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April 16, 2026

Planning & Building Department
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA
94612-2031

Re: **Submission of Preliminary Application (SB 330) and Request to Initiate Tribal Consultation (AB 130) – 5727 College Avenue**

Dear Planning Department:

This firm represents Rockridge Property Owner, LLC (the “Applicant”) on whose behalf we are pleased to submit the enclosed preliminary application pursuant to the Housing Crisis Act of 2019 (“SB 330”), for redevelopment of the property at 5727 College Avenue (APN: 014 126604701) (the “Property”) in the City of Oakland, California (the “City”). The project proposes to redevelop the existing retail use with a 415 unit senior living facility (the “Project”).

The Property is developed with an existing grocery store, a small retail space, and a surface parking lot. The Project will replace these existing uses with a 415 unit senior living facility (Continuing Care Retirement Community) that would include 371 Independent Senior Living Units, 18 Assisted Living Units and 26 Memory Care Units.

Concurrently submitted herewith, please find the following materials:

- City of Oakland Senate Bill 330 Housing Crisis Act of 2019 Vesting Preliminary Application
- AB 130 Consistency Analysis
- Owner Authorization Letter from Albertson’s LLC
- Plan Set, including site plan and elevations

The Project is a “housing development project” subject to SB 330 and protected by the Housing Accountability Act (“HAA”),¹ because more than two-thirds of the Project’s square footage is devoted to residential use.² By submitting a preliminary application with the information required

¹ Gov. Code § 65589.5.

² Gov. Code § 65905.5(b)(3); Gov. Code § 65589.5(h)(2).

by Government Code Section 65941.1, the Applicant obtains a vested right to develop a housing development project in accordance with the applicable “ordinances, policies, and standards” in effect when the preliminary application is submitted.³

As a senior citizen housing development, the Project is eligible for State Density Bonus Law benefits (“SDBL”), including an up to 20 percent density bonus and potentially unlimited waivers.⁴ This letter serves as a letter of intent to apply under the SDBL for a 20 percent density bonus and a waiver of the 95 foot height limit, as well as to reserve the right to request additional waivers at a later date. The Project also reserves the right to apply for a tentative map for condominium purposes.

Concurrent with this SB 330 preliminary application, the Applicant is submitting an AB 130 consistency analysis documenting the Project’s eligibility for the new California Environmental Quality Act (“CEQA”) exemption that became effective on July 1, 2025, after Assembly Bill (“AB”) 130 was signed into law on June 30, 2025. Pursuant to Public Resources Code Section 21080.66, CEQA does not apply to any aspect of a housing development project that meets the conditions specified in that section. The Project meets all criteria for the AB 130 exemption as demonstrated in Attachment 1 to this letter.

Pursuant to Public Resources Code Section 21080.66(b)(1)(A), the submission of this SB 330 preliminary application initiates the City’s responsibility to begin AB 130’s tribal notification and consultation procedures. Accordingly, the Applicant respectfully requests that the City:

1. Formally notify and invite consultation by each California Native American tribe that is traditionally and culturally affiliated with the Project Site no later than 14 days from the date of this submission (i.e., April 16, 2026), notifying each such tribe that it has 60 days to request consultation, and providing the detailed project information, contact information for the City, and contact information for the Applicant as required by Public Resources Code Section 21080.66(b)(1)(B).
2. Initiate a formal tribal consultation process within 14 days of receiving a response from a qualifying California Native American tribe affirming the tribe’s desire to consult with the Applicant and the City regarding the Project, in accordance with the procedures set forth in Public Resources Code Section 21080.66(b)(3).
3. Conclude the formal AB 130 tribal consultation process within 45 days of initiation, subject to one 15-day extension if requested by a tribe, as provided by Public Resources Code Section 21080.66(b)(3)(F).
4. If no qualifying California Native American tribe accepts the opportunity to participate in the AB 130 consultation process within 60 days of the City’s invitation, conclude the AB

³ Gov. Code § 65589.5(o)(1).

⁴ Gov. Code §§ 65915(b)(1)(c), 65915(e), 65915(f)(3).

130 tribal consultation process, as provided by Public Resources Code Section 21080.66(b)(2)(B).

The Applicant respectfully requests that the City notify the Applicant team (1) when tribal consultation notices and invitations have been sent, (2) whether, and which, tribes requested consultation within the 60-day period, (3) whether any extensions are requested, and (4) when tribal consultation has concluded.

The Applicant will also submit a planning application for the Project within 180 days, consistent with SB 330 and the Permit Streamlining Act.⁵

As courts have noted, the Legislature “has made increasingly clear” that mandates included in the HAA “are to be taken seriously and that local agencies and courts should interpret them with a view to giving ‘the fullest possible weight to the interest of, and the approval and provision of, housing.’”⁶ The Applicant looks forward to working further with City officials to promptly advance the consideration of the Project in a manner consistent with state law. Should the City require additional information, please be in contact at your earliest convenience.

Sincerely yours,

HOLLAND & KNIGHT LLP



Daniel R. Golub
Sarah Marsey
Deborah Brundy

⁵ Gov. Code § 65941.1(e)(1).

⁶ Cal. Renters Legal Advoc. & Educ. Fund v. City of San Mateo (2021) 68 Cal.App.5th 820, 854 (citing Gov. Code § 65589.5(a)(2)(L)).

Attachment 1

5727 College Avenue – AB 130 CEQA Exemption Analysis

The following analysis confirms that the housing development project (the “Project”) located at 5727 College Avenue (the “Project Site”) in the City of Oakland (the “City”) qualifies for the new California Environmental Quality Act (“CEQA”) statutory exemption for housing development projects, commonly referred to as the AB 130 exemption.

Table 1: General Requirements		
Requirement	Consistent?	Analysis
<u>21080.66(a)(1) – Lot Size</u> A. Except as provided in subparagraph (B), the project site is not more than 20 acres.	Yes	At approximately 1.5 acres, the Project Site does not exceed the maximum acreage.
<u>21080.66(a)(2) – Project Location</u> The project site meets either of the following criteria: A. Is located within the boundaries of an incorporated municipality. B. Is located within an urban area, as defined by the United States Census Bureau.	Yes	The Project Site is located within the City, which is an incorporated municipality.
<u>21080.66(a)(3) – Infill Development Status</u> The project site meets any of the following criteria: A. Has been previously developed with an urban use. ⁷	Yes	The Project Site is developed with a one-story retail building occupied by Trader Joe’s and a surface parking lot, and is adjoined by urban uses on four

⁷ The term urban use is defined by Public Resources Code Section 21080.66(g)(3) to mean “any current or previous residential or commercial development, public institution, or public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses.”

Table 1: General Requirements		
Requirement	Consistent?	Analysis
<p>B. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.</p> <p>C. At least 75 percent of the area within one-quarter mile radius of the site is developed with urban uses.</p> <p>D. For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.</p>		sides of the Project site’s perimeter.
<p><u>21080.66(a)(4) – GP/ZC Consistency</u></p> <p>A. The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program as defined in Section 30108.6.</p> <p>For purposes of this section, a housing development project shall be deemed consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program, if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent.</p> <p>B. If the zoning and general plan are not consistent with one another, a project shall be deemed consistent with both if the project is consistent with one.</p> <p>C. The approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios</p>	Yes	<p>The Project will comply with applicable objective general plan and zoning standards, except as permissibly modified pursuant to State Density Bonus Law.</p> <p>The Project Site is designated Mixed Housing Type Residential and Neighborhood Center Mixed Use. The Project Site is zoned CN-2 and is within the 95’ Height Area.</p>

Table 1: General Requirements		
Requirement	Consistent?	Analysis
pursuant to Section 65915 of the Government Code shall not be grounds for determining that the project is inconsistent with the applicable general plan, zoning ordinance, or local coastal program.		
<p><u>21080.66(a)(5) – Minimum Density Requirement</u></p> <p>The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.</p>	Yes	<p>See HCD, Default Density Standard Option – 2020 Census Update to determine the applicable density specified in Government Code section 65583.2(c)(3)(B). This is also known as the “Mullin density.”</p> <p>The applicable density specified in Government Code section 65583.2(c)(3)(B) is 30 du/ac. The Project needs to meet a 15 du/ac requirement (one-half of the applicable Mullin density) to achieve the minimum density. The Project exceeds this requirement.</p>
<p><u>21080.66(a)(6) – SB 35 Environmental Criteria</u></p> <p>The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.</p> <p>See Table 2.</p>	Yes	<p>See Table 2. The Project satisfies these criteria.</p>

Table 1: General Requirements		
Requirement	Consistent?	Analysis
<p><u>21080.66(a)(7) – Historic Resources</u></p> <p>The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code.</p>	Yes	The building is not on a historic register.
<p><u>21080.66(a)(8) – Hotels Prohibited</u></p> <p>For a project that was deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.</p> <p>For purposes of this section, “other transient lodging” does not include either of the following:</p> <p>A. A residential hotel, as defined in Section 50519 of the Health and Safety Code.</p> <p>B. After the issuance of a certificate of occupancy, a resident’s use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.</p>	Yes	The Project is consistent with Section 21080.66(a)(8) because it does not propose a hotel, motel, bed and breakfast inn, or other transient lodging.
<p><u>21080.66(b) – Tribal Consultation Required</u></p> <p>The local government shall engage in formal notification and consultation with each California Native American tribe that is</p>	Yes	Please note the AB 130 tribal consultation requirements.

Table 1: General Requirements		
Requirement	Consistent?	Analysis
traditionally and culturally affiliated with the Project Site, pursuant to the various requirements of Government Code Section 21080.66(b).		
<p><u>21080.66(c)(1) – Phase I ESA Required</u></p> <p>A. The local government shall, as a condition of approval for the development, require the development proponent to complete a Phase I Environmental Assessment, as defined in Section 78090 of the Health and Safety Code.</p> <p>B. If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.</p> <p>C. If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.</p> <p>D. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.</p>	Yes	<p>The Applicant will comply with this requirement.</p> <p>If the Phase I Environmental Assessment finds a recognized environmental condition, release of a hazardous substance, or the potential for exposure to significant hazards from surrounding properties or activities, the Project must comply with the additional requirements of Section 21080.66(c)(1) subparagraphs (B) through (D).</p>

Table 1: General Requirements		
Requirement	Consistent?	Analysis
<p><u>21080.66(c)(2) – Units Near Freeways</u> For any house on the site located within 500 feet of a freeway, all of the following shall apply:</p> <p>A. The building shall have a centralized heating, ventilation, and air-conditioning system.</p> <p>B. The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.</p> <p>C. The building shall provide air filtration media for outside and return air that provides a minimum efficiency reporting value of 16.</p> <p>D. The air filtration media shall be replaced at the manufacturer’s designated interval.</p> <p>E. The building shall not have any balconies facing the freeway.</p>	Yes	This Project will comply with these requirements.
<p><u>21080.66(d) – Labor Requirements</u></p>	Yes	The Project will comply with applicable labor requirements.

Table 2: Environmental Site Criteria (Gov. Code § 65913.4(a)(6))		
The development is not located on a site that is any of the following:		
Requirement	Consistent?	Analysis
<p>(A. – Coastal Zone)</p> <p>i. An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.</p>	Yes	See California Coastal Commission Coastal Zone Boundary map .

Table 2: Environmental Site Criteria (Gov. Code § 65913.4(a)(6))		
The development is not located on a site that is any of the following:		
Requirement	Consistent?	Analysis
ii. An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan. iii. An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government’s coastal hazards vulnerability assessment. iv. In a parcel within the coastal zone that is not zoned for multifamily housing. v. In a parcel in the coastal zone and located on either of the following: I. On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code. II. On prime agricultural land, as defined in Section 30113 and 30241 of the Public Resources Code.		The Project Site is not within the coastal zone.
(B. – Prime Farmland) Either prime farmland or farmland of statewide importance, as defined pursuant to the United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on	Yes	<u>See California Department of Conservation Important Farmland Finder map.</u>

Table 2: Environmental Site Criteria (Gov. Code § 65913.4(a)(6))		
The development is not located on a site that is any of the following:		
Requirement	Consistent?	Analysis
the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.		The Project Site is not located on Prime Farmland or Farmland of Statewide Importance. The Project Site and surrounding area are designated Urban and Built-Up Land.
<p>(C. – Wetlands)</p> <p>Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).</p>	Yes	<p><u>See State of California – Site Check Tool</u></p> <p>The Project Site is fully developed and does not include any water or riparian features.</p>
<p>(D. – Very High Fire Hazard Severity Zone)</p> <p>Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:</p> <ul style="list-style-type: none"> i. Section 4291 of the Public Resources Code or Section 51182, as applicable. ii. Section 4290 of the Public Resources Code. 	Yes	<p><u>See California Department of Forestry and Fire Protection's Fire and Resource Assessment Program FHSZ Viewer.</u></p> <p>The Project Site is not located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code.</p>

Table 2: Environmental Site Criteria (Gov. Code § 65913.4(a)(6))		
The development is not located on a site that is any of the following:		
Requirement	Consistent?	Analysis
iii. Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).		
<p>(E. – Hazardous Waste)</p> <p>A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:</p> <ul style="list-style-type: none"> i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5. ii. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses. 	Yes	<p>See CalEPA’s Cortese List Data Resources.</p> <p>The Project Site is not a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control (DTSC) pursuant to Section 25356 of the Health and Safety Code.</p>

Table 2: Environmental Site Criteria (Gov. Code § 65913.4(a)(6))		
The development is not located on a site that is any of the following:		
Requirement	Consistent?	Analysis
<p>(F. – Earthquake Fault Zones)</p> <p>Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.</p>	Yes	<p><u>See California Department of Conversation’s EQZapp: California Earthquake Hazards Zone Application</u></p> <p>The Project site is not within an earthquake fault zone.</p>
<p>(G. – Special Flood Hazard Area)</p> <p>Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:</p>	Yes	<p><u>See FEMA Flood Map Service Center: Search By Address tool</u></p> <p>The Project Site is not located in a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (“FEMA”). The Project Site is located in Zone X, which is not considered a special flood hazard area.⁸</p>

⁸ “Zone X is the area determined to be outside the 500-year flood and protected by levee from 100- year flood.” FEMA, Glossary, Zone C or X (Unshaded), (last updated Apr. 20, 2023), <https://www.fema.gov/about/glossary/zone-c-or-x-unshaded>.

Table 2: Environmental Site Criteria (Gov. Code § 65913.4(a)(6))		
The development is not located on a site that is any of the following:		
Requirement	Consistent?	Analysis
i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction. ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.		
(H. – Regulatory Floodway) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.	Yes	<u>See FEMA Flood Map Service Center: Search By Address tool</u> The Project Site is not located within a regulatory floodway as determined by FEMA.
(I. Natural Community Conservation Plan/Habitat Conservation Plan)	Yes	<u>See CDFW, California Natural Community Conservation Plans.</u>

Table 2: Environmental Site Criteria (Gov. Code § 65913.4(a)(6))		
The development is not located on a site that is any of the following:		
Requirement	Consistent?	Analysis
Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.		The Project Site is not located on land identified for conservation in an adopted natural community conservation plan.
<p>(J. Habitat for Protected Species)</p> <p>Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).</p>	Yes	<p>See CDFW, Bios 6</p> <p>The Project Site does not contain habitat for protected species identified as candidate, sensitive, or species of special status by State or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act. The Project Site is fully developed as a grocery store and parking lot.</p>
<p>(K. Conservation Easement)</p> <p>Lands under conservation easement.</p>	Yes	The Project Site does not have lands under conservation easement.