

CITY OF OAKLAND
AGENDA REPORT

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OFFICE OF THE CITY CLERK
OAKLAND

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TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: July 1, 2008

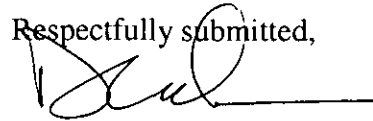
RE: **A SUPPLEMENTAL REPORT FORWARDING THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE'S RECOMMENDATIONS ON THE MACARTHUR TRANSIT VILLAGE PROJECT'S CONDITIONS OF APPROVAL AND DESIGN GUIDELINES**

SUMMARY

At the Community and Economic Development Committee's hearing on June 24, 2008, Councilmember Brunner provided a memo outlining changes to the Conditions of Approval and the Design Guidelines and the Committee made a favorable recommendation for approval to the City Council, subject to these changes.

Attached are the Community and Economic Development Committee's recommendations on the MacArthur Transit Village Conditions of Approval and Design Guidelines (shown in redline), and the memo provided by Councilmember Brunner at the June 24, 2008, CED Committee Meeting.

Respectfully submitted,




Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by:
Gary Patton, Deputy Director of Planning and Zoning
Planning & Zoning Division

Prepared by:
Charity Wagner, Consulting Planner

APPROVED AND FORWARDED TO
THE COMMUNITY AND
ECONOMIC DEVELOPMENT
COMMITTEE:



OFFICE OF THE CITY
ADMINISTRATOR

ATTACHMENT A: CED Committee Recommendations to Conditions of Approval (shown in redline)

ATTACHMENT B: CED Committee Recommendations to Design Guidelines (shown in redline)

ATTACHMENT C: Memo provided by Councilmember Brunner at the June 24, 2008, CED Committee Meeting

Item: _____
City Council
July 1, 2008

EXHIBIT C

**CONDITIONS OF APPROVAL
FOR THE MACARTHUR TRANSIT VILLAGE PROJECT**

Revised to include recommendations from Community and Economic Development Committee (CEDC) Meeting on June 24, 2008 (Shown in Single Underline Bold Font) and recommendations from Planning Commission (CPC) Meeting on June 4, 2008 (Shown in Double Underline Bold Font).

Part 1: General Conditions of Approval

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans submitted on **May 28, 2008**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee. The project may however increase the number of permitted residential dwelling units up to a maximum of 675 dwelling units, as analyzed in the MacArthur Transit Village Project EIR provided that a) the ratio of affordable units (20% of market rate units) is maintained; and the resulting project design with the additional units shall conform in all major respects with the approved Preliminary Development Plan.

b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:

i. Planned Unit Development (PUD), under Oakland Planning Code Chapters 17.122 and 17.140;

ii. Major Conditional Use Permit (CUP), under Oakland Planning Code Chapter 17.134; and

iii. Design Review, under Oakland Planning Code Chapter 17.136

c) **This Approval shall not become effective unless the proposed legislative actions (rezoning and text amendment) occur as stated in Condition of Approval 20.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two years** from the approval date, unless within such period all necessary permits for construction of Stage 1 (the BART Parking Garage) have been issued. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City

Planning or designee may grant two one-year extensions of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired. These time periods are “tolled” due to litigation challenging this approval and thus such time shall not be counted toward expiration of this approval. The Preliminary Development Plan Approval for the Planned Unit Development Permit shall expire June 4, 2018 and all Final Development Plan phases shall be reviewed and approved by that date (see below for details on FDP Staging).

Notwithstanding, the timeframes provided for in this Condition no. 2 the project sponsor shall, if feasible, make reasonable effort to proceed with all phases of the project as expeditiously as possible, and have the full build out of the project be completed as early as possible.

FDP Staging

Submittal of Final Development Plans (FDPs) shall be permitted in five (5) stages over a 10 year time period from the date of this approval, as detailed below.

(a) Each stage of FDP is described below:

- i. **Stage 1.** Stage 1 FDP for the project will include the construction of Building E, the replacement BART parking garage, site remediation, Internal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Internal Drive. Stage 1 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 1 FDP within 1 year from the date of this approval. If approved, construction associated with Stage 1 FDP shall commence in earnest by not later than 2 years from the date of Stage 1 FDP approval.
- ii. **Stage 2.** Stage 2 FDP for the project will include construction of Building D, consisting of a minimum of 90 below market rate rental units. Stage 2 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 2 FDP within 3 years from the date of this approval. If approved, construction associated with Stage 2 FDP shall commence in earnest by not later than 2 years from the date of Stage 2 FDP approval.
- iii. **Stage 3.** Stage 3 FDP for the project will include construction of Building A, consisting of up to 240 ownership residential units and 26,000 square feet of commercial space. All street improvements, including the completion of Village Drive and any new traffic signals required by the project, will be completed in this phase. This phase will also include the completion of a public plaza directly across Frontage Road from the existing BART Plaza. Stage 3 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 3 FDP **within 3 years 4 years from the date of this approval. If not feasible, Stage 3 FDP approval may be delayed up to a year.** If approved, construction

associated with Stage 3 FDP shall commence in earnest not later than 2 years from the date of Stage 3 FDP approval.

- iv. Stage 4. Stage 4 FDP for the project will include the construction of Building B, consisting of up to 150 ownership residential units and 5,500 square feet of commercial space. Stage 4 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 4 FDP within 8 years from the date of this approval. If approved, construction associated with Stage 4 FDP shall commence in earnest not later than 2 years from the date of Stage 4 FDP approval.
- v. Stage 5. Stage 5 FDP for the will include the construction of Building C, consisting of up to 195 ownership residential units and 12,500 square feet of commercial space. This phase will also include the construction of a community center use on the ground floor of Building C. Stage 5 FDP shall be submitted to the Planning Department for review and processing 10 years from the date of this approval. If approved, construction associated with Stage 5 FDP shall commence in earnest not later than 2 years from the date of Stage 5 FDP approval.

- (b) For purposes of this conditions, the term “commence in earnest” shall mean to initiate activities based on a City-issued building permit and other necessary permit (s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward the completion of construction and the issuance of final certificate of occupancy, including successful completion of building inspections to keep the building permit and other permits active without the benefit of extension.
- (c) Provided that Stage 1 and 2 FDPs are approved in accordance with the above time frames, the Developer shall have the discretion to change which buildings (A, B, or C) are constructed in which Stages (3, 4 or 5) provided that the FDP submittal dates for these stages remain the same. All other modifications to FDP staging shall be subject to review and approval by the Planning Commission.
- (d) FDP Stages may be combined and reviewed prior to the outlined time frames. If each stage of FDP is not submitted/completed within the time frames outlined above, the PDP shall be considered null and void.
- (e) If, subsequent to this approval, a Development Agreement for this project is adopted by the City, the phasing and construction timeframes prescribed within the Development Agreement shall supersede this condition of approval and govern construction phasing for the project.

3. Scope of This Approval; Major and Minor Changes
Ongoing

The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of the project sponsor obtaining site control, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions, Mitigation Measures or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions and Mitigation Measures if it is found that there is violation of any of the Conditions, Mitigation Measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

5. Signed Copy of the Conditions and Mitigation Measures

With submittal of a demolition, grading, and building permit

A copy of the approval letter and Conditions and Mitigation Measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

6. Indemnification

Ongoing

- a) The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

7. Conditions of Approval/Mitigation Monitoring Program

Ongoing

- a) All mitigation measures identified in the MacArthur Transit Village Project EIR are included in the Mitigation Monitoring and Reporting Program (MMRP) which is included in these conditions of approval and are incorporated herein by reference, as Attachment 2-A, as conditions of approval of the project. The Standard Conditions of Approval identified in the MacArthur Transit Village EIR are also included in the MMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the MMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer, Applicant or MTCP) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The MMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division.
- b) For purposes of these conditions of approval, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

8. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and mitigations, and if any one or more of such conditions and/or mitigations is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the same purpose and intent of such Approval.

9. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and mitigations, shall be available for review at the job site at all times.

10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

11. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities

Prior to issuance of a building permit

Submittal and approval of a landscape plan for each stage of the project is required. The landscape plan and the plant materials installed pursuant to the approved plan shall conform

with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

- a) Landscape plans shall include a detailed planning schedule showing the proposed location, size, quantities, and specific common botanical names of plant species.
- b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.
- c) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

12. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

13. Assurance of Landscaping Completion.

Prior to Issuance of a Certificate of Occupancy

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

14. Landscape Maintenance.

Ongoing

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

15. Bicycle Parking

Prior to the issuance of first certificate of occupancy

The applicant shall submit for review and approval of the Planning and Zoning Division and Transportation Services Division, a bicycle parking plan that shows bicycle storage and parking facilities to accommodate a minimum of 40 short-term bicycle parking spaces (31 for residential uses and 9 for commercial uses) onsite or on public sidewalk, and a minimum

of 160 long-term bicycle parking spaces (156 for residential uses and 4 for commercial uses). The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

Prior to approval of Final Development Plan for Stage 1

Additionally, the project applicant shall work with the City's Transportation Services Division and BART to implement the City's goals for bicycle parking at Railroad and Bus Terminals (provide a combination of short-term and long-term bike parking equal to 5% of the maximum projected ridership for the BART station). The project applicant shall study the feasibility of providing a long-term bike parking facility within the BART plaza, commercial area of the development (i.e., café with bicycle storage or bicycle sales and repair shop and storage) or within the proposed parking garage. Said study shall consider economic and physical feasibility and shall be reviewed by the City's Transportation Services Division, Planning and Zoning Division and BART. If the study finds that such a facility is feasible in the commercial area or parking garage: the project applicant shall use its best efforts during the initial marketing of the commercial space to market a portion of the commercial space to potential bike parking facility operators for a market-rate commercial operation, or include a market-rate, long-term bike facility within the parking garage. If the study finds that options for bike parking within the commercial area or parking garage are not feasible, then the project sponsor shall have no further commitment with respect to the long-term bicycle parking for BART.

PART 2: Additional Conditions of Approval for Major Projects

16. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

17. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and/or mitigations and City requirements including but not limited to proposed project traffic signals (MacArthur Boulevard/Frontage Road and Telegraph Avenue/40th Street), curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and/or mitigations.

- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

18. Payment for Public Improvements

Prior to issuance of a final inspection of the final building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

19. Compliance Plan

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation Measures compliance plan that lists each condition of approval and/or mitigation measure, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and/or mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance plan for review and approval. The compliance plan shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance plan and provide it with each item submittal.

PART 3: Project-Specific Conditions of Approval

20. Rezoning and Zoning Text Amendment

Required prior to this approval becoming effective

This Approval shall not become effective unless the Zoning Map Amendment and S-15 Text Amendment related to open space standards are adopted by the City Council. The City Council has the authority to consider and revise as appropriate (accept, reject, or modify) the adjudicatory land use decisions of the Planning Commission (including planned unit development permit, design review, and the conditional use permit), regardless of whether an appeal to the City Council is filed challenging such adjudicatory land use decisions.

21. Residential Parking Permits.

Required prior to the demolition of the BART surface parking lot; or prior to elimination of half of the existing BART parking spaces

~~The project sponsor shall work with the City of Oakland to implement a Residential Parking Permit (RPP), in accordance with all legal requirements, within one quarter mile radius around the station in the residential neighborhoods west of Highway 24 and the BART station, north of 40th Street, east of Telegraph Avenue and south of West MacArthur Boulevard. The street segments to be included in the RPP program are generally shown in Exhibit C 4. The RPP would restrict on-street parking by non-residents to less than two hours during the weekdays. The project sponsor shall fund this effort up to a maximum of \$150,000. If approved, the RPP program should be implemented prior to elimination of more than 50% of the existing BART parking spaces. To the extent possible, the City will explore using any surplus/excess revenues from enforcement of the RPP program to reimburse the project applicant for costs incurred by project sponsor in connection with the RPP program pursuant to this~~

~~Section 21. If the City does not approve this RPP program within two years from the date of the completion of the new BART parking garage the project sponsor shall have no further obligation to pursue or fund any RPP program and the City shall reimburse the project sponsor for any unused funds provided by the project sponsor to the City pursuant to this condition.~~

The project sponsor shall work with the City of Oakland to implement a Residential Parking Permit (RPP), in accordance with all legal requirements, within one quarter mile radius around the station in the residential neighborhoods west of Highway 24 and the BART station, north of 40th Street, east of Telegraph Avenue and south of West MacArthur Boulevard. The street segments to be included in the RPP program are generally shown in Exhibit C-4. The RPP would restrict on-street parking by non-residents to less than four hours during the weekdays. The project sponsor shall put \$150,000 in escrow in order to fund the RPP. When the funds required by this condition have been exhausted or after five years after the completion of the whole project, the project sponsor shall have no further obligation to pursue or fund any RPP program and any remaining funds shall revert back toward public improvements in the project area as determined by the City.

22. Traffic Demand Management (TDM) and Parking Program

Prior to approval of Final Development Plan for Stage 1 FDP and ongoing and ongoing throughout demolition, grading, construction activities and operation of the project

The project is conditioned on the implementation of a TDM program by MTCP and effectively monitored by the City, as required in MMRP Mitigation Measures Trans-4 and Trans-9. A draft TDM Plan prepared by Nelson Nygaard dated May 27, 2008, and is included herein as Exhibit C-2. The final TDM Plan, as stipulated in the MMRP, is subject to review by BART, AC Transit and the review and approval by the City of Oakland. The final TDM Plan shall be approved by the City of Oakland Planning Division prior to approval of the Final Development Plan for Stage 1.

Funding for monitoring, reporting and review of the TDM program shall be provided by the project sponsor.

In addition to the CEQA requirements for a TDM program, the TDM program described in MMRP Mitigation Measures Trans-4 and Trans-9 is also designed to promote the City's Transit First Policy of the general plan, reduce parking demand and lessen parking impacts on adjacent neighborhoods and to promote good urban design by reducing the number and size of parking facilities. Therefore MMRP Mitigation Measures Trans-4 and Trans-9 are also imposed as a separate non-CEQA conditions of approval and the TDM program shall be incorporated into the project, for the duration of the project, to maximize parking capacity and help ensure that these goals are met.

23. Minimum Right-of-Way for Fire Emergency Vehicle Access.

Prior to approval of Each Stage of Final Development Plan or Vesting Tentative Map and Ongoing

The project shall accommodate the intent of the 2008 fire code provisions for increased right-of-way access as follows:

- (a) Village Drive will be maintain an unobstructed right-of-way distance of 26 feet.
- (b) Internal Street will include two (2) 26-foot wide staging areas and the remaining right-of-way will remain 20 feet wide.

- i. The staging areas will be a minimum of 30 feet in length.
 - ii. No parking or landscaping will be permitted in the staging areas.
 - iii. The location of the staging areas will be based on a ladder study to be completed by MTCP in consultation with the Fire Department.
 - iv. Fire hydrants will be staggered outside of the staging areas.
- (c) Frontage Road will include one (1) 26-foot wide staging area and the remaining right-of-way will remain the same.
- i. The staging area for the frontage road will be located approximately 30 feet north of the crosswalk on the north side of the parking garage.
 - ii. The staging area will be a minimum of 30 feet in length.
 - iii. No parking or landscaping will be permitted in the staging areas.
- (d) In addition to incorporating staging areas and setting a minimum unobstructed street width of 26 feet for Village Drive and 20 feet for Internal Street, as described above, the project sponsor will include Alternate Materials and Methods Requests (AMMRs) into the project to the satisfaction of the Fire Chief. The appropriate AMMRs will be determined by the Fire Chief's review of Final Development Plans or Vesting Tentative Maps, and may include the following measures:
- i. Increased sprinkler density (provide sprinklers in bathrooms and closets)
 - ii. Install 8-head instead of 4-head sprinklers
 - iii. Design fire hydrants with a minimum 200 foot separation
 - iv. Provide dual water connections and water sources per building
 - v. Provide Fire Department Connections (FDCs) on each street (minimum of 2 per building)

24. Air Filtration/Ventilation System.

Prior to issuance of a building permit

Although the studies conducted for the EIR demonstrate that the project site was found to be below the significance criteria for health risk based on the assessment prepared in accordance with the California Air Resources Board and the Office of Environmental Health and Hazard Assessment for exposure to vehicular exhaust from roadways, the project sponsor has agreed to incorporate into the project a mechanical ventilation system that meets the efficiency standard of the MERV 13 for those units with windows fronting the freeway or Frontage Road. The ventilations shall be subject to review and approval by the City's Building Services Division. Appropriate maintenance, operation and repair materials will be furnished to project residents.

25. Components of Final Development Plans.

Prior to approval of Any Final Development Plans

In accordance with the Planning Code Chapter 17.140, each stage of FDP shall:

- (a) Conform to all major respects with the approved Preliminary Development Plan received by the Planning Division on May 28, 2008, and included as Exhibit F;
- (b) Comply with development standards of the S-15 Zone, except and modified for building height as bonus for the Planned Unit Development and shown in the Preliminary Development Plan;
- (c) Be consistent with the MacArthur Transit Village Design Guidelines included in these conditions as Exhibit C-3;
- (d) Include all information included in the preliminary development plan plus the following:

- i. the location of water, sewerage, and drainage facilities;
- ii. detailed building floor plans, elevations and landscaping plans;
- iii. the character and location of signs;
- iv. plans for street improvements; and
- v. grading or earth-moving plans.

(e) Be sufficiently detailed to indicate fully the ultimate operation and appearance of the development stage including the quality of exterior materials and windows; and

(f) Include copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall be submitted with each Final Development Plan.

26. Subdivision Maps

Prior to final approval of Each Final Development Plan

Final Development Plans shall be accompanied by subdivision maps as required to subdivide the property. The subdivision maps shall be reviewed and processed in accordance with Title 17, Subdivisions, of the City of Oakland Municipal Code and the Subdivision Map Act.

27. Final Development Review and Approval by City Council.

Prior to final approval of Any Final Development Plan

All Final Development Plan(s) shall be subject to review and recommendation by the Planning Commission's Design Review Committee and Planning Commission, with final approval by the City Council.

28. Minimum Setback to Buildings Adjacent to Project Site.

Prior to issuance of a building permit

All buildings within the project shall maintain a minimum 5 foot setback, except at the ground level, to existing buildings adjacent to the project site. The 5 foot minimum setback will ensure a minimum setback of 9 feet from the south windows located in the building light well and 17 feet from the west windows of the existing building at the corner of 40th and Telegraph. The applicant shall show all proposed building setbacks on the plans submitted for a building permit.

New buildings built adjacent to the existing corner building at 40th and Telegraph shall be designed in such a way that the windows are offset from the windows of the existing building to eliminate a direct line of site into existing residents and to ensure privacy for residents of the existing building.

29. Safety Plan.

Prior to issuance of a building permit

The project sponsor shall work with the Oakland Police Department and the Planning and Zoning Division to prepare a safety plan for the portion of the project area along Frontage Road between the BART Garage and the BART Plaza. Without limiting the foregoing, the safety plan shall assess the efficacy and feasibility of installing video security cameras along Frontage Road. The project sponsor shall implement the approved recommendations/ conclusions of the safety study including, if determined necessary and feasible by the City, the implementation of video cameras.

30. Special Project Driveway Design Improvements.

Prior to approval of Each Final Development Plan Stage or Vesting Tentative Map and Ongoing

To limit conflicts between pedestrians, bicycles and vehicles entering and exiting the BART parking garage and residential parking garages within the project, the project driveways shall incorporate the following design measures, subject to review and approval of the City's Transportation Services Division (TSD):

- (a) Install a high-visibility crosswalk across Frontage Road connecting the BART garage to the western sidewalk. Note that currently, the City of Oakland does not install high visibility crosswalks at signalized intersections unless there are problems with sight distance.
- (b) For driveways along Internal Street, provide adequate sight distance at all residential garage exits. End the ramp before the sidewalk so that the sidewalk remains level and vehicles do not encroach on the sidewalk. Landscaping should be maintained so that adequate sight distance is provided. Consider installing pedestrian warning lights to alert pedestrians to exiting vehicles at driveways with high pedestrian volumes and limited sight distance. Installation of loud audible warning devices is not recommended.
- (c) For the driveway along Village Drive, provide adequate sight distance the garage exit. End the ramp before the sidewalk so that the sidewalk remains level and vehicles do not encroach on the sidewalk. Landscaping should be maintained so that adequate sight distance is provided. Consider installing pedestrian warning lights to alert pedestrians to exiting vehicles at driveways with high pedestrian volumes and limited sight distance. Installation of loud audible warning devices is not recommended.

31. Pedestrian Access Paths.

Prior to approval of the Final Development Plan for Stages 1 and 5 or Vesting Tentative Map and Ongoing

Design the paths between Internal Street and West MacArthur Boulevard, and Internal Street and Telegraph Avenue for pedestrian use only.

The two 10-foot wide paths shown on the Preliminary Development Plan between the southern end of Internal Street and West MacArthur Boulevard, and between Internal Street and Telegraph Avenue, along the southern edge of Block C shall be restricted to pedestrian use and signage shall be provided to mark the paths for pedestrian use only.

32. Internal Street.

Prior to approval of the Final Development Plan for Stages 1 or Vesting Tentative Map and Ongoing

The developer shall reserve "Internal Street" on the owner's statement of the Final Map for private street purposes and clearly indicate who will benefit and maintain the private street. The private street maintenance language shall be included in the subdivision CC&R and reviewed and approved by Planning Director and City attorney. The developer shall provide proof on how the private street shall be maintained. Unless otherwise approved by the Engineering Division, the private street shall be constructed to the City's standard details for public street construction.

33. Specific Project Intersection Improvements.

Prior to approval of Final Development Plan for Stage 3 or Vesting Tentative Map and Ongoing

In order to enhance pedestrian activity and safety to and from the project site, the following measures shall be implemented, subject to review and approval by the City's Transportation Services Division (TSD):

- (a) For the intersection of 40th Street and the Frontage Road:
 - i. Prohibit right turns on red and provide a leading pedestrian interval.
 - ii. Increase the initial walk interval (this allows more time for clusters of pedestrians to leave the sidewalk when crossing)
 - iii. Install high visibility cross walks (i.e., ladder striping or colored pavement)
 - iv. Install audible pedestrian countdown signals
 - v. Provide separate curb ramps for each cross walk

- (b) For the intersection of Telegraph Avenue and Village Drive
 - i. Increase the initial walk interval (this allows more time for clusters of pedestrians to leave the sidewalk when crossing)
 - ii. Install high visibility cross walks (i.e., ladder striping or colored pavement)
 - iii. Install audible pedestrian countdown signals
 - iv. Provide separate curb ramps for each cross walk

- (c) For the intersection of Frontage Road and Village Drive
 - i. Install high visibility cross walks (i.e., ladder striping or colored pavement)
 - ii. Provide a raised intersection with high visibility striping to connect pedestrians from the BART plaza to Village Drive
 - iii. Install signage (i.e., “Left Turn Only, Except Shuttles and Bicycles”) and striping at this intersection to prohibit south bound traffic except shuttles and bicycles from continuing south to West MacArthur Boulevard.

- (d) For the intersection of West MacArthur Boulevard and Frontage Road
 - i. Increase the initial walk interval (this allows more time for clusters of pedestrians to leave the sidewalk when crossing)
 - ii. Install high visibility cross walks (i.e., ladder striping or colored pavement)
 - iii. Install ~~audible~~ audible pedestrian countdown signals
 - iv. Provide separate curb ramps for each cross walk
 - v. Install bulb-outs at corners

- (e) For the intersection of the BART Garage and Frontage Road
 - i. Construct curbs and provide striping to prohibit vehicles exiting the BART garage from turning right; and to prohibit northbound vehicle from traveling further north beyond the driveway into the BART garage.
 - ii. Provisions should be made to allow through access for emergency vehicles, such as City and BART Police, Fire and Ambulance vehicles.

34. Coordination of BART Parking and Plaza Improvements

Prior to approval of Final Development Plan for Stage 1

- (a) The BART parking structure shall include a minimum of 300 parking spaces.

- (b) The project applicant shall coordinate with BART to facilitate construction of the BART parking structure and BART Plaza improvements as shown in the Preliminary Development Plan.

35. Bicycle Access and Bicycle Paths

Prior to approval of Final Development Plan for Stage 1 or Vesting Tentative Map and Ongoing

In order to enhance bicycle safety to and from the project site, the following measures shall be implemented, subject to review and approval by the City's Transportation Services Division:

- (c) Provide two-way bike lanes on Frontage Road. Locate the northbound bike lane west of the northbound (right-turn only) vehicle lane. Southbound bicyclists could use the southbound shuttle lane.
- (d) Install STOP signs for vehicles exiting the BART garage and for southbound shuttles approaching the BART garage.
- (e) Provide adequate sight distance at the garage exit. Landscaping should be maintained so that adequate sight distance is provided.
- (f) Provide signage at the West MacArthur Boulevard/Frontage Road intersection directing bicyclists to the bicycle path or lanes on Frontage Road.
- (g) Install bicycle detection for all actuated through movements or left turns at the new signal at 40th Street and Frontage Road; the new signal at Telegraph Avenue and Village Drive; and West MacArthur Boulevard and Frontage Road.
- (h) Install signage (i.e., "Left Turn Only, Except Shuttles and Bicycles" and "Left Turn Only, Except Shuttles and Bicycles") and striping at the Frontage Road/Village Drive intersection to prohibit southbound and westbound vehicles, except shuttle buses and bicycles, from continuing southbound to West MacArthur Boulevard. (Also see Condition 34 (c) iii).
- (i) Study the feasibility of providing a "bicycle box" at the southbound approach to the West MacArthur Boulevard/Frontage Road/37th Street intersection and at the northbound approach to the Frontage Road/40th Street intersection. Project applicant shall submit said feasibility to the City's Transportation Services Department for review and approval. If said improvement is determined to be feasible, the project applicant shall implement this measure.
- (j) Study the feasibility of using colored pavement or other visual treatments on the bike path or lanes to increase their visibility and use by bicyclists. Project applicant shall submit said feasibility to the City's Transportation Services Department for review and approval. If said improvement is determined to be feasible, the project applicant shall implement this measure.

36. Area Right of Way Improvements.

Prior to approval of Final Development Plan for Stage 3 or Vesting Tentative Map and Ongoing

Project applicant shall perform feasibility and other studies of the following measures for review and approval by the City Planning Division and Transportation Services Division (TSD). The Project applicant shall implement items determined feasible by the City.

- (a) Removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard.
- (b) Providing street furniture and widening sidewalks where feasible for street frontages immediately adjacent to the project site.

37. Traffic Monitoring.

Prior to project construction, and after completion of project

Project sponsor shall pay to monitor traffic volumes and speeds on the following roadways in accordance with the schedule below. In consultation with local residents, and in accordance with all legal requirements, appropriate traffic calming measures, such as speed humps, or roadway closures, should be considered if and when excessive traffic volumes or speeding are observed. These potential improvements should be funded by the project applicant, if approved by the City's Transportation Services Division (TSD):

- (a) 37th Street between West MacArthur Boulevard and Telegraph Avenue; Monitoring shall be undertaken before construction, and one year after a certificate of occupancy issued for the BART garage.
- (b) 38th Street between Telegraph Avenue and Webster Street; Monitoring should be undertaken before construction, and about one year after a certificate of occupancy issued for FDP Stage 3, or when eighty (80) percent occupancy is achieved, whichever occurs earlier.
- (c) Clarke Street and Ruby Street between 38th Street and 40th Street; Monitoring should be undertaken before construction, and about one year after a certificate of occupancy issued for FDP Stage 3, or when eighty (80) percent occupancy is achieved, whichever occurs earlier.

38. Outdoor Active Areas.

Prior to approval of Final Development Plan for each stage

To the maximum extent practicable, exterior active use areas, including playgrounds, patios, and decks, shall either be shielded by buildings or otherwise buffered to further reduce exterior noise for project residents.

39. BART Garage Elevations

Prior to approval of Final Development Plan for Stage 1 and Ongoing

Final Development Plans for the BART Garage shall include detailed architectural plans demonstrating how the design and building details break up the massing of the parking garage. Signage and advertising on the BART garage shall be subject to the guidelines and standards in the City of Oakland Uniform Sign Code, including Code Section 17.104.060 that prohibits advertising signs, except as permitted via a Franchise Agreement or Relocation Agreement is authorized by the City Council.

40. Green Roofs/Roof Top Gardens.

Prior to approval of Final Development Plan for Stages 2 through 5

As part of the submittal for each FDP application for each phase of FDP, except Stage 1 (BART parking garage), the project sponsor shall study the feasibility of methods to further reduce heat island effect and/or provide additional open space for resident use. Potential methods include but are not limited to green roofs, roof gardens, roof decks, open or partially enclosed private or common balconies. For purposes of this condition of approval, feasibility as defined above includes the consideration of proximity to the highway or streets, location above livable space, construction type, insurability, long term maintenance, HOA costs, and the use of space for other purposes. The feasibility study for implementing additional methods to further reduce heat island effect and/or provide additional open space for resident use shall be provided to Planning Staff as part of each FDP application. The intent of this

condition is to further the sustainable elements of the project design and potentially provide more open space area for the project residents.

41. Building Height.

Prior to approval of any Final Development Plan

In accordance with the Preliminary Development Plan (PDP) received by the Planning Division on May 28, 2008, buildings within the project area shall vary in height along each street frontage. Permitted building height by street frontage is shown on PDP sheet A-1.0H, and listed below:

- (a) Telegraph Avenue, south of Village Drive: 55 to 60 feet
- (b) Telegraph Avenue, north of Village Drive: 50 to 75 feet
- (c) Village Drive, south side of street and west of Internal Street: 55 to 65 feet
- (d) Village Drive, south side of street and east of Internal Street: 65 to 80 feet
- (e) Village Drive, north side of street and west of Internal Street: 60 to 80 feet
- (f) Village Drive, north side of street and east of Internal Street: 70 to 85 feet
- (g) 40th Street: 60 to 80 feet
- (h) Buildings along east edge of transit plaza: 75 to 85 feet
- (i) Internal Street, east side of street: 55 to 70 feet
- (j) Internal Street, west side of street: 45 to 70 feet
- (k) Frontage Road: 65 to 80 feet
- (l) Parking garage: 68 feet

The height above 45 feet allowed on Telegraph Avenue is contingent on the use of quality building design, exterior materials and windows.

Because the Preliminary Development Plan (PDP) received by the Planning Division on May 28, 2008, shows a total of 624 units, and per Condition No. 1 the project is permitted to include a maximum of 675 units based on the EIR analysis and the City's desire for increased density, the buildings heights shown above may be slightly altered to accommodate this permitted increase in units. However, any such increase in height shall be reviewed as part of the Final Development Plan; and no such increase in height shall be permitted on Telegraph Avenue without modification to the PDP.

42. Permitted land uses.

On-going.

Permitted land uses within the project area are subject to the S-15 zone, and shall further be subject to and consistent with the permitted land uses outlined in the Development Agreement or Owner Participation Agreement. Until an agreement on commercial uses is reached in the Development Agreement or Owner Participation Agreement, proposals for individual commercial users on the site will be subject to approval by the City Council.

43. Live-work Spaces along Village Drive to be Removed from the Preliminary Development Plan

The live work spaces shown in the Preliminary Development Plan (PDP) on Village Drive are not to be approved, instead commercial/retail space at a minimum height of 15 feet shall be substituted for said live/work spaces. Some office uses shall be allowed for a period of time to be determined in the Development Agreement or Owner Participation Agreement, after which time the commercial/retail spaces will revert to retail-only spaces. This condition does not pertain to the live/work spaces on 40th Street that are shown in the Preliminary Development Plan.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on June 4, 2008. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

EXHIBIT C-3

**DESIGN GUIDELINES
FOR THE MACARTHUR TRANSIT VILLAGE PROJECT**

Revised to include recommendations from Community and Economic Development Committee (CEDC) Meeting on June 24, 2008 (Shown in Single Underline Bold Font) and recommendations from Design Review Committee (DRC) Meeting on June 18, 2008 (Shown in Double Underline Bold Font).

Introduction

Transit-oriented districts (TODs) are defined as compact, high-density, pedestrian-oriented, mixed-use developments near transit hubs that provide access to housing and jobs with an alternative to the car as the primary mode of transportation. Oakland's General Plan includes policies to create TODs in Oakland in the *1998 General Plan Land Use and Transportation Element*:

*"...ensure and build upon [Oakland's] significant investment in transportation and infrastructure. The new Plan urges us to address the issues through concurrent land use and transportation planning, coordination strategies between the service providing agencies, and realization of infrastructure improvements along major routes and corridors. The plan supports the creation of "transit-oriented districts" that offer a wide range of local services, housing, and retail shops, combined with immediate access to public transit such as BART or multiple AC Transit lines."*¹

And reiterated it again in the *2004 Housing Element*:

*"Land use strategies and policies are designed to promote residential and mixed-use development in pedestrian-oriented settings so as to take advantage of opportunities presented by Oakland's region-serving BART stations and multiple AC Transit lines...Increased height, increased density and reduced parking are proposed for mixed use projects in these locations."*²

The S-15 transit-oriented development zone regulations contained in Chapter 17.97 of the Planning Code (the S-15 zone) establish the regulatory framework to implement the General Plan's vision for TODs. The S-15 zone regulations contain development standards regarding height, minimum and maximum density, floor area ratio, setbacks, and special parking requirements. The Planning Code also contains reduced parking requirements for TODs to encourage transit use and enhance pedestrian environments and S-15 zone regulations shall be subjected to the design guidelines contained herein this document.

Purpose

The Preliminary Development Plan for The MacArthur Transit Village (Transit Village) is intended to create a design and development framework that responds and fulfills the City's policies for Transit Oriented Development, as well as the basic intention of the City's Planned Unit Development Permits, which includes the promotion of a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working. The Transit Village provides an exciting opportunity for Oakland to achieve regional and citywide goals of providing housing, "strengthening and expanding"³ its economic base, increasing transit ridership, reducing automobile trips, easing congestion and sprawl, and reducing air pollution.

¹ Envision Oakland: City of Oakland General Plan. Land Use and Transportation Element, 1998, pg. 3.

² Ibid. Housing Element, 2006, pg. 7-7.

³ Ibid. Land Use and Transportation Element, 1998. pg. 38.

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Supported by the S-15 regulatory framework, these Design Guidelines are intended to guide the Transit Village's implementation and ensure that the project achieves the vision created through years of public participation and detailed design studies including: the physical qualities of an urban environment with viable public spaces, improved access to BART and quality architecture.

Transit Village Guiding Principles

While the establishment of the MacArthur BART station and the Highway 24 created needed public transit and improved transportation access, the bifurcation of the original urban fabric within this district is evident in the existing urban conditions. The spirit and intent of the Transit Village Guiding Principles is to re-establish a vibrant transit oriented urban fabric surrounding the station area, and to enhance the multimodal transit uses at the MacArthur BART station. Most importantly, the presence of a well designed transit oriented development will be the catalyst for redevelopment for the Telegraph transit corridor and the surrounding neighborhoods.

1. Identity

- 1.1. Create a regional gateway to Downtown, North Oakland and West Oakland.
- 1.2. Revitalize a marginalized area as an economically vibrant mixed-use neighborhood.
- 1.3. Provide well designed public open spaces, plazas and retail nodes at prominent locations to promote attractive, safe and active uses.

2. Urban Design

- 2.1. Reconstruct the neighborhood scale urban fabric between 40th Street, Telegraph Avenue and West MacArthur Boulevard to seamlessly reconnect the BART area to surrounding neighborhoods.
- 2.2. Eliminate physical and perceived barriers between Martin Luther King Boulevard and Telegraph Avenue in order to improve connectivity and safety for neighbors residing in the vicinity of the Transit Village.
- 2.3. Reinforce Telegraph Avenue as a city-wide transit corridor and a neighborhood main street.
- 2.4. Create a sensitively scaled, pedestrian-friendly development that organizes massing in a way that responds to the surrounding neighborhood context.

3. Transit

- 3.1. Enhance and emphasize MacArthur BART as a major multi-modal transfer hub in the Bay Area with an identifiable, active and thriving community adjacent to the station.
- 3.2. Enhance pedestrian access by providing clear, safe and attractive access to BART from the surrounding neighborhoods and within the Transit Village.
- 3.3. Prioritize bicycle access through safe and clearly marked bike routes to and within the Transit Village. Where possible, bike access should link with existing or proposed city-wide bike routes.

4. Mixed-Use

- 4.1. Provide a diverse mix of land uses that create housing, employment and community-serving opportunities for Transit Village residents, visitors and employees.
- 4.2. Direct foot traffic through open spaces and commercial nodes within the development to enhance commercial retail viability.

5. Sense of Place

- 5.1. Reinforce urban design and character with well composed buildings that are built of quality materials, appropriately scaled details and thoughtful proportions that promote visual quality and prominence.
- 5.2. Create a series of blocks that allow for a greater diversity of architectural character and style as is inherent to an authentic urban fabric.
- 5.3. Coordinate landscape, lighting, signage and street amenities to promote a distinctive district identity and sense of place.

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- 5.4. Create a signature statement at the corner of Telegraph Avenue and Village Drive that brands the identity of the Transit Village.

6. Sustainable Design

- 6.1 Incorporate site planning and building techniques that support a “green” development and include on-site water conservation and recharge; compact developments, walkable streets and transit access resulting in a reduction of automobile use.
- 6.2 Encourage the use of sustainable building materials and methods; and use of recycled construction materials.
- 6.3 Take part in the USGBC’s LEED ND Pilot Program and work towards certifying the development for a Platinum or Gold Level certification.

6.4 Commit to certifying the buildings to a minimum of 70 points under the Green Point Checklist provided as part of the Multifamily Green Building Guidelines created by Alameda County.

Design Guidelines

These guidelines provide methods to achieve the Guiding Principles for the Transit Village previously highlighted. They are not intended to restrict innovation, imagination and variety in design. Alternative methods that respond to the Guiding Principles similarly, may be considered by planning commission and City Council together with the Final Development Plan.

Development of the MacArthur Transit Village Project shall be subject to the Design Guidelines detailed below. The Design Guidelines are intended to promote successful, integrated transit-oriented development at the MacArthur BART station. These guidelines are a Condition of Approval for the Planned Unit Development Permit (PUD)/Preliminary Development Plan (PDP). Final Development Plans that are submitted for the project shall be in substantial conformance with the PDP plans (dated April 30, 2008 including 32 plan sheets) the S-15 zone regulations and the design guidelines contained herein. The Design Guidelines are organized into the following sections:

- I Site Planning
- II Architectural Design
 - a) Height, Bulk and Scale
 - b) Architectural treatments
- III Public Space Improvement
- IV Transit Plaza Design
- V Sustainable Design

I Site Planning

Traditionally streets and blocks create the physical structure or “framework” for an urban design plan. The MacArthur BART Project area’s framework of streets and blocks was disrupted years ago and has resulted in the MacArthur BART Station and parking lot being an anonymous, disconnected place that is not integrated into the surrounding neighborhood.

The Preliminary Development Plan will introduce a new pattern of public and private streets, development blocks and open spaces within the Transit Village that will reconnect to the existing street network and surrounding context, creating a coherent framework for development and improved circulation. The layout for the new streets and blocks as shown on plan sheets A-1.01, L-02 and L-03 are the backbone of this framework with the character being defined by the elements that occur within this framework. Key elements include:

- walkable, interconnected streets that provide multi-modal access;
- buildings that define the edges of and create a sense of enclosure for streets;

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- sidewalks and sidewalk amenities that buildings face and that create a safe and attractive pedestrian realm; and
- open spaces that become identifiable community “living rooms”.

These elements must work together to create a successful transit-oriented development. In particular, a successful site plan integrates these elements to safely direct pedestrian traffic into nodes of activity, clusters several modes of transportation, and assimilates new streets and buildings into the existing neighborhood. The project shall be consistent with the following site planning design guidelines.

- Guideline S1 Integrate new streets and buildings into the surrounding neighborhood. As a regional gateway, the MacArthur Transit Village is a large transit-oriented development site that should provide visually appealing views from the surrounding neighborhoods, Highway 24, the BART train, platform, the station plaza, and other critical nodes of activity. These views should both provide visual interest and help identify the station entrance and Transit Village community nodes. (plan sheet T-02)
- Guideline S2 Site convenient pedestrian routes that minimize pedestrian conflict with vehicles. Although bus and shuttle stops should be sited for convenience to transit users, the site and circulation plan must minimize conflicts between pedestrians and transit vehicles as well as private cars. (plan sheet A-0.01)
- Guideline S3 Ensure the pedestrian circulation plan routes pedestrians through desired centers of activity in the development such as retail nodes and plazas. (plan sheet A-0.01)
- Guideline S4 Clearly designate bicycle routes and make them free of obstructions. The bike lane should be sited to avoid conflicts with motor vehicles. (plan sheet A-0.01)
- Guideline S5 Where possible, link bicycle routes to the existing or proposed bicycle network adjacent to the development. (plan sheet A-0.01)
- Guideline S6 Locate BART parking structure away from core locations to encourage pedestrian movement through the site. Multiple access points should direct people through key areas that have an active street front such as stoops, plazas and commercial storefronts. (Exhibit A-1.01)
- Guideline S7 Place commercial activities at prominent locations to create an active pedestrian realm. The pedestrian circulation plan should lead pedestrian routes through prominent locations such as plazas and intersections. This method creates a confluence of people at these key locations. Retail stores and restaurants should be sited at these critical locations to take advantage of this confluence. The development should provide ground floor “flex space” or live/work opportunities whose architecture recalls the scale and pattern of commercial frontage and that could be converted to businesses along probable pedestrian routes. (Exhibit A-1.01)
- Guideline S8 Place pedestrian plazas at areas of activity in the development to serve as a hub for pedestrian routes. Like retail nodes, plazas require pedestrian traffic to be successful public spaces and should be located where there will be a confluence of people. Plazas can also serve as a portal into the development at a station or development entrance. (Exhibits A-1.01, A-3.05, A-6.01 and 6.02, L-02)
- Guideline S9 Site building facades at or near the edge of the sidewalk or plaza, appropriate setbacks include 2-5 feet for balconies, awnings, stoops, landscaping or other sidewalk level displays at entries to create a street wall that clearly defines the edges of the public realm and creates a sense of enclosure along the street. Small plazas, inset bays for outdoor seating and dining, prominent entrances, and special corner features provide appropriate locations for interruptions of the street wall. (Exhibit A-1.01, A-1.02, A-3.02 to 3.03)

II Architectural Design

The Architectural Design Guidelines, while not intended to be prescriptive as to style and appearance, help to illustrate the design intention of the Preliminary Development Plan for the Transit Village. Buildings within the Transit Village should be diverse yet have some common elements that tie the development together to create a cohesive urban design and identity. Buildings should not have identical design

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elements, but they should have design elements and devices in common that create a coherent composition, rhythm, and urban design. The PDP plan establishes the basis of the urban design and architectural concepts envisioned for the MacArthur Transit Village.

Since the architectural design is closely integrated with the urban design, public spaces, street character and pedestrian experience in the Transit Village, these guidelines are organized according to the street that buildings face. Each street – existing or new – has or will have a distinct identity that is enforced by architectural design, use or activity, and the streetscape design.

1. Telegraph Avenue
2. West MacArthur Boulevard
3. 40th Street
4. Frontage Road
5. Village Drive
6. Internal Residential Street
7. MacArthur BART Transit Plaza

The guidelines are then organized by “Height, Bulk, and Scale” and “Architectural Treatment” to set the stage for a comfortable and interesting pedestrian experience within the Transit Village and to provide distinct place characteristics within the Transit Village that are recognizable and unique.

1. Telegraph Avenue

Telegraph Avenue is a historically significant commercial mixed-use spine stretching from downtown Oakland to the UC Berkeley campus. The Transit Village will reinforce its traditional character with new buildings that create a strong frontage with an enhanced pedestrian scale. Strong building forms here will announce the special transit-oriented district along the Telegraph corridor, and intensive sidewalk activity will create new neighborhood-wide destinations. The architectural character of this edge is illustrated in the PDP plan sheets A-1.0H, A-3.01a, A-3.02, A-6.01

Height, Bulk and Scale:

- Guideline A1.1 Proposed buildings along Telegraph Avenue shall be no more than four to six stories (approximately 50' to 75') with mix of building heights and rooflines and a signature gateway at Village Drive and Telegraph Avenue. (plan sheets A-1.0H, A-3.02)
- Guideline A1.2 Architecture along Telegraph Avenue should acknowledge the traditional proportions of base, middle and top datum lines, to reinforce the urban street edge. (plan sheet A-3.02)
- Guideline A1.3 Provide a retail corner plaza at the corner of Telegraph and Village Drive to enhance pedestrian activities, outdoor seating opportunities, and create a gateway feature to the Transit Village. (plan sheet A-6.01)
- Guideline A1.4 Buildings should generally respect the zero lot line building edge along Telegraph Avenue, but provide some street wall articulation for visual interest.
- Guideline A1.5 Building design should respect and acknowledge the existing building on the corner of Telegraph and 40th Street by stepping down building height to four stories and by generally aligning with the base height and articulation of the existing building façade. (plan sheet A-1.0H, A-3.02 and 3.03)

Architectural Treatments:

- Guideline A1.6 Establish iconic building corners at the intersection of Telegraph and Village Drive to frame the primary “Front Door” and the view corridor to the BART station. (plan sheets A-6.01 – 6.02)
- Guideline A1.7 Provide a well defined building base with quality materials to enhance the commercial/retail frontage and provide distinctive attractive signage and canopies for the commercial/retail tenants and building lobbies. (plan sheets A-6.01 – 6.02)
- Guideline A1.8 The commercial/retail facades should have at least 60% transparency, with 75% preferred.

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- Guideline A1.9 The ground level of buildings fronting on Telegraph Ave must have predominantly *commercial/retail frontage to promote an active public realm*. Residential units above retail bays overlooking the street will promote safety through “eyes on the street”.
- Guideline A1.10 The height of commercial/retail space shall be a minimum of ~~13'~~ **15'** floor to floor at Block C and 18' floor to floor at Block A with the intention of accommodating both in-line and major commercial/retail tenants.
- Guideline A1.11 Provide a variety of architectural characters and styles along Telegraph Avenue that have an authentic urban feel and traditional neighborhood scale, without being historically stylized or sentimental. (plan sheets A 3.02 – 3.08 and A-6.01 – 6.02)
- Guideline A1.12 Use high quality durable materials, especially at the base of the buildings, to create a **strong connection for where relationship the building meets the street, a strong connection to the** pedestrian realm and to enhance the neighborhood commercial/retail frontage.
- Guideline A1.13 Use architectural details such as decorative railings, pot shelves, canopies, and lighting that create visual complexity and interest and reinforce the human scale elements of the proposed mixed use development.
- Guideline A1.14 Strong cornice treatments should be emphasized regardless of the architectural style or character.
- Guideline A1.15 Provide a minimum window recess of **2-3** inches for all windows at the ground floor and upper levels, **and consider other means for undulation on the ground floor, such as columns, to further provide interest to the ground level of commercial/retail frontages.**
- Guideline A1.16 Avoid white or beige window frames. Dark colors result in a more urban character that is appropriate to this location.

2. West MacArthur Boulevard

MacArthur Boulevard is a major city thoroughfare, extending from San Leandro to San Pablo Avenue where it transitions to the MacArthur Freeway – I-580. Its physical character varies along its length, as do its traffic patterns and intensities. At the Transit Village it carries traffic that is generally headed to or from the highway. The Transit Village will create a new building frontage along this street, and its vehicular connection into the Transit Village will serve to provide scale and activity to the street by creating a new intersection at Frontage Road. The architectural character of this edge is illustrated in the PDP plan sheets A-3.04 and 3.06

Height, Bulk and Scale:

- Guideline A2.1 The ground level commercial base will activate the street and provide human scale and visual interest at the base of the parking structure.
- Guideline A2.2 The proposed multi level parking structure's height and substantial bulk will be a distinctive visual cue to commuters arriving by car both regionally and locally, as it is visible not only from West MacArthur Boulevard and Telegraph Avenue, but from Highway 24 and the BART train platform above.

Architectural Treatments:

- Guideline A2.3 Provide active, commercial or retail frontage at the ground floor to create a strong visual connection between the street and activities inside, and to enhance pedestrian activity on the street providing character and safety.
- Guideline A2.4 Provide minimum of 13' floor to floor dimension for the ground level retail or commercial space.
- Guideline A2.5 Artistic design elements or signage elements mounted on the exterior of the parking structure above the ground floor retail will provide visual interest and identity to freeway drivers and BART commuters passing by.
- Guideline A2.6 Incorporate artistic sun shading devices and PV panels or other building *specifications to further support sustainable development.*
- Guideline A2.7 Provide a substantial building base with quality materials and provide distinctive attractive signage and canopies along the street and at building lobbies.

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- Guideline A2.8 Use high quality durable materials, to create a strong relationship of the building to the pedestrian realm and to activate West MacArthur Boulevard.

3. 40th Street

40th Street is a major west-east corridor connecting Emeryville with North Oakland. Between Martin Luther King Jr. Boulevard and Telegraph Avenue, this street provides the main pedestrian access between adjacent neighborhoods and the BART station, and acts as one of the main district gateways to the MacArthur BART station. The architectural character of this edge is illustrated in the PDP plan sheets A-1.0H, A-3.03, A-6.02

Height, Massing and Scale:

- Guideline A3.1 The proposed architecture massing and scale must respect the transition from the existing, modest four story building on the corner of Telegraph Avenue to the grand scale of the freeway infrastructure overpass and BART station with a mix of building height and articulation. (plan sheets A-1.0H, A-3.03)
- Guideline A3.2 The proposed buildings along 40th Street transition from five stories adjacent to Existing building at Telegraph Avenue to a six story maximum adjacent to the BART station (approximately 60' to 80'). (plan sheet A-1.0H)
- Guideline A3.3 The architecture along the length of 40th Street should be modulated to create a diversity of architectural scales and characters. (plan sheet A-3.03)
- Guideline A3.4 Consistent with Telegraph Avenue, the distinctive commercial/retail floor to floor ground level height of 18' should be carried along the 40th Street elevation. (plan sheet A-3.03)
- Guideline A3.5 The placement and style of openings and windows should contribute to a coherent and appealing composition to a façade. Details such as mullions, grillwork, prominent sills and trim can also provide visual interest to openings.

Architectural Treatments:

- Guideline A3.6 The proposed buildings fronting on 40th Street must have commercial/retail storefronts at the ground level, with commercial/retail uses fronting on the BART station plaza and flex space that supports potential future commercial/retail uses along the 40th Street frontage.
- Guideline A3.8 Provide a substantial building base with quality materials to enhance the retail frontage and provide distinctive attractive signage and canopy opportunities for potential retail tenants and flex space tenants.
- Guideline A3.7 Provide an architectural character and style along 40th Street that has an authentic contemporary urban feel.. (plan sheet A 3.02 – 3.08 and A-6.01 – 6.02)
- Guideline A3.8 Creating an iconic corner at the BART Transit plaza will highlight the prominent public plaza, retail node and gateway into the BART station, both from the neighborhood and freeway/platform levels.
- Guideline A3.9 Use a variety of architectural details such as decorative railings, pot shelves, canopies, and decorative lighting to reinforce the human scale elements of the proposed mixed use development.
- Guideline A3.10 Use high quality durable materials, especially at the base of the buildings, to create a strong relationship of the building to the pedestrian realm and to enhance the neighborhood retain frontage along 40th Street.
- Guideline A3.11 Strong cornice treatment should be emphasized regardless of the architectural style or character.
- Guideline A3.12 Provide a minimum window recess of 2-3 inches for all windows at the groundfloor and upper levels, and consider other means for undulation on the ground floor, such as columns, to further provide interest to the ground level of commercial/retail frontages.
- Guideline A3.13 Avoid white or beige window frames. Dark colors result in a more urban character that is appropriate to this location.

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4. Frontage Road

The Frontage Road is an essential access drive for shuttle transit services, bike path and pedestrian linkage to the new BART replacement parking garage. In addition, it also serves as an emergency access and maintenance road for CalTrans. The architectural character of this edge is illustrated in the PDP plan sheets A-1.0H, A-3.06, A-6.02, A-6.03 and Hood Design's concept for the BART plaza design also included in the PDP submittal.

Height, Bulk and Scale:

- Guideline A4.1 Blocks B, C, and D along the frontage road should have clearly defined, well-lit and visible frontage along the street level to promote security and safety.
- Guideline A4.2 Due to visibility from the freeway and the BART platform, the architecture of each of the blocks along the frontage road (at street level and upper levels) shall be designed with an architectural gesture fitting with this location through bold fenestration patterns, roof forms and façade articulation.
- Guideline A4.3 The buildings along this edge have the most flexibility in heights and variations (approximately 65' to 80') in form within the project. (plan sheet A-1.0H)

Architectural Treatments:

- Guideline A4.4 Provide artistic metal grills and pedestrian scale lighting along the garage edge to provide maximum visibility to promote security. (Exhibit A-3.06)
- Guideline A4.5 The architectural composition of the building areas visible to the freeway and BART platform should be designed with bold as large scale, regional gateway, with a broader variations in forms and building materials to promote a sense of arrival at this important civic place within the City. magnify the contrast in architecture.

5. Village Drive

Village Drive is the primary public street within the Transit Village. The street is angled from Telegraph Avenue to the BART Plaza to provide a strong visual connection to the station, as well as the Beebe Memorial Church, a significant historic neighbor to the Transit Village. Parallel parking on Village Drive provides necessary convenience parking that will support the retail and live/work uses along the street and provide multiple drop-off locations for BART commuters. The architectural character of this edge is illustrated in the PDP plan sheets A-3.08b, A-6.01.

Height, Bulk and Scale:

- Guideline A5.1 The scale of architecture along Village Drive should transition from the more contextual neighborhood scale along Telegraph Avenue building to the larger, more regional scale of the highway and BART station. (plan sheet A-1.0H)
- Guideline A5.2 Building height shall transition from the more contextual neighborhood scale along Telegraph Avenue to more regional scale toward ~~the~~ Highway 24 and the MacArthur BART Station (approximately 60' to 85'). (plan sheet A-1.0H)
- Guideline A5.3 Each of the corners of the buildings should respond architecturally to their unique position on the site.

Architectural Treatments:

- Guideline A5.4 Any ground floor uses fronting on Village Drive must have commercial/retail storefronts at the ground level. Façade transparency of the groundfloor space should range from 50% to 75%.
- Guideline A5.5 Provide a minimum window recess of 2-3 inches for all storefront and residential windows at the groundfloor and upper levels, and consider other means for undulation on the ground floor, such as columns, to further provide interest to the ground level of commercial/retail frontages.
- Guideline A5.6 Avoid white or beige window frames. Dark colors result in a more urban character that is appropriate to this location.

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- Guideline A5.7 Provide a substantial building base with quality materials to enhance the retail frontage and provide distinctive attractive signage and canopies for the retail tenants, live/work units and building lobby locations.
- Guideline A5.8 Use a variety of architectural details such as decorative railings, pot shelves, canopies, and decorative lighting to reinforce the human scale elements of the proposed mixed use development.
- Guideline A5.9 Use high quality durable materials, especially at the base of the buildings, to create a strong connection for where relationship the building meets the street, a strong connection to the pedestrian realm and to enhance the neighborhood retail frontage along Village Drive.
- Guideline A5.10 The retail space must be a minimum of 13' 15' floor to floor at Block B and C to accommodate in-line retail tenants, and minimum of 18' floor to floor at Block A to accommodate a major retail tenant.

6. Internal Residential Street

The Dutch model of streets that are shared between active recreational, residential, public uses and vehicles – the Woonerf – provides inspiration for this street. It is a private neighborhood street that mainly provides parking access for residents with limited on-street parking for residents and guests. This street is more a plaza than a street, and should provide a semi-private gathering space for Transit Village residents that is away from the main traffic and activity of the commercial and transit areas. The architectural character of this edge is illustrated in the PDP plan sheets A-3.07b, A-6.04, L-03

Height, Bulk and Scale:

- Guideline A6.1 Consistent with and in response to smaller residential blocks, the architecture of buildings facing the internal street (Block B, C and D) should address the internal street with a variety of massing, roof line and architecture.
- Guideline A6.2 Building frontages should relate to one another through the use of residential scale elements and articulation such as bay windows, balconies, stoops, as well as narrow vertical modulations – similar to urban row houses.
- Guideline A6.3 The proposed roof form should be more varied and articulated than the mixed use building along Telegraph Avenue and 40th Street to respond to the residential nature of this street.
- Guideline A6.4 The pattern of fenestration should also designed to reflect a more residential scale.

Architectural Treatments:

- Guideline A6.5 Provide generously sized stoops and balconies at the ground level units to create a transition from the public street to the private realm of the residence and to enhance the sense of pedestrian activity on the street, support residential character and safety. These stoops can be designed uniquely to suit each architectural variation along the frontage.
- Guideline A6.6 Provide variety of color and materials to further reinforce the finer grain residential scale and articulations
- Guideline A6.7 Provide clearly defined residential lobbies, entries into residential courtyards and public uses by providing special canopies, signage, lighting and graphics. When possible, group entrances together to create a community activity node.
- Guideline A6.8 Provide quality durable material at all stoops, landscape walls and lobby entrances. Ground floor units shall have swinging front doors or French doors with some transparency rather than sliding patio doors.
- Guideline A6.9 Provide a minimum window recess of 2-3 inches for all windows at the groundfloor and upper levels.
- Guideline A6.10 Decorative lighting shall be incorporated seamlessly in the building design to enhance the architecture, promote pedestrian safety and support neighborhood security.

7. 40th Street Gateway at the BART Plaza

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The BART plaza provides a public open space amenity to both transit patrons and the community. The currently underutilized and nearly invisible transit plaza will be redesigned to extend from the BART fare gates under the freeway and connect to the transit plaza at Building A. This location is the key regional gateway of the development and the buildings should be designed with this in mind. The architectural character of this edge is illustrated in the PDP plan sheets A-3.05, A-6.02, L-02, and Hood Design's concept for the BART fare gate plaza.

Height, Bulk and Scale:

- Guideline A7.1 The massing and height of Building A adjacent to the BART Plaza will be the most prominent within the overall hierarchy of the site.
- Guideline A7.2 The proposed architecture massing fronting the plaza should speak to its civic location with a strong façade, vibrant and transparent retail base.
- Guideline A7.3 The architectural modulation, fenestration pattern and detailing of mixed-use Block A should be significantly different than that of the residential Block B to provide a rich variety of architecture fronting onto the plaza.

Architectural Treatments:

- Guideline A7.4 The proposed buildings fronting the plaza must have retail frontage at the ground level with reasonable lease depth (40' to 60').
- Guideline A7.5 Create an iconic corner at the transit plaza to highlight the prominent public plaza, retail node and gateway into the BART station, both from the neighborhood and to the fast moving traffic at the freeway level.
- Guideline A7.6 Provide transparent glazing at the retail level to provide maximum visibility and contemporary details to complement the civic character of the transit plaza.
- Guideline A7.7 All outdoor amenities, signage and fixtures shall be selected and designed as complementary public arts features.

III Public Space Improvements

The public space improvements of the project development include elements such as streets, sidewalks, infrastructure, and other amenities in the public realm. These elements are the glue that ties individual buildings together within the development to create a unique urban place. The architectural character of the space is illustrated in the PDP plan sheets L-01, L-06.

- Guideline PS1 Provide an integrated scheme of street improvements. The streets within the development should have a consistent design theme and relate to the proposed architectural style of the buildings. All amenities should be durable and of high visual quality. (plan sheet L-03)
- Guideline PS2 Dimension sidewalks wide enough to accommodate active pedestrian traffic activity. Sidewalks should be dimensioned to accommodate comfortable pedestrian activity and sidewalk elements such as street lights, trees, street furniture, and outdoor café seating areas. Sidewalk bulb-outs, a widening of a sidewalk at intersections and crosswalks, should be provided at major intersections along pedestrian routes. (plan sheets A-3.07a, 3.08a) Minimum sidewalk widths for new streets within the project area are as follows:
 - Village Drive: 10 feet
 - Internal Street: 7 feet on the west side and 5 feet on the east side
 - Frontage Road: minimum 7 feet with increase to 12 feet.
- Guideline PS3 For sidewalks improvements along West MacArthur Boulevard, 40th Street and Telegraph Avenue where there is an existing sidewalk system on an established street, the project should continue the existing sidewalk pattern.
- Guideline PS4 Provide as narrow street widths as possible. The width of streets within the project depends heavily on issues relating to public safety, transit requirements, and vehicular access. Given these constraints, streets should be as narrow as possible to

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- create an intimate, enclosed environment for pedestrians. Narrow street widths along with the small building setbacks help to define a comfortable pedestrian space. (plan sheets A 3.06 to 3.08)
- Guideline PS5 Use alternative paving at strategic locations to enhance the pedestrian experience. Use of alternative paving materials such as stamped concrete, interlocking concrete pavement, and concrete with integrated colors at prominent locations to identify special locations and provide visual interest at the street level. (plan sheet L-02)
- Guideline PS6 Design an integrated public improvement scheme including street trees, street lights, traffic signals, street signs, and street landscaping. These amenities should be of high visual quality, have a consistent design theme that fit the design style of buildings within the development, and be consistently provided throughout a site to provide the development an identity and enhance the visual experience of visitors. Provide trees that create an attractive canopy for pedestrians and lights that brightly illuminate pedestrian routes for nighttime security. (plan sheets L-01 to L-06)

IV Transit Plaza Design

The Transit Plaza is the key organizing and design feature of the MacArthur BART Transit Village Plan. Good design, activity and safety are necessary to attract people into the plaza to create an active community space. Therefore, a key to a successful plaza is to create activities that will attract people into a plaza. One method of attracting people is to have commercial opportunities within and adjacent to the plaza. Food vendors, retail storefronts, outdoor seating and public art invite people to come to and use the plaza as a community gathering space or “living room”. The architectural character of the plaza is illustrated in the PDP plan sheets L-0, L-02, L-07, A-6.02.

A plaza should be a place where people can comfortably relax and socialize and the plaza should be sized to promote such activity. One of the most important elements of encouraging these activities is to provide adequate seating. Seating can be provided in many forms: benches, steps, ledges, planters, and walls are all opportunities for seating. Further, seating should be provided in various locations such as in the sun, in the shade, near focal points, facing prominent architectural features, and near commercial areas.

- Guideline TP1 Seed activity in a plaza that provides approximately 6,200 sf of active open space.
- Guideline TP2 Entrances to storefronts should be directed to the plaza and provide easy access for pedestrians.
- Guideline TP3 Orient the plaza toward a major feature and use the plaza as a way finding feature for the community and development. The plaza should be oriented towards the BART station entrance.
- Guideline TP4 Design buildings adjacent to the plaza to provide a comfortable pedestrian scale and limit setbacks between the façade and the plaza to provide well defined edges and to enclose the public space.
- Guideline TP5 Install landscaping to soften the environment and provide shade. Ample landscaping is critical to soften the environment in a plaza. Also, trees should be used to provide shade at seating areas, block the wind, and cool areas that tend to attract heat. In general, at least 25 percent of a plaza should be covered with plant material.

V Sustainable Design

Incorporate site planning and building techniques that support a “green” development. Building at higher densities near transit is inherently energy efficient because it reduces the number of people who travel by private automobile. Green building techniques are typically most effective when they are incorporated early in the design process. Examples can include the following:

- Guideline SD1 - *Site Planning & Design*
- Building placement should be sensitive to site topography and should be integrated seamlessly with minimal impact.

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- Through site and building design, consider the use of building roofs, parking lots, and other horizontal surfaces to convey water to either distribute it into the ground or collect it for reuse.
- The project site should be designed to maintain natural storm water flows by promoting infiltration. Techniques and materials such as vegetated roofs, pervious paving, and other measures to minimize impervious surfaces are encouraged.
- Impervious paving should be minimized, increasing on-site infiltration, and reducing or eliminating pollution from storm water runoff and contaminants.
- Constructed surfaces on the site should be shaded with landscape features and utilize high-reflectance materials and other materials to reduce heat absorption.

Guideline SD2 - *Building Design*

- Identify opportunities to incorporate salvaged materials and rapidly renewable materials into building design and research potential material suppliers.
- Design buildings to maximize interior daylighting and provide for a connection between indoor spaces and the outdoors. Strategies to consider include building orientation, exterior and interior permanent shading devices, and high performance glazing.
- Consider use of materials and methods that will reduce heat island effect. This may include but is not limited to green roofs, roof gardens, use of reflective surfaces and/or photovoltaics.

Guideline SD3 – *Streetscape/Landscape Design*

- Drought tolerant landscaping is encouraged. Plant selection should be based on the climate and environment of the area as well as site characteristics such as exposure, light intensity, soil analysis, site drainage, and irrigation. Proper plant selection based on site characteristics should enhance the plants' likelihood of becoming established on the site and reduce potential incidences of low vigor, excessive maintenance, disease, or death. Native species are preferred for natural landscapes.
- The site should be adequately landscaped to provide shade and protect surfaces including sidewalks, driveways, parking lots, and exterior walls. Where appropriate, plant deciduous trees on the south and west sides of buildings to provide protection from the summer sun. In the winter months, these trees lose their leaves and allow sunlight to provide passive heating and light.

**Table 0-2
Assessment of 2004 Housing Element Implementation**

POLICY/PROGRAM	FIVE-YEAR GOALS (1999-2006)	ACTUAL ACCOMPLISHMENT	ANALYSIS OF DIFFERENCE	DELETE, RETAIN OR MODIFY IN 2009 HOUSING ELEMENT
Action 3.2.1 Alternative Building Code Standards	Continue the use of alternative accommodations and equivalent facilitation of the California Building Codes to address the special housing needs of persons with disabilities and to facilitate the rehabilitation of older dwelling units.	<u>This program continues to be implemented.</u>		
Action 3.2.2 Planned Unit Development Zoning	Maintain the provisions in the Planning Code for planned unit developments on sites where the strict application of zoning standards could make development less feasible. Consider reducing the minimum lot area requirement for residential planned unit developments (PUD)	Planned unit developments enabled the Uptown project with over 1000 units, City Center T10 with 250 units, 2345 Broadway with 398 units and Wood Street with 431 units.		

MACARTHUR TRANSIT VILLAGE, SUMMARY OF CHANGES, June 24, 2008
Jane Brunner, City Council District I

The following changes to the Conditions of Approval and Design Guidelines have been agreed upon in concept by the project proponent, City Staff and our office.

Conditions of Approval

1. The project sponsor will make every effort to beat the timeline laid out in the conditions of approval and construct the project more quickly.
2. The timeline for Phase III of the project, the first market rate housing, will be moved up to be concurrent with Phase II, the affordable housing component.
3. The Residential Parking Permit program will be funded with \$150,000 from the project proponent. The program will expire five years after the entire project has been completed.
4. Council will have final approval over the quality of materials and windows in the final development plans.
5. The project will be set back 9 feet from the south windows and 17 from the west windows of the existing building at the corner of Telegraph and 40th Street and the windows will be vertically offset to protect privacy.
6. The permitted uses in the retail portions of the site will be determined in the future in the D.A. or O.P.A agreements. Until an agreement is reached all proposed retail/commercial uses will come to the City Council for approval on an individual basis.
7. The live/work component of the project shown on Village Drive in the plans will be eliminated. Instead, those spaces will be designated as commercial space for a limited period of time after which it will revert to retail uses.
8. The granting of the additional height requested on Telegraph above 45 feet with a step-back to 55 feet is contingent on the use of quality building design and materials.

Design Guidelines

1. All references to live/work uses on the site with respect to Village Drive will be removed.
2. The height of the commercial spaces will be set at a minimum of 15 feet, with the exception of the retail space at the BART garage which will be a minimum of 13 feet.
3. Window recesses will be 2-3 inches deep.
4. The Project Proponent agrees to certifying its buildings for sustainability under the "Green Points Checklist" of Alameda County