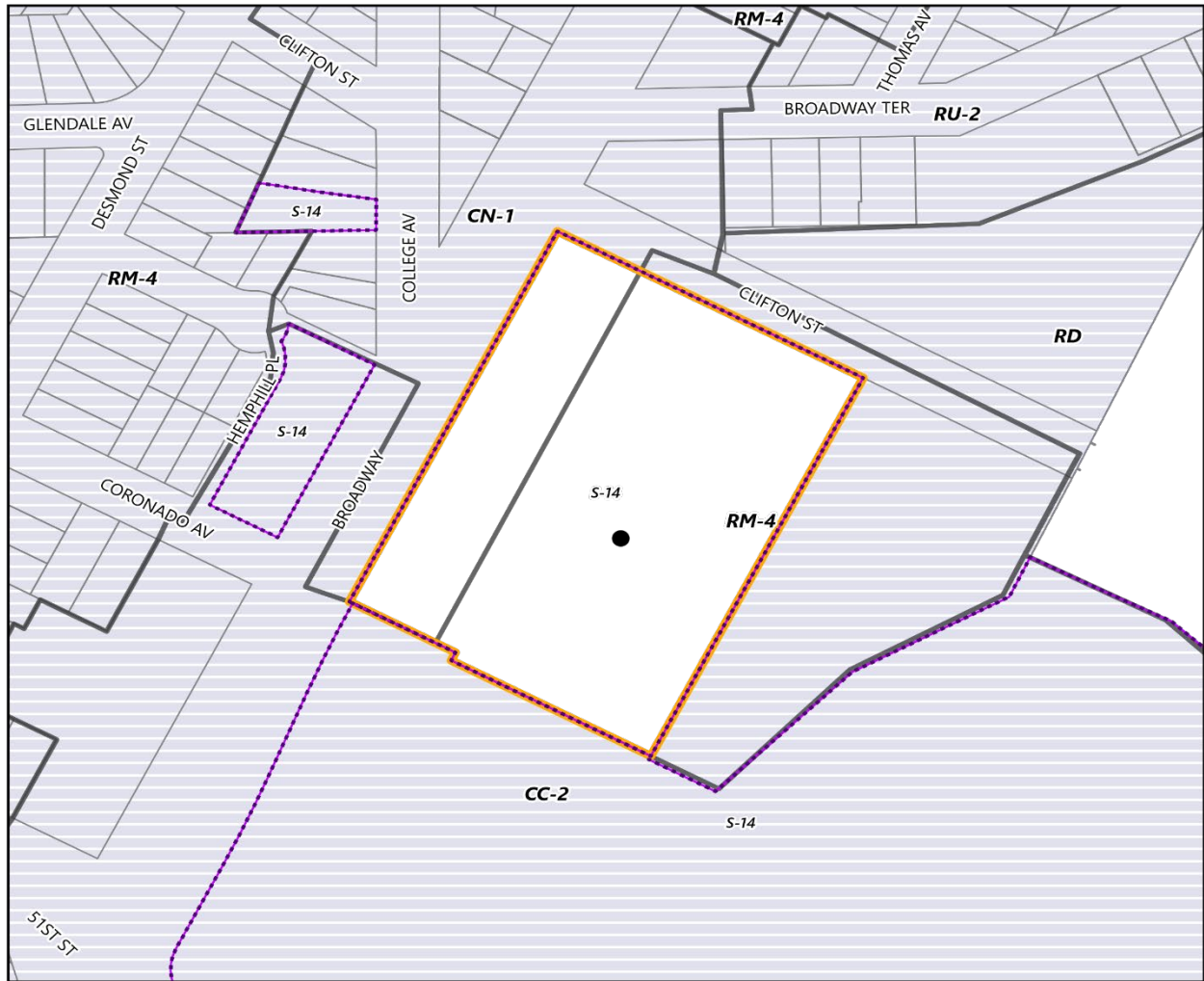


<b>Location:</b>	<b>5212 Broadway, California College of the Arts</b>
<b>Assessor's Parcel Number</b>	<b>014-124-300-101</b>
<b>Proposal:</b>	Planned Unit Development (PUD) Application for the California College of the Arts (CCA) Site Redevelopment Project. The project includes demolition of 10 historic 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.
<b>Applicant:</b>	Arts Campus LLC
<b>Phone Number:</b>	Marc Babsin, 415-489-1313
<b>Owner:</b>	California College of the Arts
<b>Case File Number:</b>	PLN20141, PLN20141-PUDF01, ER19003
<b>Planning Permits Required:</b>	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).
<b>General Plan:</b>	Institutional
<b>Zoning:</b>	CN-1, RM-4
<b>Proposed Environmental Determination:</b>	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.
<b>Historic Status:</b>	Landmark, API, Campus District including 12 buildings: 4 A1+.4 B1+, and 4 C1+.
<b>City Council district:</b>	1, Kalb
<b>Status:</b>	Under Review.
<b>Staff Recommendation</b>	Recommendations on certification of the EIR and recommendation to City Council on the merits of the project and land use entitlements.
<b>Action to be Taken:</b>	Provide comments, and consider making recommendation
<b>For further information:</b>	Rebecca Lind: Phone: (510) 672-1474 or by e-mail: <a href="mailto:rlind@oaklandca.gov">rlind@oaklandca.gov</a> .

CITY OF OAKLAND PLANNING COMMISSION



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 Planning Commission 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 a Vesting Tentative Parcel Map (VTPM) for a two-lot 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 Draft EIR (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 the 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-story 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.

## **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 5200 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

1. Land Use and Transportation Element (LUTE):

The intent of the site’s existing “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.

- a. 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. Therefore, the proposed Project is not supported by the existing General Plan Land Use designation of “Institutional”.
- b. A General Plan Amendment (GPA) to allow “stand alone” residential activity is required. The proposed project requests a GPA to change the existing “Institutional” land use designation to “Community Commercial” - a broad land use that allows both commercial and multi-family activities. The GPA request is discussed in the Issues section, below.

2. Housing Element

- a. The project supports the Housing Element, which designates the site as a Housing Opportunity Area by providing a residential project with 448 dwelling units.

3. Race and Equity General Plan Compliance:

In September 2023, the City of Oakland adopted an Environmental Justice Element (EJ Element) as part of Phase 1 of the General Plan update, which constitutes the baseline against which the Race and Equity Impact Assessment for this Project is determined. The EJ Element “serves as the foundation for achieving equity and environmental justice when planning for future growth and development in Oakland.” The EJ Element identifies communities that are disproportionately impacted by environmental justice issues and proposes goals, policies, and objectives to reduce the unique or compounded health risks in these communities. It also contains a comprehensive table of actions to achieve those goals and objectives, many of which have already been implemented.

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

The Project supports Policy EJ 3.2 by providing ten percent (10%) new housing units as moderate-income housing resulting in 45 new affordable units.

b. **EJ-7.1 Complete Neighborhoods. Promote “complete neighborhoods”— where residents have safe and convenient access to goods and services on a daily or regular basis—that address unique neighborhood needs, and support physical activity, including walking, bicycling, active transportation, recreation, and active play.**

The Project supports Policy EJ-7.1 by providing 448 dwelling units, 14,390 square feet of commercial use, 476 bike parking spaces, ADA pedestrian circulation paths connecting to public streets, 68,318 square feet of public open space and 13,472 square feet of group assembly space adjacent to the Broadway and College Avenue commercial corridors. In

summary, the project provides much-needed housing in an area rich with access to goods, services and public transportation.

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

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

## **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 the 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.

<b>Code Compliance for Proposed CC-2 Zone</b>			
	<b>Code Requirement</b>	<b>Proposed Project</b>	<b>Compliant?</b>
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 parking 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 windows	10' or greater	10'	Yes
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 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.

The site is in a transit accessible area as defined in Planning Code 17.09.040 Definitions because it is adjacent to a bus stop with one line providing a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods. The site is .6 miles from Rockridge BART.

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 23 parking spaces or adopting additional VMT reducing measures as part of a revised TDM.

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

##### a. Background and context:

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

Submittal requirements include site plan, building elevations and sections, circulation plan improvements, drainage improvements, grading, landscape plans, lighting and demolition are evaluated as an integrated proposal. A purpose of the PUD regulations is to provide a flexible approach to site planning and to provide the option of phasing for large projects. The PUD process includes several tools to achieve this goal.

The Planning Code allows a variety of bonuses and exceptions to development standards as permitted by Planning Code Section 17.142.100. Planning Code Section 17.35.060 (CC-2 Zone) and Planning Code Section 17.142.100 stipulate that at the time of initial granting of a PUD permit the normally required design review process may be modified or waived for developments in the CC-2 zone. In this case, a comprehensive set of site-specific design standards, called the *5212 Broadway Design Guidelines* (design guidelines), were prepared. See **Attachment E** or the following link.

[https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215\\_5212-Broadway-Design-Guidelines\\_high-res.pdf](https://cao-94612.s3.us-west-2.amazonaws.com/documents/230215_5212-Broadway-Design-Guidelines_high-res.pdf).

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

The transportation analysis prepared for the project, the Non-CEQA Transportation Analysis Memorandum (Transportation Memo) is provided in **Attachment I**. The memorandum addresses trip generation, trip distribution, intersection operations, collision history and parking. Off-site improvements indicated in the Transportation Memo are shown in the combined PDP/FDP Plans. The PUD/FDP plan is also subject to standard conditions of approval, site-specific conditions of approval provided by the reviewing departments, and mitigation measures identified during the environmental review process.

##### b. Applicant Proposal:

The applicant is requesting a combined PUD/ FDP with no phasing. The submittal includes the required site plan, building elevations and sections, circulation plan, and open space amenities indicating the approach to redevelopment of the site as a new residential campus.



Preliminary plans for tree permit, right of way improvements, drainage improvements, landscape plans, lighting and demolition are included in the combined PUD/FDP. See project plans in **Attachment D** and at the following link. <https://cao-94612.s3.us-west-2.amazonaws.com/documents/CCA-Revised-PDP-FDP-dated-9-9-2024.pdf>

The applicant also proposes use of site-specific design guidelines to address Regular Design Review requirements. The project is requesting design review approval of the PUD/FDP based on consistency with the design guidelines as documented by the project's completed Implementation Checklist (Checklist) **See Attachment G** and the Regular Design Review Findings in Planning Code section 17.136.050. **See Attachment A**

In addition, the applicant requests approval of bonuses and exceptions to development standards as part of the PUD approval to achieve an integrated site plan that meets project objectives.

i. Bonus for Group Assembly Commercial Activity

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

ii. Exception for Parking Location

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

iii. PUD bonus provisions in *17.142.100.G* allow waiver or reduction of yard and other dimensional standards as follows.

- An exception is requested to allow Building A to be 68 feet tall on the façade facing Broadway. Planning Code Section 17.35.04 requires the height of development within 10 feet of the front property line to match the height zone across the street. The height requirement without the exception is 65 feet.
- Allow a 95' height with no step back at the rear property line (east façade). Planning Code Section 17.108.010 requires a stepped height reduction of two foot stepped back for each 1 foot of height above 30 feet when a building rear yard abuts the RM zone. This additional height is requested to achieve the minimum residential density on the site.
- Allow a bonus of 1 story for Building A. The additional story is needed to provide the minimum housing density while preserving as much of the historic resource as possible.

With the exception, Building A will have 9 stories and Building B will have 8 stories. Planning Code Section 17.35.04 requires a maximum of 8 stories.

- Reduction of the front setback to 5.6 feet is requested. The reduced setback would allow the residential townhomes proposed on the Broadway frontage to be located 5 feet behind the existing Broadway Wall. This setback allows for a larger floor area for proposed townhouse units, which are the largest unit type in the building and promotes the City's goal of encouraging a range of unit types in multifamily projects. Planning Code Section 17.35.01. requires a 30' setback for ground floor residential uses from the principal street.
- The project proposes that commercial use in Building A be set back 24 feet from Broadway, 14 feet more than the required 10 - foot maximum commercial setback. The additional setback would allow a commercial forecourt and would implement the City's goal of achieving pedestrian activity on the ground floor and entry areas of buildings. Planning Code Section 17.35.03.1 requires a maximum setback of 10' for commercial uses.

c. Staff Analysis and Recommendation:

Staff recommends approval of the combined PUD/ FDP, including the requested bonuses and exceptions, subject to the Design Review findings in Planning Code section 17.136.040. See **Attachment A** and to the Conditions of Approval **Attachment C.1 and Attachment C.2**.

The site plan retains the inward focus of the existing campus by locating buildings in the same general footprint as the existing development, providing similar site circulation as the existing campus, and by retaining open space as a project amenity. The project retains and will improve access to the Treadwell Estate, a City Landmark, and will reclaim a view corridor to Broadway that is currently overgrown. Improvements will include a small amount of commercial space adjacent to Broadway at the corner of Clifton Street, improved ADA access, a children's play area, and improved emergency access. The open space including the POPOS will have limited programming for community activities.

The project Checklist verifies that the combined PUD/FDP plans, including the requested bonus and exceptions, comply with the design guidelines. (See **Attachment D** for Project plans or this link) <https://cao-94612.s3.us-west-2.amazonaws.com/documents/CCA-Revised-PDP-FDP-dated-9-9-2024.pdf> See **Attachment A** for Regular Design Review findings. The completed project Checklist is provided in **Attachment G**. Findings for the PUD, FDP and are provided in **Attachment A**

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

a. Background and context:

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 findings are required in addition to the Regular Design Review findings (Planning Code Section 17.136.050) discussed in the proceeding section.

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

- 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**.

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

a. Background and context:

Planning Code Section 17.136.075.C.3. requires documentation of whether the proposed project addresses: Finding 4: 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 address 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](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 vi. 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) Criterion vi.) is not included in the project checklist because there are no objective design standards in the project design guidelines that address this criterion. See Implementation Checklist **Attachment 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. Criterion Section 17.136.075 C. 3 (b)(vi), Criterion 6 is addressed through the following Variance.

**7. Variance for Finding 17.136.075 C. 3: (b) (vi) (Criterion 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**.

**8. Rehabilitation and Remodeling of Landmark Properties**

a. Background and Context:

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

- 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](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**.

## 9. Open Space

a. Background and Context:

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

b. Applicant's Proposal:



The applicant proposes 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.1**

**10. Vesting Tentative Parcel Map**

a. Background and Context.

The project site is one legal lot of record.

b. Applicant’s Proposal

A Vesting Tentative Parcel Map (VTPM) is proposed to create 2 lots, a shared access easement, and the potential for 448 residential and four commercial condominiums. See **Attachment H**.

c. Staff Analysis and Recommendation:

Approval of the VTPM is recommended. Both proposed lots provide the required public street frontage. Building B, Macky Hall, the Carriage House and the POPOS would be located on Lot 1 and Building A would be located on Lot 2. Portions of the Paseo and the Broadway Wall would be located on both lots. The VTMP would create an easement from Clifton Street providing emergency, restricted vehicular and pedestrian access through the Paseo to the proposed Lot 1 and Lot 2. Site specific conditions of approval documenting City requirements for the VTPM are included in the conditions of approval. See **Attachment C.1**. Tentative Map Findings are included in the Project Findings, See **Attachment A**.

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

a. Background and Context.

A “Shared access facility” (SAF) means a common driveway or a private access easement that provides access to no more than 4 lots. The Planning Code Section 17.102.090 requires a conditional use permit for a new easement of this type.

b. Applicant’s Proposal

The project proposes a SAF to provide adequate emergency access, restricted vehicle access and pedestrian access across the two proposed new lots created with the Vesting Tentative

Map. The easement will provide public and emergency access to Macky Hall and Carriage House, and to the POPOS through the Paseo. See **Attachment H**.

c. Staff Analysis and Recommendation:

Approval of the CUP is recommended. The Fire Department, City Survey and Engineering Services will need to approve the SAF prior to construction permits. Site specific conditions of approval documenting City requirements for the easement are included in the conditions of approval. See **Attachment C.1**. Conditional Use Permit Findings are included in the Project Findings, See **Attachment A**.

**12. 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 **Attachments C.1 and C.2**. 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 Planning Commission 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 and construction noise.
2. Recommend approval of the following, subject to findings and 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.

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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](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. Non CEQA Transportation Memorandum