on October 16, 2024 and recommended certification of the California College of The Arts Oakland Campus Redevelopment Project Environmental Impact Report (EIR); adoption of a Statement of Overriding Conditions and approval of a General Plan Amendment (GPA), Rezone, Variance, Planned Unit Development (PUD), Final Development Permit (FDP), Conditional Use Permit (CUP) and subdivision with the further recommendation that the affordable housing provided on site be changed from 10% moderate income housing to 5% very low income housing. The Commission also recommended changes to several site-specific conditions of approval as shown in Attachment I. The proposed change in affordable housing would result in an increase in minimum parking requirements by 11 spaces, changing from 215 to 226 spaces.

PROJECT DESCRIPTION

The application proposes to redevelop the 3.9-acre former college campus into a multi-family mixed-use development with new housing and private open space publicly accessible to the Rockridge community. This includes retaining the two buildings listed on the National Register of Historic Places that are contributors to the Oakland Landmark; expanding upon existing private open spaces for public use; demolishing ten of the twelve existing buildings on site; and developing new multi-family residential buildings that allow for up to 448 residential units, 237 parking spaces, and 14,390 square feet of commercial use along Broadway and in Macky Hall. Ten percent (10%) of the new residential units would be designated for moderate income affordable housing (45 units).

The project includes the following applications:

1. A General Plan Amendment (GPA) to modify the site's General Plan land use designation from the current "Institutional" land use designation to "Community Commercial" (CC);
2. A Rezone from Mixed Housing Residential – 4 Zone (RM-4) and Neighborhood Commercial – 1 Zone (CN-1) to Community Commercial – 2 Zone (CC-2); and a height map designation change from a 35-foot Height Area to a 95-foot Height Area for the current RM-4 portion of the site;
3. A Variance for alteration of historic resources;
4. A CUP for a Shared Access Facility (SAF);
5. A PUD to create an integrated, conceptual site plan with flexibility in project site planning and design;

6. A Final Development Plan (FDP) for the proposed schematic building design, site planning, demolition, grading, utilities and off-site improvements; and
7. A Vesting Tentative Parcel Map (VTPM) for a two-lot subdivision, 448 residential condominiums and four commercial condominiums.

The proposed project plans are provided in **Attachment D** to this report (linked here: <https://cao-94612.s3.us-west-2.amazonaws.com/documents/CCA-Revised-PDP-FDP-dated-9-9-2024.pdf>)

PROPERTY DESCRIPTION

The approximately 3.9-acre project site is in North Oakland in the Rockridge Neighborhood. The project site is comprised of one parcel located at 5212 Broadway (Assessor Parcel Number (APN) 14-1243-1-1). The project site is approximately 0.6 miles south of the Rockridge Bay Area 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.

The site is bordered by Broadway to the west, Clifton Street to the north, an apartment complex located off Broadway Terrace to the east, and “The Ridge” shopping center to the south.

HISTORIC STATUS

The existing status of the historic resources within the CCAC API is described in the Historic Resource Evaluation (HRE) and summarized as follows:

1. The campus is designated as the California College of Arts and Crafts Area of Primary Importance (CCAC API) and a Potentially Designated Historic Property (PDHP). The campus portion of the API would be eliminated.
2. The campus qualifies as a District eligible for the California Register of Historic Resources and National Register of Historic Places.
3. Four buildings (Founders, Martinez Hall, Treadwell Ceramics, and Simpson Sculpture Studio) are individually eligible for the California Register of Historic Resources based on meritorious architecture as examples of Brutalism and the Third Bay Tradition architectural styles.
4. Two buildings (Macky Hall and Carriage House), and associated landscape features, are part of the Treadwell Estate, an Oakland Landmark. The Treadwell Estate is listed on the National Register of Historic Places.

The HRE is included in the DEIR Appendix at the following link. <https://cao-94612.s3.us-west-2.amazonaws.com/documents/California-College-of-the-Arts-Oakland-Campus-Redevelopment-Project-DEIR-with-Appendices.pdf>

GENERAL PLAN

The existing General Plan Land Use designation for the project site is “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 General Plan Land Use and Transportation Element (LUTE) was adopted in 1998. Under the existing Institutional land use designation, housing could only be developed on the site if it were associated with an educational, cultural or institutional facility.

The City’s 2023-2031 Housing Element was adopted in January 2023 and designates the site as a Housing Opportunity Area with a feasible housing capacity of 510 units.

A proposed GPA is discussed in the Issues section, below.

ZONING

The existing zoning for the CCA site includes two zoning districts: RM-4 with a Height Area of 35 feet, and CN-1 with a Height Area of 95 feet. The site is also in the recently adopted S-14 Combining Zone which requires new development to be:

1. A majority residential project.
2. A minimum density of 75% of the Housing Opportunity Area capacity (383 units).

The RM-4 Zone generally permits lower-density residential uses, civic uses, and limited commercial activities. The maximum allowable base density within this zone is one unit per 1,000 square feet of lot area and the maximum height is 35 feet. Residential capacity in the existing RM-4 zoned portion of the site is 79 units.

The CN-1 Zone generally permits multi-family residential, civic, commercial, and some limited agricultural activities. The maximum allowable base density within this zone is one unit per 200 square feet of lot area and the maximum height is 95 feet. Residential capacity in the CN-1 zoned portion of the site is 130 units. The existing residential capacity of the entire site is 209 units. The existing Height Area for the CN-1 area is 95 feet.

A proposed Rezone is discussed in the Issues section below.

ENVIRONMENTAL DETERMINATION

The City prepared an EIR in compliance with the California Environmental Quality Act (CEQA) to analyze the potential environmental impacts caused by the proposed Project. The EIR record, in its entirety, can be found here.

[City of Oakland | California College of the Arts \(CCA\) Oakland Campus...](#)

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

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

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

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

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

where the No Project Alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified.

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

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

2. Environmental Impacts Identified in the EIR:

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

3. Significant and Unavoidable Impacts:

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

a. Cultural and Historic Resources:

- i. **Impact 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 CCAC Campus District eligibility for listing in the California Register and National Register.
- ii. **Impact 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.

- iii. **Cumulative Impact HIST-4:** To facilitate construction of the Project, three significant examples of Late Modern architecture would be demolished: Founders Hall - a 1968 Brutalist building designed by DeMars & Reay; Martinez Hall - a 1968 Third Bay Tradition building designed by DeMars & Reay; and the Noni Eccles Treadwell Ceramic Arts Center - a 1973 Third Bay Tradition building designed by Worley Wong and Ronald Brocchini. Implementation of the Project, as designed, combined with cumulative development citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute to a significant and unavoidable adverse cumulative impact to Oakland's Late Modern architectural resources.

b. Noise and Vibration

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

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

Notices of Availability for the DEIR and FEIR were posted on the City of Oakland website, registered on CEQAnet portal (<https://ceqanet.opr.ca.gov/>) and mailed to property owners and occupants within 300 feet of the Project site, Interested Parties, and State and Local Agencies. The EIR and its appendices may also be viewed or downloaded from the City of Oakland's website at the following link:

[City of Oakland | California College of the Arts \(CCA\) Oakland Campus...](#)

As noted earlier in this report, since the publication of the DEIR, the Project applicant revised the proposed Project, resulting in reductions to density from 510 to 448 units and in the height of Building B from up to 95 feet to up to 85 feet. The revisions also increased the amount of public open space by 10,838 square feet. The Project revisions outlined above would not change the findings of the Draft or require recirculation pursuant to CEQA Guidelines Section 15088.5 which requires recirculation of an EIR when "significant new information" is added to the EIR after publication of the DEIR but before certification. None of the impact findings of the DEIR would be affected and in no case would this change result in the need to revise the analysis, as the analysis considers a larger development. As a result, the changes to the Project description would not substantially change the findings of the DEIR and they do not trigger recirculation of the document.

For the proposal to move forward for consideration of the discretionary permits, the EIR will require certification and adoption of CEQA Findings, including a Statement of Overriding Consideration for the four identified significant and unavoidable Impacts. See CEQA Findings **Attachment B**.

KEY ISSUES AND IMPACTS

1. General Plan Amendment (GPA)

a. Background and Context:

A GPA is required to redevelop the site with housing, at the capacity established in the City's 2023-2031 Housing Element of the General Plan, without retaining an educational, cultural or institutional facility. The California College of Arts (CCA) organization moved their educational facility at the Project site to San Francisco in 2022. After a multi-year evaluation of replacement opportunities for the site, the applicant established housing as the most feasible potential land use. For documentation of replacement and reuse costs for a replacement project, see Demolition Findings Memo, **Attachment F**.

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 General Plan amendments. The CCA site was evaluated during this review.

b. Applicant Proposal:

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

c. Staff Analysis and Recommendation:

Staff recommends approval of the GPA.

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

2. Zoning Amendment

a. Background and Context:

As stated earlier in this report, the site currently has two existing zoning designations, the RM-4 Zone which is mapped on approximately two thirds of the site, and the CN-1 Zone is mapped on the remainder of the site. The site is also in the S-14 Combining Zone and has a minimum assigned density in the 2023-2031 Housing Element of 383 units. The capacity of the site under existing zoning is 209 units. The existing zoned housing

capacity is less than the required minimum density established in the S-14 Combining Zone.

b. Applicant Proposal:

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

c. Staff Analysis and Recommendation:

Staff recommends approval of the Rezone. Either a rezone or a finding of “no net loss” of housing capacity is required for the Project to be consistent with the Housing Element and the S-14 Combining Zone.

If a rezone request were **not** proposed for this Project, an analysis and findings for no net loss of housing capacity would be required per **California Government Code Section 65863(b)(2)**

If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction’s housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584.

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

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

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

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

Code Compliance for Proposed CC-2 Zone			
	Code Requirement	Proposed Project	Compliant?
Residential Activity	Allowed	448 units	Yes
New Residential Facility on the ground floor	Allowed	6 Townhouse Units	Yes
Mixed Use Development	Allowed	14,390 sf commercial use	Yes
Group Assembly Activity	Up to 7,500 sf allowed	13,423 sf	PUD Bonus
Maximum Residential Density	520 units	448 units	Yes*
Minimum Residential Density	383 units	448 units	Yes
Maximum Non-Residential FAR	5	0.08	Yes
Affordable Housing	Payment of Fee or dedication of units	10% moderate	Yes
Rear setback	10' when abutting an RM Zone	5'	PUD exception
Minimum Side Setback	0	0	Yes
Minimum Front Setback	0	0	Yes
Minimum Front Setback residential	30'	5.6'	PUD exception
Maximum front setback commercial	10'	24'	PUD exception
Height Reduction within 10 feet of principle street adjacent to a lower height area	65'	68'	PUD exception
Permitted Height Maximum	95'	85-95'	Yes
Permitted Stories	8	9	PUD exception
Parking	215 spaces required	237 parking spaces requested	Yes**
Parking location	Required on site	Commercial parking in residential building	PUD exception
Bicycle parking	476	476	Yes
Ground floor transparency	55%	55%	Yes
Living Room Windows	16' separation plus 4' for each story above the level of the court but not greater than 25'	16'-or greater	Yes
Other Habitable Room	10' or greater	10'	Yes

windows			
Residential Group and Private Open space	75 sq. ft./ unit	15,798 sf group 14,020 sf private	Yes

* Calculated based on subtracting the open space square footage of 68,318 square feet from the parcel area of 172,270 square feet.

**Reduction of parking or revision of the Transportation Demand Management Plan (TDM) for the project will be required to reduce potential Greenhouse Gas (GHG).

3. Parking

a. Background and context:

Planning Code Section 17.116.060 requires 215 parking spaces as a minimum and has no maximum parking requirement. The minimum parking includes 202 spaces for residential units and 13 spaces for commercial activities. Parking requirements are calculated as follows:

- i. No required parking for 45 affordable housing units,
- ii. One-half (½) space for each market rate dwelling unit resulting in 202 parking spaces for 403 units,
- iii. One (1) space for each one thousand (1,000) square feet of new commercial floor area (7 spaces per 6,631 square feet).

Planning Code section 17.116.110 F Conversion of Historic Structures requires:

- i. 6 retained spaces for the re-habilitated Macky Hall and Carriage House.

b. Applicant Proposal:

The proposal is for 237 parking spaces located in Building A. The 13 commercial spaces are proposed as shared commercial/residential parking.

c. Staff Analysis and Recommendation:

While the Project meets Planning Code requirements, the project CEQA analysis identified a potential GHG mitigation requirement to further reduce Vehicle Miles traveled (VMT) for the Project. This requirement could be met by removing parking spaces or adopting additional VMT reducing measures as part of a revised TDM.

4. Planning Code Findings for Demolition of Historic Properties Group A: Economic Feasibility

a. Background and context:

As discussed earlier in this report, the demolition proposed for this site triggers findings for Demolition of Historic Properties per the Planning Code Design Review Section

17.136.050.C.3. The findings are required to determine the economic feasibility of retaining or re-using the existing structures, and the design quality of the replacement project. These finding are required in addition to the Regular Design Review findings (Planning Code Section 17.136.050) discussed in the proceeding section.

A detailed economic feasibility analysis is required to make Finding 1 Planning Code Section 17.136.075.C.1a and Finding 6 in Planning Code Section 17.136.075.C.1b

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

Documentation for this requirement is provided by the applicant in a memorandum titled Demolition Findings Class II Historic Properties See Demolition Findings Memo **Attachment F**.

b. Applicant Proposal:

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

The applicant proposes making the findings for demolition of the 10 building on the CCA site based on the analysis that neither rehabilitation nor alterations of the existing buildings would generate a reasonable economic return if preserved and integrated into the proposed Project. This conclusion is supported by a detailed analysis of the estimated costs for rehabilitating the buildings, which highlights the projected return on cost considering the necessary structural upgrades and potential earnings under an office use scenario.

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

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

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

5. Planning Code Findings for Demolition of Historic Properties Group B: Design Findings

- a. Background and context:

Planning Code Section 17.136.075.C.3. requires documentation of whether the proposed project addresses: Finding 4: 17.136.075 c.3 a: *The design quality of the replacement structure is equal or superior to that of the existing structure* and Finding 5: 17.136.075 c.3 b: related to project replacement and neighborhood context. *The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:*

- b. Applicant Proposal:

The applicant submitted the analysis in two documents, the Demolition Findings Memo (see **Attachment F**), and the Implementation Checklist (see **Attachment G**), to addresses Findings 4 and Finding 5. The Demolition Findings Memo addresses the required findings for a replacement project and demonstrates how the project is compatible with the character of the district, with no erosion of design quality. The memo cites to the design guidelines standards that support the analysis. The project design guidelines are provided in Attachment E and at the following link, https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf. The guidelines provide design criteria and objective design standards derived from the elements of the built environment surrounding the site and from the existing CCA campus buildings. The project design guidelines demonstrate how the project meets the required findings. The design guidelines Implementation Checklist organizes the relevant guideline for each finding and states how each group of standards addresses the required criteria.

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

Finding 5: See Demolition Findings Memo page 72 to page 84 for detailed findings and analysis. The memo addresses:

- i. massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
- ii. forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
- iii. high visual interest;
- iv. elements that enrich the historic character of the district;
- v. consistency with the visual cohesiveness of the district.

The applicant provided a completed project Checklist to make these findings for 17.136.075 c.3 b: Criteria i- iv. See Implementation Checklist **Attachment G**. For Criterion iv, the Checklist states “Criteria vi: This Criteria will be addressed in a variance.”

c. Staff Analysis and Recommendation:

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

The project design guidelines support the analysis of the required findings for demolition of historic resources Criteria 17.136.075 C. 3 (b) criteria i. through criteria v. as follows.

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

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

17.136.075 C. 3 (b) Criteria vi.) is not included in the project checklist because there are no objective design standards in the project design guidelines that address this criterion. See Implementation Checklist **Attachment G**. This criterion addresses the status of the historic district. Planning Code Section 17.136.075C.3(b)(vi): *The replacement project will not cause the district to lose its current historic status.* In this case the applicant is seeking a variance in lieu of satisfying this requirement. Criteria Section 17.136.075 C. 3 (b) Criteria vi. (Criteria 6) is addressed through the following Variance.

6. Variance for Finding 17.136.075 C. 3: (b) Criteria vi (Criteria 6)

a. Background and Context:

Planning Code Section 17.148.010 Variance states that:

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

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

b. Applicant Proposal:

The applicant applied for a variance from the required demolition findings included in Planning Code Section 17.136.075C.3(b)(iv): *The replacement project will not cause the district to lose its current historic status.* In their variance application, the applicant argues that the demolition of historic resources and elimination of the CCAC API is necessary to meet the required minimum housing density established by adoption of the City's Housing Element and its implementing S-14 Combining Zone. In addition, while the CCAC API is eliminated due to demolition, the project site is still an API based on the Landmark designation for the Treadwell Estate.

c. Staff Analysis and Recommendation:

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

7. Rehabilitation and Remodeling of Landmark Properties

a. Background and Context:

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

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

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

Approval of the PUD plan providing for relocation of the Carriage House and restoration Macky Hall, Macky Lawn and the Broadway Wall and Stairs is recommended. Staff recommends making the findings for preservation and restoration of Landmark properties in Planning Code Section 17.136.070.

The applicant's rehabilitation proposal meets the criteria for rehabilitation as submitted and documented in the project Checklist, see Implementation Checklist **Attachment G**. The design guidelines provide additional standards that address these findings. See project design guidelines **Attachment E**. or at the following link.https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf

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

8. Open Space

- a. Background and Context:

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

The applicant proposes the privately owned public open space (POPOS) and public plaza as a project amenity and publicly accessible open space on the site. 41,193 square feet of POPOS is proposed with 27,125 square feet of public plaza. A portion of the POPOS is within an 80-foot unobstructed view corridor extending from Macky Hall to the

intersection of College Avenue and Broadway. The POPOS is also proposed as the location for a playground, ADA paths, a rehabilitated Macky Lawn, and the proposed Group Assembly Commercial Activities serving the local community.

c. Staff Analysis and Recommendation:

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

9. Tree Permit

A Tree Permit is required for the development of this Project and a preliminary tree plan showing removal and replacement of regulated trees is included in the FDP plan set. Since Tree Permits are valid for one year with a one-year extension, the Tree Permit for this project is deferred to prior to building permit issuance. The requirement for a Tree Permit is a standard condition of approval and is also required in the SCA/MMPR under CEQA. See **Attachment C** HRE. Deferral of this requirement will allow re-assessment at the time of construction permitting for regulated trees, which may grow or change in other ways during the period between planning entitlement and project building permit review.

RECOMMENDATIONS:

As demonstrated throughout this report, staff finds the proposed Project to be responsive to the City of Oakland regulatory framework and recommends approval. As such, staff requests the LPAB make a recommendation to the City Council for the following requested entitlements:

1. Recommend certification of the EIR and adoption of CEQA Findings to the City Council, including the Statement of Overriding Considerations that addresses significant and unavoidable impacts to historic resources.
2. Recommend approval of the following, subject to findings and revised conditions of approval:
 - a. General Plan Amendment;
 - b. Re-zone;
 - c. Combined Planned Unit Development and Final Development Plan dated September 9, 2024;
 - d. Regular Design Review;
 - e. Conditional Use Permit (CUP) for a Shared Access Facility (SAF);
 - f. Variance for Demolition Finding; and
 - g. Subdivision Vesting Tentative Parcel Map.

Prepared by:

Rebecca Lind

Rebecca Lind
Planner IV

Reviewed by:

Catherine Payne

Catherine Payne
Development Planning Manager
Bureau of Planning

ATTACHMENTS:

- A. Project Findings
- B. CEQA Findings
- C. Conditions of Approval
 - C.1 Standard Conditions of Approval
 - C.2 Standard Conditions of Approval/Mitigation Monitoring and Reporting Program
- D. PUD/FDP Submittal dated 9/9/24
<https://cao-94612.s3.us-west-2.amazonaws.com/documents/CCA-Revised-PDP-FDP-dated-9-9-2024.pdf>
- E. 5152 Broadway Design Guidelines
https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf
- F. Demolition Findings Category II Historic Properties Memorandum
- G. Design Guidelines Implementation Checklist
- H. Vesting Tentative Parcel Map
- I. Proposed Changes to Conditions of Approval 10/16/24