

**CITY OF OAKLAND**  
**AGENDA REPORT**

2011 MAR 23 PM 3: 54

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: April 5, 2011

RE: Supplemental Report, Public Hearing and Upon Conclusion Adopt A Resolution Approving the MacArthur Transit Village (a) Stage One (1) Final Development Plan Permit, Which Would Allow for Development of a New BART Parking Garage and Site Infrastructure, as Part of the MacArthur Transit Village Planned Unit Development (PUD060058), Pursuant to City Council Resolution No. 81422 C.M.S. Condition of Approval #27, and (b) Vesting Tentative Tract Map 8047, as recommended by the Planning Commission

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**SUMMARY**

This Supplemental Report updates the information provided to the City Council at its meeting of December 21, 2010 (contained in the December 14, 2010 City Council Agenda Report), when this item was agendized but continued to a future Council meeting. MacArthur Transit Community Partners, LLC (the Applicant) seeks approval of the Stage 1 Final Development Permit (FDP) and Vesting Tentative Tract Map (VTTM) for the MacArthur Transit Village (MTV) project located in North Oakland. The Stage 1 FDP application is to construct a 6-level parking structure with approximately 480 parking stalls and 5,200 square feet of ground-floor commercial space; additionally, the Stage 1 FDP includes infrastructure improvements, including new streets, utilities and public improvements, as well as site remediation (consisting of the project's approved Clean Up Plan by the RWQCB). The conditions of approval for the MTV Planned Unit Development ((PUD06058, approved on June 4, 2008) require City Council approval of the FDP. On November 3, 2010, the Planning Commission recommended approval of the applications, and on March 16, 2011 recommended approval of minor revisions to the VTTM (related to the vacation of Apgar Street) (see *Attachment A*: Planning Commission Report, dated March 16, 2011).

This supplemental reports includes revisions to the VTTM (see *Attachment B*: Revised TTM8047) and a response to questions raised by a neighboring property owner regarding the ability to rely on the previously certified 2008 Environmental Impact Report (EIR) prepared in compliance with the California Environmental Quality Act (CEQA) (see *Attachment C*: CEQA Memo) and the street vacation process.

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## BACKGROUND

### *VTTM*

Following the Planning Commission's recommendation of approval of the VTTM on November 3, 2010, staff identified revisions required to ensure that the VTTM would meet requirements of the City of Oakland Subdivision regulations. Specifically, a portion of Apgar Street (ruming west from Telegraph Avenue to the entrance to the existing BART surface parking lot) was not proposed for vacation in the originally recommended VTTM that should be vacated. The revised VTTM includes the appropriate street vacation proposal as well as non-substantive clarifying information regarding other parts of the map. None of the revisions included in the revised VTTM result in any substantive changes from the previous VTTM. The Plaming Commission recommended approval of the revised VTTM on March 16, 2011 and also imposed a condition of approval that immediately adjacent properties be notified of any future City Planning Commission and/or City Council meetings relating to the vacation process for Apgar Street.

### *Community Input*

Since preparation of the December 14, 2010 City Council report, staff has received two letters raising concerns about the ability to rely on the previously certified 2008 (EIR with regards to potential impacts to the Surgery Center located at 3875 Telegraph Avenue. These letters are addressed in the KEY ISSUES AND IMPACTS section of this report and in *Attachment C*: CEQA Memo.

## KEY ISSUES AND IMPACTS

Staff has identified a number of key issues that require further explanation to the City Council, as follows:

### *Conformance with City Codes and Regulations*

#### Subdivision Analysis

The current proposal includes a Vesting Tentative Tract Map (VTTM) to create lots for development of the approved PUD. The 8-lot VTTM creates six development parcels, two access parcels (for Frontage Road and Internal Street), and one parcel to be dedicated to the City of Oakland for a public street (Village Drive). The proposed VTTM includes a portion of the larger PUD site and allows, at a minimum, development of the Stage One FDP. The Applicant may propose additional subdivision maps in the future to include additional, adjacent parcels as they gain site control and seek FDPs for future development phases. Although the Planning Commission is typically the initial decision-maker for tentative tract maps, in this instance, the Planning Commission has acted in an advisory role and the City Council will make the decision

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for this VTTM to allow for consistency with any decision regarding the Stage One FDP. As with the FDP, the Planning Commission has provided a recommendation on the VTTM to the City Council.

### Environmental Review

#### *Stage 1 FDP and VTTM*

As described in the December 14, 2010 City Council Agenda Report, an EIR was certified by the Planning Commission for this project on June 4, 2008. The MacArthur Transit Village Project Environmental Impact Report [SCH No. 2006022075] is provided under separate cover to the City Council and is available to the public at the Planning Department offices and on the web at: <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DQWD008406>. Staff has determined through preparation of a memo/addendum to the EIR that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the Stage 1 FDP and VTTM. The CEQA memo/addendum is attached to this report (**Attachment A**: Planning Commission Report dated March 16, 2011: Attachment C, Planning Commission Report dated November 3, 2010: Attachment F, CEQA Memo).

#### *The Surgery Center Letters*

The City has received three letters (dated December 17 and December 21, 2010, and March 15, 2011) from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Center, a Sutter Health affiliate (the Surgery Center). The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is in Phase 5 of the MacArthur Transit Village Project (MTV Project). (See **Attachment A**: Planning Commission Report, dated March 16, 2011, Attachment D; and Attachment E) The Surgery Center letters mistakenly state that the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City Council should defer its approval of the MTV Project's Phase 1 Final Development Permit (FDP), Vesting Tentative Track Map (VTTM), and other entitlements until these impacts on the Surgery Center are studied in a subsequent EIR. The March 15, 2011 letter also incorrectly states that all issues relating to the Apgar street vacation and final map must be dealt with now. The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Phase 1 FDP and VTTM for the following reasons:

- **No Project Changes:** The MTV Project has not been changed or modified to exclude the Surgery Center parcel. The MTV Project analyzed in the certified 2008 EIR and approved by the City is a phased development. The mixed-use building proposed for the

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Surgery Center parcel always has been in Phase 5, the final phase of development, for which a final development permit application is not required to be submitted until 2019. Thus, the Surgery Center parcel has not been expected or required to be included in the Phase 1 FDP application or approval. The VTTM covers those portions of the MTV Project site controlled by the project sponsor. Although the Surgery Center parcel and one other MTV Project parcel (3901 Telegraph Ave.) are not included in the VTTM, the development of these parcels are in later Project phases and, if subdivision maps are required for the development of these parcels, the necessary subdivision maps will be submitted with (or before) the FDP applications for these later phases are filed. Additionally, future development of the Surgery Center parcel could occur within its existing boundaries and no additional subdivision map may be necessary. Consequently, neither the Phase 1 FDP nor the VTTM change the MTV Project to exclude the Surgery Center and thus no project change has occurred that would require additional environmental review under CEQA.

- **No New Information:** The EIR, which analyzed a phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until the final phase of development, could be operating during and subsequent to construction of the initial MTV Project phases. The Surgery Center's construction concerns could have been raised in 2008 and 2009 during the public review of the MTV Project EIR and the City's consideration of the initial Project approvals. Thus, these concerns do not constitute new information that could not have been known when the EIR was certified. Consequently, the Surgery Center has not provided new information that would require additional environmental review under CEQA.
- **Project Conditions/Mitigations Sufficient:** The MTV Project conditions of approval and mitigation measures address construction related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel. The City's Standard Conditions of Approval (SCA) for dust control (COA-AIR 1) and construction emissions (COA-AIR 2) will reduce the potential air quality impacts on uses adjacent to the construction site. Additionally, in response to the Surgery Center's air quality health risk concerns, LSA Associates prepared a health risk assessment to evaluate the construction related dust and emissions on the Surgery Center (see **Attachment C**: CEQA Memo, Exhibit C, Health Risk Assessment). The health risk assessment determined that the potential dust and diesel emissions impacts on the Surgery Center would be below the thresholds of significance. A site specific construction noise plan has been prepared pursuant to COA-NOISE 5 (see **Attachment C**: CEQA Memo, Exhibit D, Noise Reduction Plan). The analysis conducted for this plan confirms the EIR's conclusion that, with implementation of the City's SCAs and the noise control strategies provided for in the plan, construction noise impacts on the Surgery Center will be less than significant. In accordance with COA-NOISE-6, Wilson Ihrig and Associates, a vibration expert has

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evaluated the construction plan for areas near the Surgery Center and has confirmed that the vibration impacts will be less than significant based on the use of certain construction techniques and timing restrictions (see *Attachment C*: CEQA Memo, Exhibit E, Vibration Memorandum).

Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the certified 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, no further environmental review is required. Thus, in considering approval of the Phase 1 FDP and VTTM, the City should rely on the previously certified 2008 EIR.

With respect to the Apgar Street vacation indicated on the VTTM, the Surgery Center expresses concern that no detailed information is provided regarding the street vacation, including how the street would be vacated and the final design and maintenance of the land following vacation. It should be noted that the street vacation is identified on the VTTM as a required action for approval of the Final Map, to be considered at a later date, which is standard policy and practice. Following approval of the VTTM, a street vacation application would be prepared and processed by the City of Oakland, and would include the information requested by the Surgery Center.

#### **ACTION REQUESTED OF THE CITY COUNCIL**

Based on the analysis contained within this and the previously prepared reports and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location and is an attractively designed project. The proposed project will further the overall objectives of the General Plan. Thus, staff recommends that the City Council:

- 1) Adopt the addendum to the EIR and find that, in accordance with CEQA Sections 15162 and 15163, no further environmental review is required, as set forth above and detailed in the attached CEQA memo (*Attachment C*);
- 2) Approve the revised VTTM, subject to the findings and conditions of approval provided in *Attachment D* to this report;
- 3) Approve the Final TDM, consistent with the requirements of the adopted PUD conditions of approval; and
- 4) Approve the proposed FDP, based on the findings and conditions of approval included in *Attachment D* to this report.

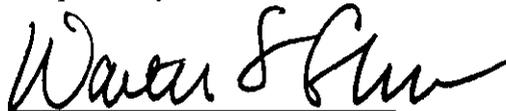
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- 5) Request that the Applicant meet with Mr. William Jackson and/or his representatives to negotiate in good faith the relocation of his auto-detailing business from 3901 Telegraph Avenue to the planned BART garage to be located on West MacArthur Boulevard.

The City Council may additionally consider the following recommendation by the Planning Commission, although Planning Division staff supports the currently proposed street widths:

- 6) Direct Engineering Services and Fire Department staff to continue to work with the Applicant to develop mutually acceptable alternative design solutions to achieve life safety accessibility with narrower streets.

Respectfully submitted,



Walter S. Cohen, Director  
Community and Economic Development Agency

Reviewed by:  
Eric Angstadt, Deputy Director

Prepared by:  
Catherine Payne, Planner III  
Planning and Zoning Division

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
\_\_\_\_\_  
Office of the City Administrator

- Attachment A: Planning Commission Report, dated March 16, 2011
- Attachment B: Revised TTM8047
- Attachment C: CEQA Memo
- Attachment D: Findings and Conditions of Approval
- Attachment E: Holland & Knight March 15, 2011 letter

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**Attachment A: Planning Commission Report, dated March  
16, 2011**

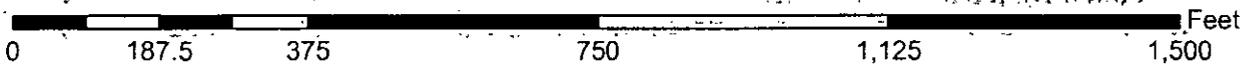
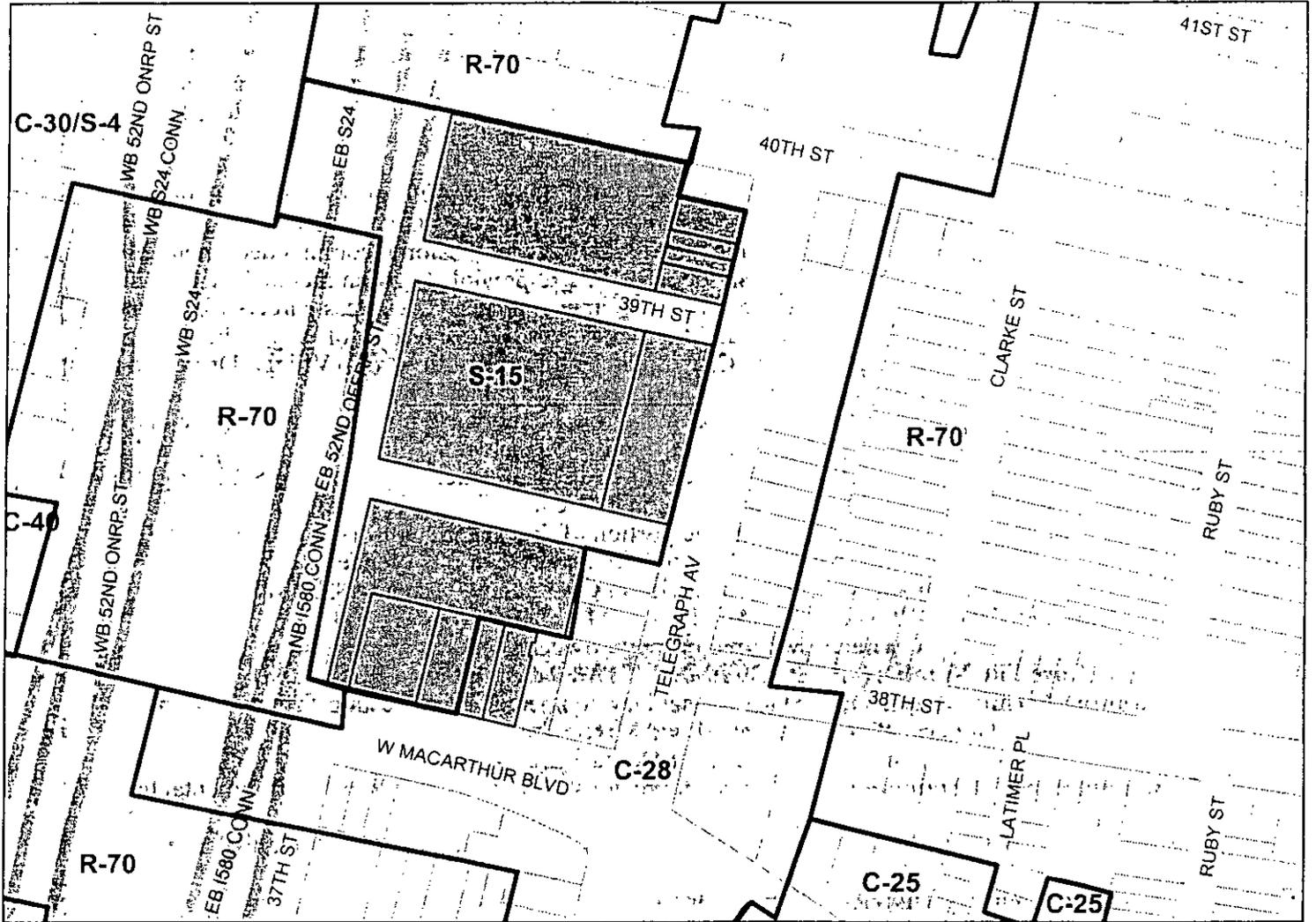
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<b>Location:</b>	Multiple parcels immediately adjacent to the Macarthur BART station; on the west side of Telegraph Avenue between 40 <sup>th</sup> Street and West Macarthur Boulevard (see map)
<b>Assessors Parcel Numbers:</b>	012-0969-053-03, 012-0968-055-01, 012-0967-01, 012-0969-002-00, 012-0969-003-01, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
<b>Proposal:</b>	Request for minor revision to Tentative Tract Map (TTM 8047) for which the Planning Commission recommended approval on November 3, 2010. The previously recommended map would create six development parcels, two access parcels (for Frontage Road and Internal Street), and one right-of-way to be dedicated to the City of Oakland for a public street (Village Drive and a portion of Frontage Road) at the Macarthur Transit Village (MTV) project site. The proposed minor revision to the map shows that the entire Apgar Street right-of-way within the MTV project site will be vacated, extending from the SR 24 right-of-way to Telegraph Avenue. The VTTM previously did not include the portion of the Apgar right-of-way between the BART parking lot and Telegraph Avenue.
<b>Project Sponsor(s):</b>	Macarthur Transit Community Partners, LLC (MTCP)
<b>Contact Person/Phone:</b>	Art May, Project Manager (510) 903-2051
<b>Owner:</b>	Multiple property owners
<b>Case File Number(s):</b>	PUDF10-097, TTM8047 (related to PUD06058)
<b>Planning Permits Required:</b>	Stage 1 Final Development Permit, Vesting Tentative Map
<b>General Plan:</b>	Neighborhood Mixed Use
<b>Zoning:</b>	S-15 Transit-Oriented Development Zone
<b>Environmental Determination:</b>	Reliance on previously certified June 2008 Environmental Impact Report (EIR).
<b>Historic Status:</b>	There are no Potential Designated Historic Properties located on the project site.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1 – Brunner
<b>Action to be Taken:</b>	Consider recommendation of approval to the City Council of a minor revision to VTTM (TTM 8047).
<b>Finality of Decision:</b>	NA
<b>For Further Information:</b>	Contact case planner Catherine Payne at (510) 238-6168 or by email at cpayne@oaklandnet.com

**SUMMARY**

The Planning Commission previously reviewed and recommended approval of the Macarthur Transit Village (MTV) Vesting Tentative Tract Map (VTTM) (TTM8047) to the City Council on November 3, 2010. Since that time, staff has determined that the Apgar Street right-of-way vacation should extend to include the portion of Apgar Street between the eastern edge of the

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD10097, TTM8047, PUD06058  
Applicant: MacArthur Transit Community Partners  
Address: Parcels adjacent to MacArthur BART Station  
Zone: S-15, C-28

BART parking lot and Telegraph Avenue. To accommodate this, the VTTM has been revised to show that all of the Apgar right-of-way within the MTV project site, extending from Telegraph Avenue to the Caltrans Right-of-Way for State Route 24 (SR 24), will be vacated.

### **PROJECT SITE AND SURROUNDING AREA**

The portion of the MTV site that is the subject of the proposed VTTM revision is the western portion of the Apgar Street right-of-way that extends from the east edge of the existing BART parking lot to Telegraph Avenue. This roadway section is approximately 60 feet wide and 100 feet long.

The MTV site is located in North Oakland, within the area bounded by 40<sup>th</sup> Street, Telegraph Avenue, West Macarthur Boulevard, and SR 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West Macarthur Boulevard and 40<sup>th</sup> Street, and seven adjacent parcels. The project site includes the majority of the block on Telegraph Avenue between West Macarthur Boulevard and 40<sup>th</sup> Street; however, several parcels within this block are not included within the project site (see map on preceding page 2). There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as SR 24, and the BART tracks.

The subject VTTM covers those portions of the MTV Project site controlled by the project sponsor and that are necessary for Stages One and Two of the Macarthur Transit Village Planned Unit Development (PUD). The VTTM does not include two parcels: 3875 Telegraph Avenue (APN 012-0968-003-01) and 3901 Telegraph Avenue (012-0969-004-00). The development of these parcels is planned in a later stage of the MTV PUD and, if subdivision maps are required for the development of these parcels, the necessary subdivision applications would be submitted with (or before) filing of the FDP applications for these later stages.

### **BACKGROUND**

The MTV land use approvals to date include a rezoning of the MTV Project site; a planned unit development permit (PUD), which included a preliminary development plan; design review; a major conditional use permit; the associated conditions of approval which included design guidelines, a draft traffic demand management program, and a mitigation monitoring and reporting program; a development agreement, and an owner participation agreement.

The approved PUD for the MTV Project allows for the development of up to 675 residential units (market-rate and affordable), 42,500-square feet of retail and commercial uses, a 5,000 square foot community center use, a 480-space BART parking garage, and a number of infrastructure improvements. The approved staging plan provides for five separate development stages each having its own schedule for submission of a final development plan (FDP) and

target approval date: (1) Stage One consisting of the new BART garage on block E, site remediation, BART plaza improvements, Internal Drive, Frontage Road improvements, and a portion of Village Drive; (2) Stage/Phase Two consisting of the affordable rental development on block D; (3) Stage/Phase Three consisting of the mixed-use market rate development on block A; (4) Stage/Phase Four consisting of the mixed-use market rate development on block B; and (5) Stage/Phase Five consisting of the mixed use market rate development on block C, which includes the 3875 Telegraph Avenue (the Surgery Center at Alta Bates Summit Medical Center). The City prepared and certified an EIR that evaluated the potential impacts of the phased buildout of the MTV Project in 2008.

On November 3, 2010, the Planning Commission reviewed the proposed Stage One EDP and VTTM (TTM8047) and recommended approval to the City Council. The VTTM would allow development of MTV Project Stage/Phase 1 consistent with the adopted PUD and consistent with recommendations made previously by the Planning Commission. The City Council is scheduled to review the proposed Stage One FDP and VTTM on April 5, 2011.

**PROJECT DESCRIPTION**

Since the Planning Commission reviewed the VTTM (TTM8047), City staff has determined that the portion of the Apgar right-of-way to be vacated should extend to Telegraph Avenue. The revised VTTM (dated February 28, 2011), see Attachment A, now indicates that the portion of the Apgar Street right-of way between the BART parking lot and Telegraph Avenue will be vacated. This section of the vacated Apgar right-of way will be encumbered with a 60-foot wide Public Service Easement which will allow fire access, pedestrian access and public utilities within the property (see Attachment B). The property will also have an access easement granting access to the properties fronting both sides of the present Apgar Street right-of way.

The Planning Commission previously recommended approval of TTM8047 with conditions of approval on November 3, 2010. The current proposal is for a revision to the recommended map. Accordingly, this report only addresses the specific revision and not the previous recommendation. Should the Planning Commission vote to recommend approval of the proposed revisions to TTM8047, the revisions would be incorporated into the overall recommendation to the City Council to approve the entire map and the previously considered conditions of approval (which would not change as a result of the revisions proposed here).

**SUBDIVISION ANALYSIS**

As detailed in the November 3, 2010 Planning Commission staff report, the VTTM (TTM8047) would create a total of eight lots including six development parcels, two access parcels (for Frontage Road and Internal Street), and one right-of-way to be dedicated to the City of Oakland for a public street (Village Drive and a portion of Frontage Road). The proposed revision to

extend the portion of the Apgar right-of-way to be vacated to Telegraph Avenue will not substantially change the VTTM. See Key Issues discussion below.

In addition to the proposed minor change to Apgar Street, the proposed VTTM includes additional information about existing Caltrans and BART ownership for the purpose of map clarification. These revisions result only in information clarification, apply only to cross-sections, and are non-substantive.

Although the Planning Commission is typically the decision-making body for tentative tract maps, in this instance, the Planning Commission is acting in an advisory role and the City Council will make the decision for this VTTM to allow for consistency with their decision regarding the Stage One FDP. As with TTM8047, the Planning Commission will provide a recommendation on the proposed minor revision to TTM8047 to the City Council.

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It is also noted that the application for the street vacation will be reviewed by the Planning Commission and the City Council subsequent to approval of the VTTM (TTM8047) and prior to Final Map approval by the City Council.

*Notice of*

**GENERAL PLAN ANALYSIS**

Land Use and Transportation Element

The proposed minor revision to extend the vacation of the Apgar right-of-way to Telegraph Avenue is substantially consistent with the PUD approval and, as such, is consistent with the General Plan. This improved portion of Apgar Street is 100 feet long, terminates at the Macarthur BART parking lot, and provides driveway access for two properties on either side of the street. This portion of Apgar Street does not provide through access or any required public access through the MTV project or the surrounding area. Should this portion of Apgar Street be vacated, the land would be encumbered with easements to maintain access to the adjacent properties, maintain emergency vehicle access, and maintain pedestrian access. Consequently, it is not necessary for this portion of Apgar to remain a public street (See Attachment C: November 3, 2010 Planning Commission Report for analysis of Stage One FDP and VTTM).

**ZONING ANALYSIS**

The proposed minor revision to extend the vacation of the Apgar right-of-way to Telegraph Avenue is consistent with the 2008 approval and the PUD, and is therefore in compliance with the underlying zoning, S-15 Transit Oriented Development Zone (S-15 zone) (See Attachment C: November 3, 2010 Planning Commission Report for analysis of Stage One FDP and VTTM).

**ENVIRONMENTAL REVIEW**

As part of their review of the VTTM on November 3, 2010, the Planning Commission made a finding that the VTTM was adequately reviewed in the EIR that was certified in 2008. The finding stated that the City finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163 were present. (See Attachment C, including the CEQA Compliance Memorandum, dated October 25, 2010.) The proposed minor revision to extend the vacation of the Apgar Street right-of-way to Telegraph Avenue and include necessary pedestrian, vehicular, emergency and utility access easements does not trigger the need for heavy CEQA analysis as this minor revision does not change any of the findings of the October 25, 2010 CEQA Memorandum.

Since the Planning Commission's review of the Stage One FDP and VTTM on November 3, 2010, the City Council has received two letters (dated December 17 and December 21, 2010) from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Center, a Sutter Health affiliate (the Surgery Center). The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is included in Stage 5 of the MTV Project. (See Attachment B: November 3, 2010 Planning Commission Report) The Surgery Center letters mistakenly state that: (1) the MTV Project has been changed to exclude the Surgery Center parcel; (2) based on this change, construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (3) the City Council should defer its approval of the MTV Project's Stage 1 FDP, VTTM, and other entitlements until these impacts on the Surgery Center are studied in a subsequent EIR.

The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Stage 1 FDP and VTTM for the following reasons:

- The MTV Project has not been changed or modified. The MTV Project proposed and analyzed in the 2008 EIR and approved by the City is a phased development. The mixed use building proposed for the Surgery Center parcel always has been in the final fifth phase of development and never has been expected to be included in the Stages One or Stage Two applications.
- The EIR, which analyzed the phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until in the final phase of development, could be operating during and subsequent to construction of the initial MTV Project phases.

- The MTV Project conditions of approval and mitigation measures address construction and operational related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel.

Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166 and CEQA Guidelines Sections 15162 and 15163, no further environmental review is required. Thus, in considering approval of the Phase 1 FDP and VTTM, the City should rely on the previously certified 2008 EIR.

## **KEY ISSUES**

A discussion of the key issues associated with the proposed minor amendment to TTM8047 that require further explanation to the Planning Commission is provided below.

### *Revision to Apgar Street*

The VTTM (TTM8047) recommended for approval by the Planning Commission at the November 3, 2010 meeting indicated that the 60-foot Apgar Street public right-of-way would be vacated from the Caltrans Right-of-Way for Interstate 24 to the eastern edge of the existing BART parking lot. This portion is not improved as a public roadway and is currently occupied by the Macarthur BART Station parking lot. The VTTM indicated that the portion of the Apgar right-of-way that extends from the BART parking lot to Telegraph Avenue would remain as a public right-of-way.

The Revised TTM8047 indicates that the 60-foot wide Apgar right-of way between the BART parking lot and Telegraph Avenue would also be vacated, resulting in Apgar being vacated from Telegraph Avenue to SR 24. Within the MTV project site, Apgar Street is currently improved for approximately a half of block east of Telegraph Avenue; the public improvements terminate at the west edge of the BART parking lot where the street becomes a driveway into the BART parking lot. The existing 60-foot right-of-way includes a 38-foot wide street, sidewalks, and utilities including water, gas, storm sewer, and phone lines and equipment.

Given the subject portion of Apgar Street currently terminates at the BART parking lot and would not be needed for any public access or transportation facilities in the planned MTV development, City staff supports the vacation request. The proposed easements will ensure that pedestrian and vehicular (including emergency vehicles) access are available to the properties located at 3875 and 3837 Telegraph Avenue, which currently utilize Apgar Street for access.

Additionally, the public utilities easement will provide access for any necessary utility infrastructure.

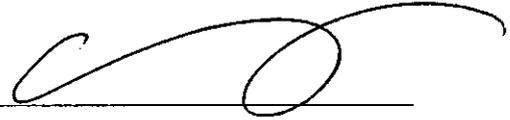
**RECOMMENDATION**

Staff recommends that the Planning Commission:

- 1) Hold a public hearing and receive public testimony regarding the proposed modification to TTM8047;
- 2) Find, in accordance with CEQA Guidelines Sections 15162 and 15163, that no further environmental review is required consistent with the findings of the October 25, CEQA Compliance Memorandum included in the November 3, 2010 Staff Report and thus, in considering approval of the Phase 1 FDP and VTTM, the City can rely on the previously certified 2008 EIR; and

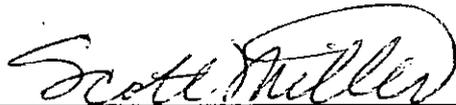
- 3) Recommend approval to the City Council of the revisions to TTM 8047 that provide clarifying information and indicate that Apgar Street will be vacated from the east edge of the BART parking lot to Telegraph Avenue and necessary pedestrian, vehicular, emergency and utility access easements will be provided.

Prepared by:



Catherine Payne, Plamer III

Approved for forwarding to the  
City Planning Commission by:



SCOTT MILLER  
ZONING MANAGER



ERIC ANGSTADT  
DEPUTY DIRECTOR, CEDA

Attachments:

- A. Revised VTTM (TTM8047)
- B. Street Vacation Conceptual Plan
- C. Adopted November 3, 2010 Planning Commission Report (and attachments)

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## FINDINGS FOR APPROVAL

The City hereby finds that the proposed revision to Macarthur Transit Village VTTM (TTM 8047) that indicates that Apgar Street will be vacated from the east edge of the BART parking lot to Telegraph Avenue and necessary pedestrian, vehicular, emergency and utility access easements will be provided will not change any of the findings that the Planning Commission made relative to the required findings for compliance with the California Environmental Quality Act, and with Oakland Municipal Code Section 16.08.030 (Tentative Map Criteria).

### CEQA-Related Findings

The City, based upon the Planning Commission's independent review, consideration and exercise of its independent judgment, hereby finds and determines, on the basis of substantial evidence in the record, that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, are present in that (a) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; (b) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or (b) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR; and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them. Thus, in considering approval of the Phase 1 FDP and VTTM, the City can rely on the previously certified 2008 EIR.

### Section 16.08.030 (Tentative Map Criteria):

- A. That the proposed map is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149,

Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

- B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

- C. That the site is physically suitable for the type of development.

The project is proposed for a relatively flat, urban site, located within an existing street and utility context, with no significant natural features. The site is currently underutilized. Therefore, the site is physically suitable for the proposed mixed-use development.

- D. That the site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development, which is well within the maximum allowable density for the site.

- E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause substantial environmental damage or to injure fish or wildlife or their habitat.

- F. That the design of the subdivision of the type of improvements is not likely to cause serious public health or safety problems.

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause any serious public health or safety problems.

- G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The design of the subdivision will not conflict with easements on the property. The proposed project includes vacations of public land, and dedications of public land for the purposes of all types of access and utilities. If new easements are necessary, they will be recorded as needed by the affected utility.

- H. That the design of the subdivision does provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The design of the subdivision does not preclude future passive heating or cooling opportunities.

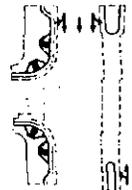
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Revised VTTM (TTM8047)



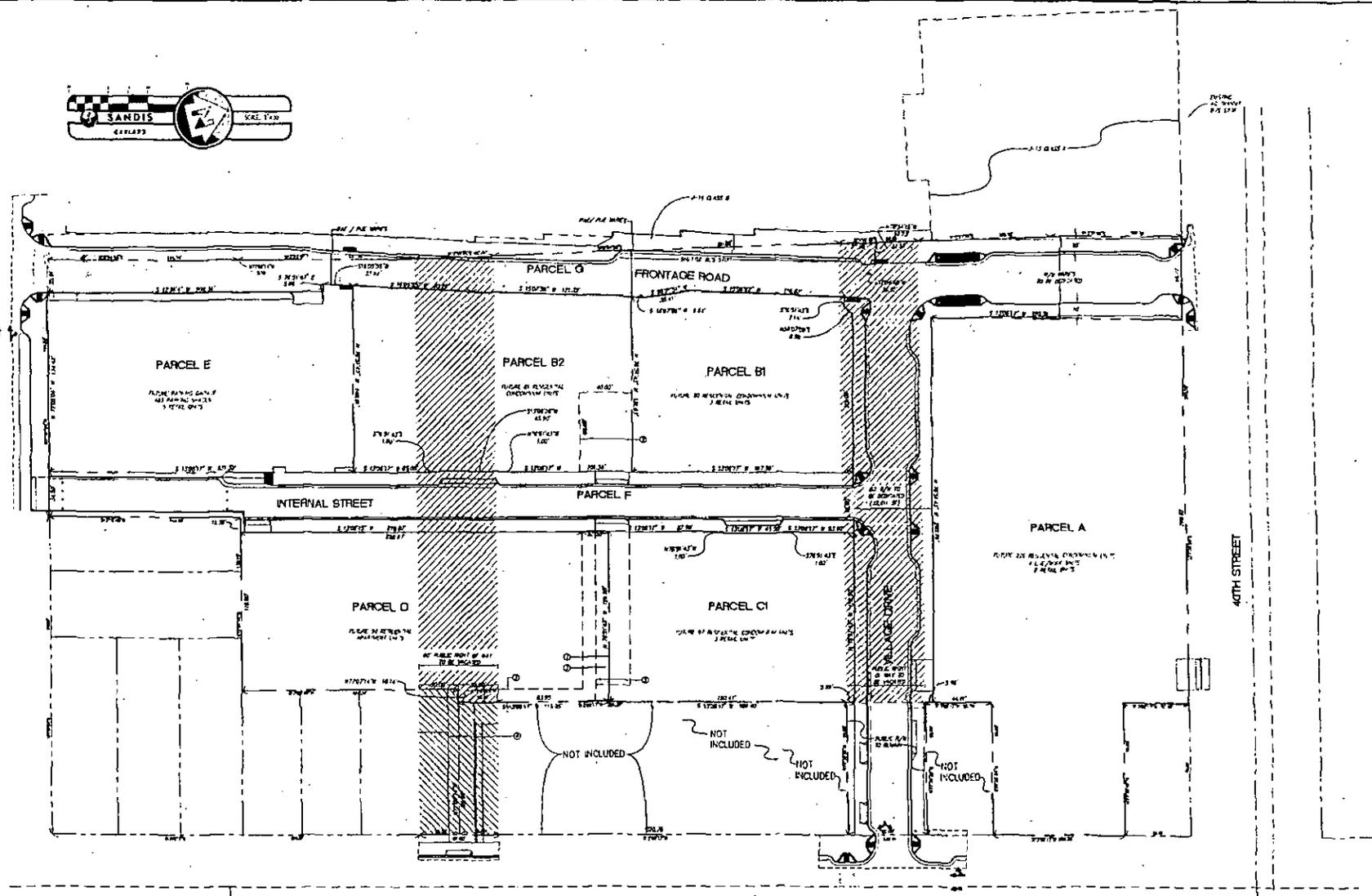








MACARTHUR BOULEVARD



40TH STREET

TELEGRAPH AVENUE

**SHEET NOTES**

- 1. ALL AREAS SHOWN TO BE NOTED BY THE CITY OF OAKLAND.
- 2. ALL AREAS AND SHOWN EQUIPMENT TO BE NOTED BY THE CITY OF OAKLAND.
- 3. ALL AREAS SHOWN TO BE NOTED BY THE CITY OF OAKLAND.
- 4. ALL AREAS SHOWN TO BE NOTED BY THE CITY OF OAKLAND.
- 5. ALL AREAS SHOWN TO BE NOTED BY THE CITY OF OAKLAND.

**LEGEND**

- FOR TO BE NOTED BY THE CITY OF OAKLAND.
- FOR TO BE NOTED BY THE CITY OF OAKLAND.

**SANDIS**  
 1721 Broadway, Suite 121 | Oakland, CA 94612 | P: 510.437.7000 | F: 510.437.7001  
 WWW.SANDIS.COM

DATE	2010
SCALE	1" = 30'
PROJECT NO.	607128
DATE OF ISSUE	12-21-10

DATE	2010
PROJECT NO.	607128
DATE OF ISSUE	12-21-10

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2	REVISED PER COMMENTS	10-27-10	...
3	FINAL	12-21-10	...

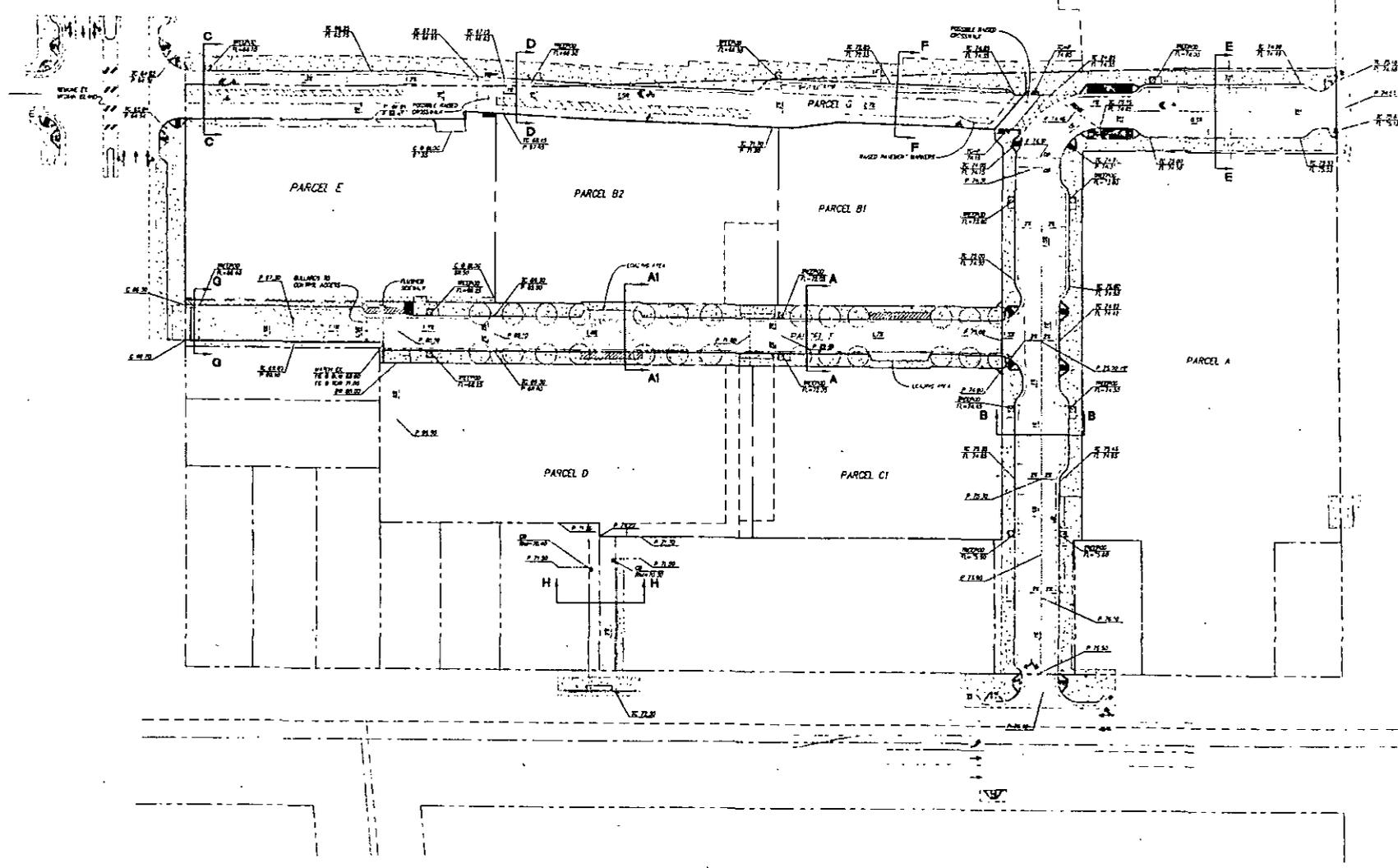
VESTING TENTATIVE TRACT MAP NO. 8047  
 TENTATIVE MAP

OAKLAND

CALIFORNIA

T-4

of 7 sheets



- LEGEND**
- PROPOSED
  - CITY STREET MAP
  - PUBLIC MAP SHEET
  - WATER MAIN
  - SEWER MAIN
  - ELECTRIC MAIN
  - GAS MAIN
  - TELEPHONE MAIN
  - FIRE MAIN
  - STORM SEWER
- NOTES**
- 1. SEE SHEET 8047-1 FOR PARCEL A
  - 2. SEE SHEET 8047-2 FOR PARCEL B
  - 3. SEE SHEET 8047-3 FOR PARCEL C
  - 4. SEE SHEET 8047-4 FOR PARCEL D
  - 5. SEE SHEET 8047-5 FOR PARCEL E
  - 6. SEE SHEET 8047-6 FOR PARCEL F
  - 7. SEE SHEET 8047-7 FOR PARCEL G
  - 8. SEE SHEET 8047-8 FOR PARCEL H

**SANDIS** ENGINEERING & ARCHITECTURE  
 1000 BAY STREET, OAKLAND, CA 94612 | P: 510.873.8800 | F: 510.873.8800 | WWW.SANDIS.COM  
 607128

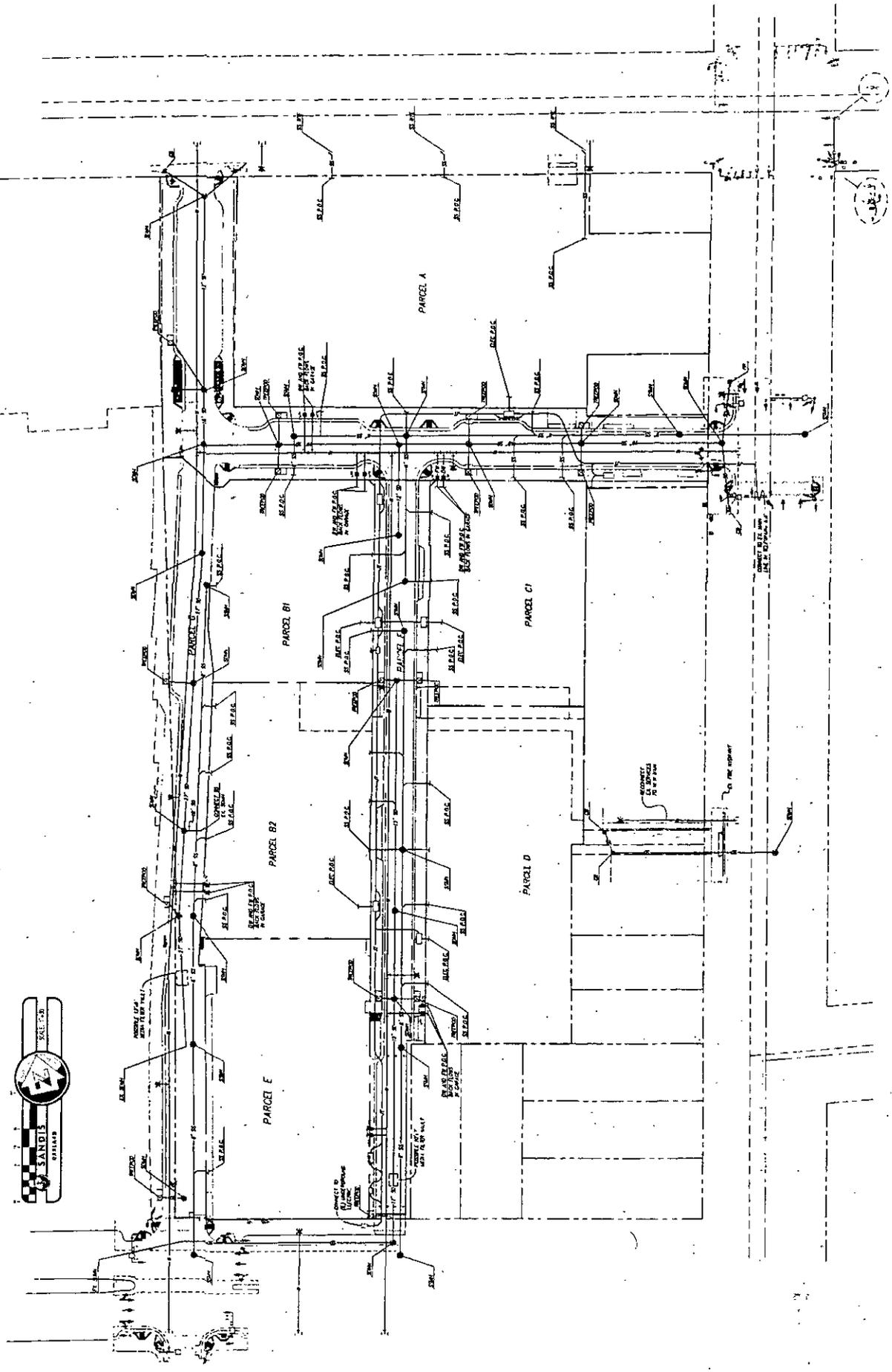
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 PROJECT NO. 607128  
 SHEET TITLE: GRADING PLAN

DATE: 08-20-10  
 SHEET TITLE: GRADING PLAN  
 PROJECT NO. 607128

NO.	DESCRIPTION	DATE	BY
1	PREPARED	8-20-10	...
2	REVISION	10-29-10	...
3	REVISION	02-25-11	...

VESTING TENTATIVE TRACT MAP NO. 8047  
 GRADING PLAN  
 OAKLAND  
 CALIFORNIA

5 SHEETS  
**T-5**  
 OF 7 SHEETS



**SANDIS ENGINEERING**  
 2000 BAYVIEW BLVD., SUITE 200, OAKLAND, CA 94612  
 TEL: (415) 764-1100 FAX: (415) 764-1101  
 WWW.SANDIS-ENG.COM

PROJECT NO. 607126  
 SHEET NO. T-6 OF 7  
 DATE: 11/11/10

CLIENT: SANDIS ENGINEERING  
 PROJECT: VESTING TENTATIVE TRACT MAP NO. 8047  
 LOCATION: OAKLAND, CALIFORNIA

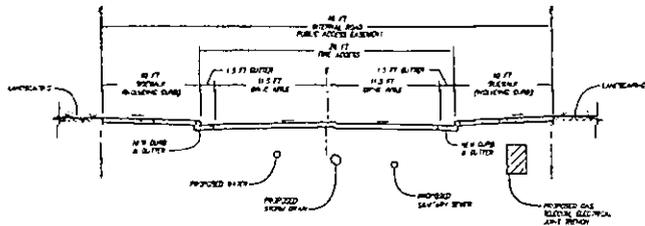
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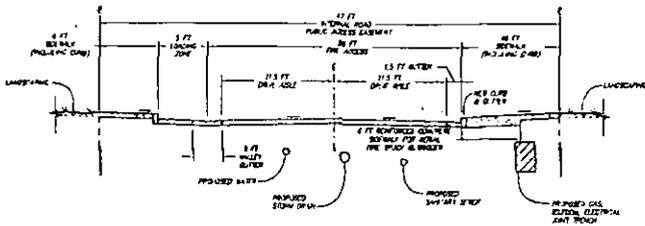
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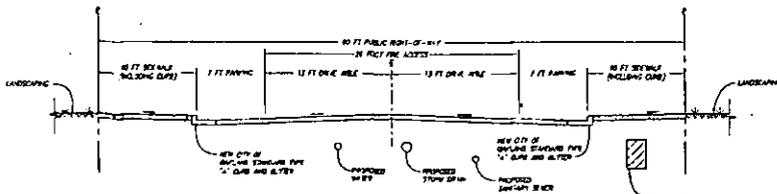
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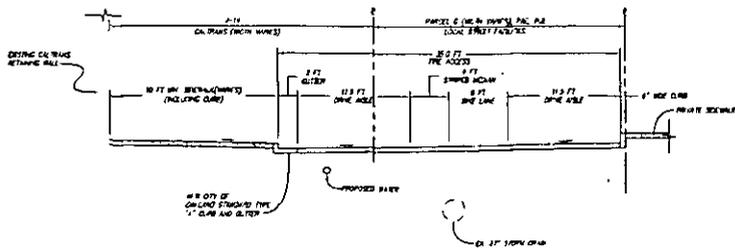
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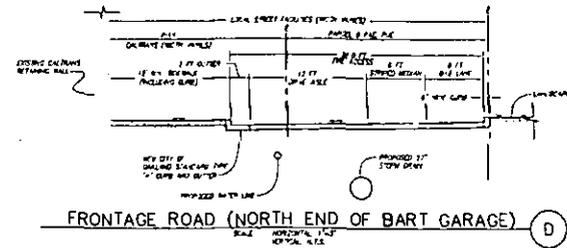
INTERNAL STREET LOADING ZONE SECTION (A1)



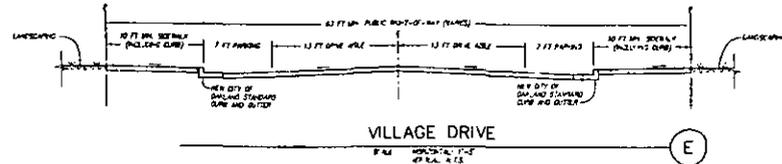
VILLAGE DRIVE (FORMERLY 39TH STREET) (B)



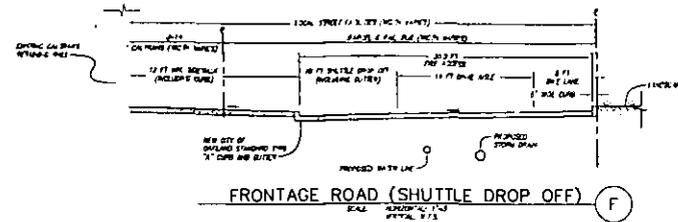
FRONTAGE ROAD (SOUTH END OF BART GARAGE) (C)



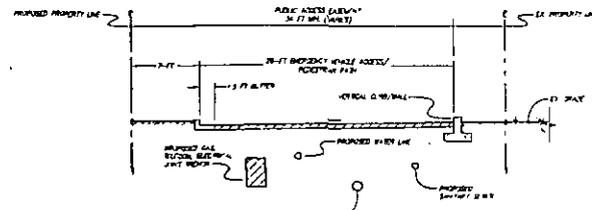
FRONTAGE ROAD (NORTH END OF BART GARAGE) (D)



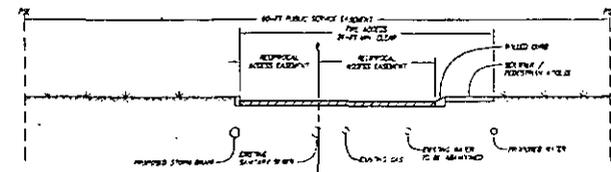
VILLAGE DRIVE (E)



FRONTAGE ROAD (SHUTTLE DROP OFF) (F)



SECTION @ EMERGENCY VEHICLE ACCESS NEAR WEST MACARTHUR (G)



SECTION @ FORMER APGAR ST. (H)



SANDIS ENGINEERING  
1111 CENTRAL EXPRESSWAY, SUITE 200  
OAKLAND, CALIFORNIA 94612  
TEL: (415) 764-1111 FAX: (415) 764-1112  
WWW.SANDIS.COM

DATE: 04-30-10	BY: [Signature]
SCALE: AS SHOWN	
PROJECT NO: 007128	
DATE: 04-30-10	

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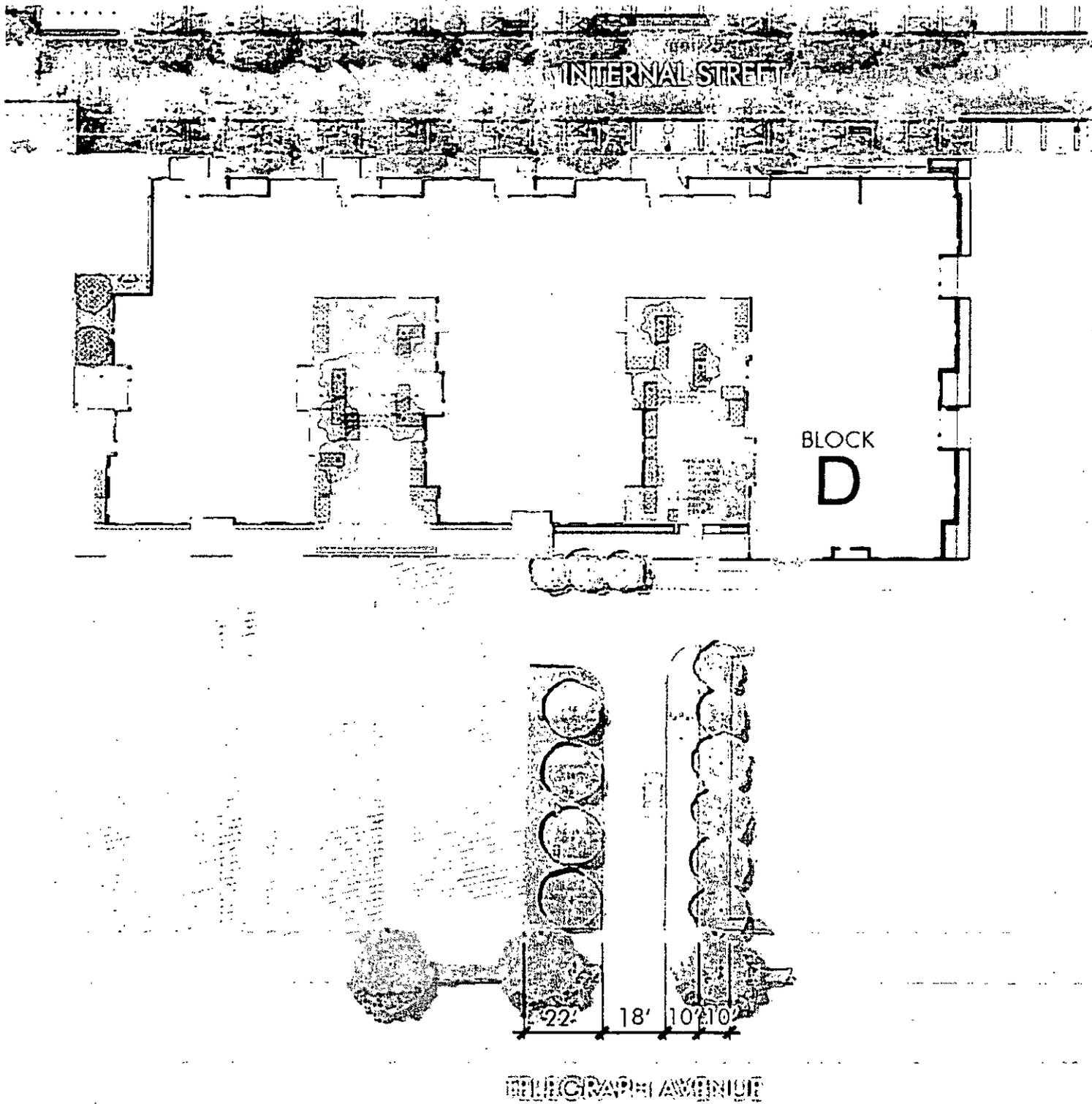
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2	SCALE FOR PERMITS	04-29-10	[Signature]
3	SCALE FOR PERMITS	04-29-10	[Signature]

VESTING TENTATIVE TRACT MAP NO. 8047  
TYPICAL SECTIONS AND NOTES

OAKLAND

CALIFORNIA

## Attachment B: Street Vacation Conceptual Plan



MACARTHUR BART TRANSIT VILLAGE  
 03-04-11  
 NOT TO SCALE

**PGA design** <sup>INC</sup>

444 17th Street, Oakland, CA 94612  
 Tel: 510.465.1284 Fax: 510.465.1256

Attachment C:  
Adopted November 3, 2010 Planning Commission  
Report (and attachments)

Case File No. PUDF10097, PUD060058, and TTM8047

November 3, 2010

A C A M E N D M E N T A N D R E C O M M E N D A T I O N B Y T H E C I T Y P L A N N I N G C O M M I S S I O N O N 11/3/10

<b>Location:</b>	Multiple parcels immediately adjacent to the Macarthur BART station; on the west side of Telegraph Avenue between 40 <sup>th</sup> Street and West Macarthur Boulevard (see map)
<b>Assessors Parcel Numbers</b>	012-0969-053-03, 012-0968-055-01, 012-0967-01, 012-0969-002-00, 012-0969-003-00, 123-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
<b>Proposal:</b>	Construct Stage One (1) of the Macarthur Transit Village project (PUD06058), including: a new BART parking garage with 480 parking spaces and 5,200 square feet of ground-floor commercial space; as well as <u>site remediation</u> , new streets, utilities, and public improvements. Additional application for Vesting Tentative Tract Map for entire site.
<b>Project sponsor(s):</b>	Macarthur Transit Community Partners, LLC (MTCP)
<b>Owner(s):</b>	Art May; Project Manager (510) 903-2051
<b>Case File Number(s):</b>	PUDF10-097, TTM8047 (related to PUD06058)
<b>Planning Permits Required:</b>	Stage 1 Final Development Permit, Vesting Tentative Map
<b>General Plan:</b>	Neighborhood Mixed Use
<b>Zoning:</b>	S-15 Transit-Oriented Development Zone
<b>Environmental Determination:</b>	Reliance on previously certified June 2008 Environmental Impact Report (EIR).
<b>Historic Status:</b>	There are no Potential Designated Historic Properties located on the project site.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1 - Brunner
<b>Status:</b>	Design Review Committee on May 26, 2010
<b>Action to be Taken:</b>	Consider recommendation of approval of FDP and VTTM to the City Council
<b>Finality of Decision:</b>	NA
<b>For further information:</b>	Contact case planner Catherine Payne at (510) 238-6168 or by email at <a href="mailto:cpayne@oaklandnet.com">cpayne@oaklandnet.com</a>

## SUMMARY

Macarthur Transit Community Partners, LLC (the Applicant) seeks approval of the Stage 1 Final Development Permit (FDP) and Vesting Tentative Tract Map (VTTM) for the Macarthur Transit Village (MTV) project located in North Oakland. The Stage 1 FDP application is to construct a 6-level parking structure with approximately 480 parking stalls and 5,200 square feet of ground-floor commercial space; additionally, the Stage 1 FDP includes infrastructure improvements, including new streets, utilities and public improvements and site remediation (consisting of the project's approved Clean Up Plan by the RWOCB). The conditions of approval for the MTV Planned Unit Development ((PUD06058, approved on June 4, 2008) require City Council approval of the FDP; therefore, staff request the Planning Commission make a recommendation regarding this application to the City Council. Staff is also forwarding the VTTM to the City Council for consideration with the Stage One FDP.



Case File No. PUDF10097, PUD060058, and TTM8047

Page 3

AS AMENDED AND APPROVED BY THE PLANNING COMMISSION ON 11/3/10

(Contains map showing the project site and general vicinity)

**PROJECT SITE AND SURROUNDING AREA**

The project site is located in North Oakland, within the area bounded by 40<sup>th</sup> Street, Telegraph Avenue, West Macarthur Boulevard, and State Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West Macarthur Boulevard and 40<sup>th</sup> Street, and seven adjacent parcels. The project site includes the majority of the block on Telegraph Avenue between West Macarthur Boulevard and 40<sup>th</sup> Street; however, several parcels within this block are not included within the project site (see map on preceding page 2). There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

The Stage 1 FDP includes the portion of the site in the southwest corner, where the new BART garage will be located, and all of the public and private streets and paths located throughout the site. The VTTM applies to the parcels currently under the Applicant's control (and excludes some parcels fronting West Macarthur Boulevard and Telegraph Avenue.

**BACKGROUND**

The Macarthur Transit Village Project has been in development since 1993, with the involvement of the surrounding community and has been through several iterations. The current development team, MTCV, was selected through a Request for Proposals process in 2004. The PUD was approved in June 2008. The Design Review Committee of the Planning Commission (DRC) reviewed the Stage 1 proposal on May 26, 2010.

*PUD*

The Macarthur Transit Village PUD was approved by the Planning Commission on June 4, 2008. The PUD includes the entire 7.76-acre MTV site. The PUD establishes the approved land uses, site layout, density, bulk, massing, and design guidelines for the site. The PUD allows for 42,500 square feet of commercial space and ~~624~~ up to 675 residential units, as well as additional open space and public infrastructure. Development of the PUD is phased to occur in five stages. The ~~applicant~~ Applicant is currently applying for a FDP and VTTM to initiate development of Stage One development. See Attachment ~~CD~~ D for complete description of the PUD.

*Stage One*

Stage One is fully described in the Project Description section of this report, but essentially includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets).

The Design Review Committee of the Planning Commission (DRC) reviewed the project at their meeting on May 26, 2010. The DRC was generally supportive of the project. DRC comments are fully addressed in the Key Issues and Impacts section of this report.

*Community Input*

~~MTC~~The Applicant presented the FDP design to the MacArthur BART Citizen's Planning Committee, the community organization tracking the progress of this project, on April 21, 2010. The DRC held a public hearing for the FDP at their meeting on May 26, 2010. The Applicant also presented the FDP design to the local Project Area Committee on September 2, 2010. Involved community members are supportive of the project.

**PROJECT DESCRIPTION**

The approved PUD for the project, as noted above, involves the demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The phased project includes five new blocks that would accommodate ~~a total of 624~~ up to 675 residential units (including 108 affordable units), 42,500 square feet of neighborhood-serving retail and commercial uses, 5,200 square feet of community center space, and a 480-space parking garage for BART patrons. Parking for residential units would be provided within each individual building, and approximately ~~3031~~ commercial parking spaces would be provided in Building A (to be located facing Telegraph Avenue and 40<sup>th</sup> Street). The transit village also includes creation of two new streets: Village Drive would provide an east/west connection between Telegraph Avenue and the BART Plaza and 40<sup>th</sup> Street, and Internal Street would provide a north/south connection from Village Drive to the southern edge of the project. The existing Frontage Road would be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements would also be constructed. See Attachment A.

As noted above, the current application is for the Stage One FDP. Stage One includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets).

*Building E (Replacement BART Parking Garage)*

The proposed replacement BART parking garage is located on ~~MacArthur~~ MacArthur Boulevard, adjacent to Frontage Road (across the street from the BART station entrance). The garage includes up to 480 parking spaces and 5,200 square feet of ground-floor retail space in a six-story (maximum 68-foot tall) building.

AS AMENDED AND APPROVED BY THE PLANNING COMMISSION ON 11/3/10

The Draft Transportation Demand Management (TDM) Plan for the approved PUD required an increase in the BART replacement parking garage from 300 to 510 spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage has been rotated and enlarged. The FDP for the garage includes 480 parking spaces and over 5,200 square feet of ground-floor retail space on West ~~MaeArthur~~MacArthur Boulevard and wrapping the corners of the garage on Frontage Road and Internal Street ~~(additional spaces are provided elsewhere throughout.~~ Of the project 480 parking spaces, 450 will be dedicated to achieve BART patrons and 30 will serve the 510 total spaces required). retail and other short term use. The proposed garage materials include pre-cast textured concrete, perforated woven stainless steel screens, metal screens and panels, aluminum and glass storefront, and metal awnings and colored glass. The remainder of the required BART replacement parking spaces will be provided through a shared parking arrangement with the development on Parcel A.

The south elevation, fronting West ~~MaeArthur~~MacArthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have a woven ~~screen~~screens and metal panel detail.

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the corner, with perforated woven metal ~~screen~~screens above. The middle portion of this elevation includes a precast concrete woven, "z" pattern detail, ~~with a.~~ Additional woven metal ~~screen~~screens are positioned at the northern end of the elevation.

The north elevation is a blank concrete shear wall detailed with random vertical and horizontal scoring lines. There is no detailed design treatment provided on this blank wall, as future development is planned immediately adjacent to the garage on Parcel B. BART and the Applicant have agreed to work with planning staff and will install temporary banners with images during the interim period.

The west elevation, fronting Frontage Road, has ground-floor retail space wrapping the corner with perforated ~~screen~~woven screens above closest to ~~MaeArthur~~MacArthur Boulevard. Similar to the east elevation, the middle portion of this elevation includes a precast woven, "z" pattern detail, ~~with a metal screen at the.~~ The northern end, where includes the parking garage entrance is located and the highlighted stair and elevator tower.

Landscaping along the perimeter of the garage will include accepted street trees (including *Platanus Acerifolia* and *Quercus Coccinea*) and native grasses.

*Site Infrastructure*

Site access and circulation includes multiple improvements. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and Internal Street (a north/south street off of Village Drive). New sidewalks, bicycle paths, and streetscape improvements would be constructed, as well. Approximately ~~45~~26 on-street parking and loading spaces are provided.

Landscaping will include special paving, street furnishings, accepted street trees (including *Platinus Acerifolia* and *Quercus Coccinea*), and native grasses. Each project street will have a different paving and street tree combination to differentiate one from the other.

#### Frontage Road

The existing Frontage Road would be replaced, but remain in the same location as the existing Frontage Road, which is parallel to State Route 24, extending from 40<sup>th</sup> Street to West ~~MacArthur~~ MacArthur Boulevard. The Frontage Road is a two-way road for the segments between 40<sup>th</sup> Street and Village Drive and between West ~~MacArthur~~ MacArthur Boulevard and the parking garage driveway. South of the Frontage Road/Village Drive intersection, and before the parking garage, vehicular access would be limited to emergency vehicle access, southbound shuttle operators, and building services. The majority of traffic at this section of Frontage Road would be shuttles traveling southbound between 40<sup>th</sup> Street and West ~~MacArthur~~ MacArthur Boulevard. Additionally, the new signalized intersection of Frontage Road and West MacArthur Boulevard provides access to and from the parking garage (Building E) and vehicles can also access Frontage Road at the Village Drive intersection to exit onto 40<sup>th</sup> Street. Sidewalks would be provided along the west side of Frontage Road and bicycle lanes would be included on Frontage Road.

#### Village Drive

Village Drive would be a two-way, two-lane road between Telegraph Avenue and the Frontage Road. Village Drive would be a public street and the intersection at Telegraph would include a new traffic signal. It is anticipated that Village Drive would be open to vehicular traffic and pedestrian, as well as patrons who use kiss-and-ride. On-street parking and kiss-and-ride loading and unloading areas would be provided on Village Drive. Village Drive also includes large sidewalks because it is envisioned as the main pedestrian connection through the project site. Ground floor commercial and ~~live-work~~ units in Buildings A, B and C would be oriented to face Village Drive with pedestrian scale retail uses with outdoor seating areas and retail displays at the transit village plaza (across from the BART plaza) and on Telegraph Avenue.

#### Internal Street

An internal two-way street is proposed south of Village Drive. The internal street would provide vehicular access to Buildings B, C, and D from Village Drive southward. Internal Street would be a private street. The internal street is not a through street for vehicular traffic, but would provide through access for pedestrians and emergency vehicles to and from West ~~MacArthur~~ MacArthur Boulevard. ~~On-street parking and sidewalks~~ Sidewalks are proposed for both sides of the ~~internal street at the southern edge of the project site.~~ Internal Street, which is envisioned as a residential street (no commercial space would front on the internal street). The internal street is envisioned as a residential street (no commercial space would front on the internal street). Residential unit entrances (including stoops and small porches) would face

**AS AMENDED AND APPROVED BY THE PLANNING COMMISSION ON 11/3/10**

onto the internal street. The primary pedestrian access to the internal street would be from Village Drive, but a pedestrian pathway located along the east elevation of the parking garage (Building E) would allow pedestrians, bicyclists, and emergency vehicles to access the internal street from West MacArthur Boulevard. There will also be a pedestrian pathway between Buildings C and D that will connect Internal Street to Telegraph Avenue.

Site Remediation

A draft Cleanup Plan was developed in consideration of the proposed residential and commercial uses of the project site and to ensure protection of human health and the environment for these uses. As part of the draft Cleanup Plan, additional samples of soil, soil vapor, and groundwater were collected to better define the areas which need cleanup. The general cleanup approach is to remove the sources of pollution and will focus on excavation and disposal of the contaminated soil offsite.

The San Francisco Bay Regional Water Quality Control Board is the regulatory agency responsible for overseeing the environmental investigation and cleanup work and has approved the draft Cleanup Plan.

**AS AMENDED AND APPROVED BY THE PLANNING COMMISSION ON 11/3/10**  
**SUBDIVISION ANALYSIS**

The current proposal includes a Vesting Tentative Tract Map (VTTM) to create lots for development of the approved PUD. The 8-lot VTTM creates six development parcels, two access parcels (for Frontage Road and Internal Street), and one ~~parcel~~right of way to be dedicated to the City of Oakland for a public street (Village Drive and a portion of Frontage Road). The proposed VTTM includes a portion of the larger PUD site and allows, at a minimum, development of the Stage One FDP. The ~~applicant~~Applicant may propose additional subdivision maps in the future to include additional, adjacent parcels as they gain site control and seek FDPs for future development phases. Although the Planning Commission is typically the initial decision-maker for tentative tract maps, in this instance, the Planning Commission will act in an advisory role and the City Council will make the decision for this VTTM to allow for consistency with their decision regarding the Stage One FDP. As with the FDP, the Planning Commission would provide a recommendation on the VTTM to the City Council.

**GENERAL PLAN ANALYSIS****Land Use and Transportation Element**

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

The proposed FDP is a requirement of the PUD adopted in June 2008. The PUD approval included a rezone of the entire site to the S-15 Transit Oriented Development Zone (S-15 zone), and the adoption of design guidelines specific to the PUD. The intent of the S-15 zone is to, "create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial and mixed-use development to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as [BART] stations, AC Transit Centers and other transportation nodes. (Planning Code Sec. 17:100.010) As determined in 2008, the project is consistent with the S-15 zone. The current proposal is consistent with the 2008 approval and the PUD, and is therefore in compliance with the underlying zoning (see Attachment D: June 4, 2008 Planning Commission Report).

## **ENVIRONMENTAL REVIEW**

An EIR was certified by the Planning Commission for this project on June 4, 2008. The proposed FDP is, by definition, consistent with the PUD. Staff has determined through preparation of a memo/addendum to the EIR that no new information about the site, changes to the project or circumstances under which the project will be undertaken have occurred that would require subsequent or supplemental environmental review. The CEQA memo/addendum is attached to this report. (See Attachment E). In sum, (a) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; (b) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or (b) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them. (see Attachment F).

KEY ISSUES AND IMPACTS

Staff has identified a number of key issues that require further explanation to the Planning Commission, as follows:

*Conformance with adopted PUD*

The proposed FDP and VTTM appear different ~~has~~ has changed slightly from the adopted PUD. However, ~~staff~~ Staff has reviewed the changes from the PUD to the FDP and VTTM, and has determined that the changes are not substantial in terms of compliance with the PUD and consistency with the certified EIR. The following matrix outlines the changes, the reason for the changes and why the changes are not substantial (and Attachment ~~GE~~ GE: Conformance Memo describes the changes in detail):

<u>EDP Change</u>	<u>Reason for Change</u>	<u>Why Not Substantial</u>
BART Garage and associated site plan changes, including increase from 300 to 480 parking spaces, and relocation of affordable housing to different parcel on-site	To accommodate additional required BART parking stalls	Consistent with COA, design guidelines and pursuant to change required per the approved Draft TDM Plan
Adjustment of Internal Street, widening of pedestrian walkway, and addition of an EVA connection to W. Macarthur	To accommodate revision to BART Garage <u>and meet new Fire Services requirements</u>	Conforms and promotes design guidelines and consistent with COA
Realignment of Village Drive	To line up with existing 39th Street and not require acquisition of 3875 Telegraph Ave. <u>property</u>	Street pattern consistent with COA and design guidelines
Street widening	Required by Oakland Building and Fire Services Divisions	Not substantial change to design guidelines and pursuant to COA requiring Fire Services approval
Removal of parking on Internal Street	To accommodate the street widening	Conforms and promotes design guidelines and consistent with COA

Smaller VTTM (in terms of acreage and lots included)	Allows a map for the area controlled by the applicant and planned for Stage One Development	Does not preclude future maps and/or development of additional parcels to complete planned development
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Although the FDP and VTTM proposes clarifying and complementing revisions to the PUD, in all fundamental respects the Project approved in the PUD remains the same: there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in the community space; no change in the height or bulk controls; no change in the community benefits; no change in the project site; and no change in the project phasing. The changes related to the BART garage and the site plan adjustments and refinements resulting from the larger garage (e.g., parcel adjustment, realignment of Internal Street) are related to implementation of the terms of the Draft TDMP included in the PDP approval. The changes related to widening the streets and the resulting removal of the street parking on Internal Street are related to requirements imposed by City departments. The realignment of Village Drive is not precluded by any specific COA or Design Guideline. Additionally, none of the changes would violate the Development Agreement. Consequently, these facts support a finding by the City that the proposed FDP for Stage I, including the changes and refinements described above, substantially conforms with the PUD and no PUD amendment is required.

*Conformance with design guidelines*

The Conditions of Approval for the project require consistency with the ~~MacArthur~~ MacArthur Transit Village Design Guidelines. The portions of the Design Guidelines that are most relevant to the Stage 1 FDP are cited below.

**1. West ~~MacArthur~~ MacArthur Boulevard**

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 signalized intersection at Frontage Road.

***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~~ 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.
- 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~~MacArthur~~ Boulevard.

**2. 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.

***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 forms and building

materials to promote a sense of arrival at this important civic place within the City.

~~The Draft Transportation Demand Management (TDM) Plan for~~Due to concerns of the ~~Planning Commission over parking,~~ the approved PDP required an increase in parking spaces in the BART replacement parking garage from 300 to 400 spaces and a shared parking program was created to place the total number of replacement stalls at 510 possible parking spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage was rotated and enlarged. The FDP for the garage includes up to 480 parking spaces (450 spaces dedicated to BART patrons) and 5,200 square feet of ground-floor commercial space on West MacArthur~~MacArthur~~ Boulevard and wrapping the corners of the garage on Frontage Road and Internal Street. The proposed materials for the garage are pre-cast concrete, perforated~~wovne~~ metal screens, metal screens and panels, aluminum and glass storefront, metal awnings, and colored glass.

~~The south elevation, which fronts West MacArthur Boulevard, has aluminum and glass storefront and metal awnings at the ground floor level. The upper levels of the garage have pre-cast concrete columns, perforated metal screens, and orange reveal accents. See Attachment A: Sheet A3.1.~~

~~The east elevation, which fronts Internal Street, has ground floor commercial storefront wrapping the corner with perforated metal screen above. The rest of this elevation has metal security screen at the base and alternating segments of pre-cast concrete and perforated metal screen above in a stopped pattern. See Attachment A: Sheet A3.1.~~

~~The north elevation, facing 40<sup>th</sup> Street, is a blank concrete shear wall with scoring lines. There is no design treatment provided on this massive blank wall, which will be located directly adjacent to the interim surface parking lot at the BART station. See Attachment A: Sheet A3.2.~~

~~The west elevation, which fronts on Frontage Road, has ground floor commercial space wrapping the corner with perforated screen above. It also includes the vehicle entry/exit, and the stair/elevator tower. The rest of the elevation has a combination of metal security screens and colored glass at the base, and alternating segments of pre-cast concrete and perforated metal screen above in a slight variation to the pattern on the east elevation. See Attachment A: Sheet A3.2.~~

~~After comparing the proposed garage design to several other recently constructed BART garages and other parking garages in Oakland, staff recommended the incorporation of some design revisions for the parking garage to the applicant and to BART staff. Because the parking garage will be owned and maintained by BART, their primary design concerns are maintenance and cost. The responses to these potential design revisions are discussed below.~~

~~Staff requested that the applicant consider the use of paint to help articulate the design. BART staff indicated that although other BART garages including Fruitvale, West Dublin, and~~

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~~Dublin/Pleasanton have been painted. BART considers painted structures very difficult to maintain over time. Some of their garages, however, have incorporated elastomeric paint, which requires much less maintenance. However, BART prefers to have the building's architecture address aesthetic features through use of materials and design elements that are more sustainable over time.~~

~~Consistent with Design Guidelines A.2.7 and A.2.8, staff previously requested that the applicant consider the use of additional exterior materials to enhance the proposed design. This includes providing high quality materials at the base of the ground floor commercial space, such as stone, tile, or brick. The current proposal is for an exposed concrete base, which is consistent with the overall design approach to the contemporary exterior appearance of the garage.~~

~~Staff asked the applicant to consider adding vines to help screen the view of the garage on the Frontage Road, Internal Street, and rear elevations. BART staff responded that they do not have the staff to maintain landscaping on parking structures, and that planting beds therefore become weeds, which become a source of complaints from the local jurisdictions.~~

The south elevation, which fronts West MacArthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have woven metal screens, and metal accents panels. See Attachment A: Sheet A3.1.

~~Staff recommends that the applicant further articulate the north elevation of the garage in order to enhance the appearance of the blank shear wall. This could be accomplished in a variety of ways, including a mural, or paint. Although Stage IV of the project is planned directly adjacent to this blank wall, it may be a number of years before this phase is constructed. In the interim, this wall will be located adjacent to the remaining BART surface parking, and will be visible at a distance from 40<sup>th</sup> Street. BART staff has indicated that they are receptive to working with the applicant and staff to address this wall during the interim time period before the adjacent development is built. The current proposal includes scoring of the wall in a varied architectural pattern responsive to the irregular window mullions on the ground floor of the building.~~

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the corner, with woven metal screen above. The rest of this elevation has metal security screen at the base and alternating segments of textured and smooth pre-cast concrete panels above in a stepped pattern. See Attachment A: Sheet A3.1.

~~Staff recommends that the perforated metal screen on the west elevation be extended over the entire ground floor commercial space so that it is consistent with the south and east elevations. The current design includes screening along the entire ground floor, in response to staff comment.~~

The north elevation, facing 40<sup>th</sup> Street, is a blank concrete shear wall with decorative scoring patterns and some sections of concrete block. There is no design treatment provided on this massive blank wall as it will be covered by a future FDP phase. BART and the Applicant have agreed to work with planning staff on the scoring design and will also install temporary banners with images during the interim period. See Attachment A: Sheet A3.2.

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The plans for the PDP had conceptual elevations for the garage that included solar panels on the roof. Consistent with Design Guideline A2.6, staff recommends that the applicant consider incorporating solar panels on the roof into the current design, which in addition to adding energy efficiency to the building, could provide an additional design element on the roof. BART staff responded favorably to exploring this option further. The applicant has included this as an option in the plans.

The west elevation, which fronts on Frontage Road, has ground-floor commercial space wrapping the corner with woven screen above. It also includes the vehicle entry/exit, and the highlighted main stairs and elevator tower. The rest of the elevation has a combination of metal security screens and colored glass at the base, and alternating segments of textured and smooth pre-cast concrete and perforated metal screen above in a slight variation to the pattern on the east elevation. See Attachment A: Sheet A3.2.

The open-metal screens at the base of the east elevation do not appear to provide an attractive view of the garage for pedestrians. Per Design Guideline A4.4, staff suggests that the design treatment be revised to be consistent with the base of the building shown on the west elevation that includes artistic colored glass accent panels. The applicant has done this.

After comparing the proposed garage design to several other recently constructed BART garages and other parking garages in Oakland, staff recommended the incorporation of some design revisions for the parking garage to the Applicant and to BART staff. Because the parking garage will be owned and maintained by BART, their primary design concerns are durability and maintenance and cost. The responses to these potential design revisions are discussed below.

Staff requested that the Applicant consider the use of paint to help articulate the design. BART staff indicated that although other BART garages including Fruitvale, West Dublin, and Dublin/Pleasanton have been painted, BART considers painted structures very difficult to maintain over time. Some of their garages, however, have incorporated elastomeric paint, which requires much less maintenance. However, BART prefers to have the building's architecture address aesthetic features through use of materials and design elements that are more sustainable over time.

Consistent with Design Guidelines A.2.7 and A2.8, staff previously requested that the Applicant consider the use of additional exterior materials to enhance the proposed design. This includes providing high-quality materials at the base of the ground-floor commercial space, such as stone, tile, or brick. The current proposal includes a combination of tile and exposed concrete base, which is consistent with the overall design approach to the contemporary exterior appearance of the garage.

Staff asked the Applicant to consider adding vines to help screen the view of the garage on the Frontage Road, Internal Street, and rear elevations. BART staff responded that they do not have the staff to maintain landscaping on parking structures, and that planting beds therefore become weeds, which become a source of complaints from the local jurisdictions.

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Staff recommends that the Applicant further articulate the north elevation of the garage in order to enhance the interim appearance of the blank shear wall. This could be accomplished in a variety of ways, including banners, mural, or paint. Although Stage IV of the project is planned directly adjacent to this blank wall, it may be a number of years before this phase is constructed. In the interim, this wall will be located adjacent to the remaining BART surface parking, and will be visible at a distance from 40<sup>th</sup> Street. BART staff has indicated that they are receptive to working with the applicant and staff to address this wall during the interim time period before the adjacent development is built. The current proposal includes scoring of the wall in a varied architectural pattern responsive to the irregular window mullions currently proposed for the building's ground floor.

Staff recommends that the perforated metal screen on the west elevation be extended over the entire ground-floor commercial space so that it is consistent with the south and east elevations. The current design includes woven metal screens above the entire ground floor commercial space, in response to staff comment.

The plans for the PDP had conceptual elevations for the garage that included solar panels on the roof. Consistent with Design Guideline A2.6, staff recommends that the Applicant consider incorporating solar panels on the roof into the current design, which in addition to adding energy efficiency to the building, could provide an additional design element on the roof. BART staff responded favorably to exploring this option further. The Applicant has included solar panels as an option in the plans (dependent on funding availability).

The prior design had a metal channel treatment at the base of the east elevation that did not appear to provide an attractive view of the garage for pedestrians. Per Design Guideline A4.4, staff suggests that the design treatment be revised to be consistent with the base of the building shown on the west elevation that includes artistic metal screens. The Applicant revised the east elevation to be consistent with the west elevation.

The Design Guidelines require the commercial space fronting West MacArthur Boulevard to have a minimum floor to floor height of 13 feet. However, Staff requested the Applicant raise the storefront height to 15 feet. The Applicant has revised the retail storefront height to a minimum of 15 feet floor to floor.

*Compliance with Conditions of Approval*

The planned ~~MacArthur~~ MacArthur Transit Village is required to meet the adopted conditions of approval over the course of project build-out. Specific conditions of approval must be met prior to approval of the first FDP and the VTTM. In summary, the project is in compliance with the adopted conditions of approval, as is demonstrated in the following matrix:

Condition of Approval	Requirement	Status
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PUD COA-15b	Bicycle parking	Feasibility Study accepted by City
PUD COA-22	<u>Final</u> TDM Program	Attached for Planning Commission/City Council review and consideration
PUD COA-23	Fire Emergency Vehicle Access	Provided on <del>Internal Street</del> , <u>perin</u> FDP and VTTM plans.
PUD COA-25	FDP Stage One Components	Required components included in FDP and VTTM plans
PUD COA-26	Subdivision Map	Attached for Planning Commission/City Council review and consideration
PUD COA-30	Special project driveway design	<del>Special paving materials and design included</del> Included in FDP/VTTM plans and VTTM
PUD COA-31	Pedestrian access path	Included in FDP and VTTM plans
PUD COA-32	Internal Street	Included in FDP/VTTM plans
PUD COA-33	Special project intersection improvements	<del>Special paving materials and design included</del> Included in FDP/VTTM plans and VTTM
PUD COA-34	BART parking and plaza improvements	Included in the FDP plans and BART has reviewed the FDP submittal and <del>plans for the BART plaza plans</del>
PUD COA-35	Bicycle access and paths	Feasibility Study accepted by City
PUD COA-36	Area ROW improvements	Feasibility Study accepted by City
PUD COA-39	BART garage elevation	Reviewed and forwarded by DRC, and included in attached FDP plans
PUD COA-41	Building Height	Garage is within adopted height allowances
MMRP GEO-2	Soils report	Submitted with VTTM
MMRP GEO-3	Geotechnical report	Submitted with VTTM

Of note, the applicant Applicant has submitted the proposed Final Traffic Demand Management Program (TDM) (COA-22), Bicycle Access and Bicycle Paths Feasibility Study (COA-35), and Area Right of Way Improvements Feasibility Study (COA-36) for staff review. Staff has determined that the applicant Applicant has complied with COA-35 and COA-36: it will be feasible to provide the requested improvements for bicycle riders; and it will be possible to provide street furniture and sidewalk widening in specific locations fronting the project. The Planning Commission reviewed and accepted the Draft TDM on June 4, 2008. Although COA-22 calls for staff level review and approval of the TDM (and staff has reviewed and is able to approve the proposed TDM), staff is providing the document to the Planning Commission and City Council for review and approval to provide continuity related to the earlier consideration of the Draft TDM. Changes to the TDM are generally non-substantive and address details and funding sources specific to BART and the applicant Applicant (see Attachment FG).

*Design Evolution based on input by key decision-makers*

The design of the proposed Stage One FDP, specifically the BART parking garage, has evolved since project approval in 2008, in part based on land acquisition, and in part based on response from the community and key decision-makers. The available land for the BART parking garage is different from the original proposal; although the parking garage is still proposed to be located off of West ~~MacArthur~~ MacArthur Boulevard and adjacent to Frontage Road, the area is now a long rectangle, with the longest garage elevations along Frontage Road and Internal Street.

The exterior appearance of the garage has changed substantially since 2008, with a more dynamic, "woven" theme creating the visual identity for the structure. Community members and key decision makers have expressed interest in the garage being a prominent architectural marker for the ~~MacArthur~~ MacArthur Transit Village, providing a significant retail frontage on ~~MacArthur~~ MacArthur Boulevard, and transitioning to a residential scale on Internal Street (across the street from planned residential uses). The current design responds to this interest.

In addition, the ~~applicant~~ Applicant has raised the height of the commercial space fronting MacArthur Boulevard from 13 feet to 15 feet, in response to community and decision-maker input.

*Design Review Committee*

The Design Review Committee of the Planning Commission (DRC) reviewed the FDP application at their regularly scheduled meeting on May 26, 2010. The DRC and public were generally supportive of the FDP and made the following comments specific to design review (staff response in indented italics below each comment):

Public Comments

- MacArthur Transit Village project received very positive responses at last year's Temescal Street Fair
- Not often that a project has so much support from the local community
- Project is the best thing to happen to Oakland
- Want clean green detail shop in the proposed garage  
*The ~~applicant~~ Applicant, BART, and the Oakland Redevelopment Agency (ORA) continue to negotiate with the on-site auto-detailing business to relocate to the planned garage.*

DRC Comments

- Supports staff's request for a mesh/screen at the first level

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*The garage ground-floor now includes the same screening material on both the east and west exposed sides. The proposed screening includes irregularly spaced mullions to complement the concrete scoring and window treatments proposed throughout the project. The screen material is stainless steel painted metal*

- Solar panels – if incorporated, suggest using to shade cars – make aesthetically pleasing.  
*The roof-level solar panels continue to be an optional feature. Staff suggests the Planning Commission recommend staff-level review and approval of any solar panel proposal based on funding availability. A preliminary design has been incorporated into the plans.*
- Suggest developer lean toward using more California native plants.  
*The plant list includes native grasses along the eastern (Internal Street) frontage of the garage.*
- Concerned about garage overlap with housing, want to see more details  
*The A portion of the garage is located across "Internal Street" from a planned high-density affordable housing site. At the DRC hearing, the facade facing the affordable housing site was horizontal precast panels. The facade of the garage facing "Internal Street" is now broken into three components, thereby reducing the massing and potential monotony of the facade. The facade facing the affordable site is now covered with the woven screens with metal accent panels. In addition, each component includes features of a similar scale to residential units and details, and should thereby complement the future housing and streetscape.*
- Want developer to keep rain garden next to garage  
*There is landscaping a narrow landscape strip proposed adjacent to the garage; however, it is not a bioswale. The applicant as the area is relying on a mechanical stormwater management system well below the area necessary for the building's stormwater treatment. In addition, there is not enough depth at that location to accommodate a bioswale (as the garage foundation is immediately below the previously proposed bioswale area) landscaping strip. The building will be relying on a mechanical stormwater management system.*
- Want to see site materials before going to full PC
  - DRC suggested not holding up process, but reviewing review materials at PC Hearing prior to PC hearing
  - Staff suggested Commissioner Zayas-Mart meet with developer Applicant prior to PC hearing to review materials  
*Commissioner Zayas-Mart has met with the applicant three times since the DRC hearing, although all three and one of the meetings were focused on the garage design and not specifically on included a review of the site design and materials.*
- Interested in seeing stormwater management plans  
*Stormwater Management Plans will be available for review upon building P-job permit application (or first construction-related permit).*
- Suggest adding materials to garage base (like stone)

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~~The development team supports the current continuous concrete base as consistent with the overall design of the building.~~

The Applicant added tile under the storefronts and below the metal screens along the pedestrian sidewalks.

- Request developer work on MacArthur Boulevard elevation – too blocky  
*The ~~MacArthur~~ MacArthur Boulevard elevation has been revised to include a horizontally-oriented screen detail that is more dynamic than the elevation considered at the DRC. The screen detail includes a woven effect that adds depth and reduces massing of the ~~MacArthur~~ MacArthur Boulevard frontage.*
- Request screened wall with graphics on east elevation be raised to increase its proportion  
*The entire ground floor has been raised 1.5 feet to a floor-to-ceiling height of 15 feet.  
The perforated screens were replaced with the woven screens and extended higher.*
- Suggested sidewalks be 12 feet wide on MacArthur and felt the 8 feet width on Frontage Road was narrow  
*~~Proposed~~The primary sidewalks are 12-14 feet wide on Frontage Road. The applicant is not changing the sidewalk on MacArthur Boulevard. However, removal of (west side) range from 10-14 feet wide with the sidewalk increasing in width closer to the planting strip will increase the effective width to at least ten (10) feet. BART Station. The secondary sidewalk on the east side next to the BART garage is 5.5 feet wide. The Applicant is not changing the sidewalk on MacArthur Boulevard which currently exceed 12 feet wide.*
- Precast panels should have texture and interested to see more details like proposed scoring  
*The precast panels have two different textures to emphasize the intended woven pattern. Details of the textures are included in Attachment A.*
- Blank wall – suggest hanging temporary banners (like images of buildings) or murals  
*The ~~applicant~~ Applicant proposes articulated scoring of the blank wall, in a pattern similar to the irregular rectangular pattern of the window mullions on the ground floor level. If that proves unsuccessful, BART and the Applicant will work with planning staff and install temporary banners with images during the interim period.*
- Concerned whether 13' – 6" ceiling height will work in garage  
*The ~~applicant~~ Applicant has agreed to raise the floor-to-floor height at the retail storefronts from 13'6" to 15 feet for the commercial space.*
- Suggest studying 2-bay elevation in more detail  
*The ~~applicant~~ Applicant provided Commissioner Zayas-Mart with a more detailed study of the 2-bay elevation in meetings with the Commissioner since the DRC hearing; additional information which included larger format drawings of the bay, sections, and more information about the texturing of the materials.*

- Supports staff recommendation for the east pedestrian level to feel more like the west elevation

*The eastern ground floor has been revised to include screening and mullion details that are high quality and pedestrian-scaled to provide design continuity along all sides of the garage.*

**RECOMMENDATION**

Staff believes that the proposed project has been well designed and has substantially addressed the issues that have been raised throughout the review process. The FDP will consolidate BART parking in an attractive garage and prepare the larger PUD area for development of retail and high-density housing uses.

Based on the analysis contained within this report and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location and is an attractively designed project. The proposed project will further the overall objectives of the General Plan. Thus, staff recommends that the Planning Commission:

- 1) Hold a public hearing and receive public testimony regarding the proposed project;
- 2) Accept changes submitted to the administrative record (including change to architectural elevations and to the staff report and findings);
- ~~2)3)~~ Accept the addendum to the EIR and find that, in accordance with CEQA Section 15162, no further environmental review is required, as set forth above and detailed in the attached CEQA memo;
- ~~3)4)~~ Recommend approval of the VTTM to the City Council, subject to the attached findings and conditions of approval;
- ~~4)5)~~ Recommend approval of the Final TDM, consistent with the requirements of the adopted PUD conditions of approval, to the City Council; and
- 6) Recommend approval of the proposed FDP to the City Council, based on the attached findings;
- 7) Recommend that the City Council direct staff to consider alternative street design to allow a narrower width while achieving life safety objectives; and
- 8) Direct the Applicant to meet with Mr. William Jackson and/or his representatives to negotiate the relocation of his auto-detailing business from 3901 Telegraph Avenue to the planned BART garage to be located on West MacArthur Boulevard.

Prepared by:

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Catherine Payne, Planner III

Approved for forwarding to the  
City Planning Commission by:

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SCOTT MILLER  
ZONING MANAGER

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ERIC ANGSTADT  
DEPUTY DIRECTOR, CEDA

**Attachments:**

- A. Project Plans
- B. TTM8047
- C. May 26, 2010 Design Review Committee Report (and attachments)
- D. June 4, 2008 Planning Commission Report (and attachments)
- E. Macarthur Transit Village Project Environmental Impact Report (SCH No. 2006022075) (provided under separate cover to the Planning Commission and available to the public here:  
<http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008406>)
- F. CEQA Memo
- G. Substantial Conformance Memo
- H. Proposed Final TDM
- I. Feasibility Analyses

**FINDINGS FOR APPROVAL**

The ~~MacArthur~~MacArthur Transit Village Final Development Permit and Vesting Tentative Tract Map proposal meets the required findings for compliance with the California Environmental Quality Act; Oakland Planning Code Section 17.140.060 (Planning Commission Action for Final Planned Unit Development); and findings for Oakland Municipal Code Title 16: Subdivisions, as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record.

CEQA-Related Findings

California Environmental Quality Act

The City hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (a) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; (b) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or (b) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):

The findings below apply to the Final Development Plan for ~~MacArthur~~MacArthur Transit Village Stage One.

**The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and**

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arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed final development plan for Stage One conforms to all applicable criteria and standards and is consistent with the preliminary development plan for the PUD. The proposed garage meets the design guidelines included in the PUD and Development Agreement: the garage includes 15-foot height retail space and is designed to both provide an architectural presence for this major development and transportation node, as well as respond to the residential context to be located opposite the garage. The design of the Stage One garage and infrastructure is attractive and appropriate for the location. In addition, the project substantially conforms to the PUD, as is demonstrated in the Substantial Conformance Memo attached to this report and incorporated herein by reference (see Attachment G).

Planning Code Section 17.136.050B (Regular Design Review Criteria for Non-Residential Facilities and Signs):

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposed Macarthur Transit Village parking garage and street infrastructure, as shown throughout the administrative record, are consistent with the adopted PUD and adopted Design Guidelines. The garage is designed to be an architectural landmark fabricated of high-quality materials for the Macarthur Transit Village and yet is broken into smaller components adjacent to future residential development sites to ensure appropriate contextual bulk and massing. The garage and proposed streets achieve the well-composed design originally approved in the PUD in 2008, as demonstrated in the Conformance With Design Guidelines section of the Planning Commission report, dated November 3, 2010 and Attachment A: Plans of said report.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The proposed Macarthur Transit Village parking garage and street infrastructure, as shown throughout the administrative record, are consistent with the adopted PUD and adopted Design Guidelines. The garage is designed to be an architectural landmark fabricated of high-quality materials for the Macarthur Transit Village and yet is broken into smaller components adjacent to future residential development sites to ensure appropriate contextual bulk and massing. The proposed streets provide desirable connections from existing streets through the project. The

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garage and proposed streets achieve a harmonious design that will provide an important architectural and land use node in Oakland, as demonstrated in the Conformance With Design Guidelines section of the Planning Commission report, dated November 3, 2010 and Attachment A: Plans of said report.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

As demonstrated in the administrative record, this project generally conforms to the General Plan, Planning Code and design objectives for the S-15 zoning district and for the adopted PUD. The project is within the allowable densities and standards, and is an attractive project designed to be consistent with applicable design guidelines, as demonstrated in the General Plan, Zoning, Subdivision Analysis, and Conformance With Design Guidelines sections of the Planning Commission report, dated November 3, 2010 and Attachment A: Plans of said report.

Section 16.08.030 (Tentative Map Criteria):

A. That the proposed map is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

**C. That the site is physically suitable for the type of development.**

The project is proposed for a relatively flat, urban site, located within an existing street and utility context, with no significant natural features. The site is currently underutilized. Therefore, the site is physically suitable for the proposed mixed-use development.

**D. That the site is physically suitable for the proposed density of development.**

The site is physically suitable for the proposed density of development, which is well within the maximum allowable density for the site.

**E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause substantial environmental damage or to injure fish or wildlife or their habitat.

**F. That the design of the subdivision of the type of improvements is not likely to cause serious public health or safety problems.**

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause any serious public health or safety problems.

**G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

The design of the subdivision will not conflict with easements on the property. The proposed project includes vacations of public land, and dedications of public land for the purposes of all types of access and utilities. If new easements are necessary, they will be recorded as needed by the affected utility.

**H. That the design of the subdivision does provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The design of the subdivision does not preclude future passive heating or cooling opportunities.

**CONDITIONS OF APPROVAL for PUDF10097 and TTM8047**

The proposal is hereby approved subject to the following Conditions of Approval:

**STANDARD CONDITIONS:**

The proposal is hereby approved subject to the following Conditions of Approval:

**1. Effective Date, Expiration, and Extensions**

**a. Ongoing**

The effective date, expiration, and extensions of the approval of the Final Development Permit shall be consistent with the Development Agreement by and between City of Oakland and Macarthur Transit Partners, LLC Regarding the Property and Project Known as "Macarthur Transit Village" (DA) Section 3.3.3, adopted July 21, 2009 by the Oakland City Council.

**b. Ongoing**

Unless a different termination date is prescribed, this Approval shall expire two (2) calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. 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 an extension of this date. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

**2. Scope of This Approval**

**a. Ongoing**

The property shall be subdivided and constructed in accordance with the approved Vesting Tentative Tract Map dated October 26, 2010, and the approved Final Development Permit, dated October 26, 2010, as amended by these Conditions of Approval. The proposal is approved pursuant to the Planning Code and Subdivision Regulations of the Municipal Code only and shall comply with all other applicable codes, requirements, regulations and guidelines, including but not limited to those imposed by the City's Building Services Division, Fire Marshal, and Public Works Agency. The proposal shall specifically comply with the conditions required by the Planning Division, Oakland Building Services Division, Fire Department, and EBMUD, and attached to these conditions of approval.

**3. Conditions of Approval for Project (Case File No. PUD060058)**

**a. Ongoing**

All Conditions of Approval, Standard Conditions of Approval, and Mitigation Measures for the Project (Case File No. PUD060058) {"Previous Conditions"} are hereby incorporated herein by reference as if fully set forth herein, except that to the extent there are any conflicts between the conditions imposed by this approval and the Previous Conditions, the conditions imposed by this approval shall control.

**FIRE DEPARTMENT CONDITIONS For TTM8047:**

## 7. Fire Department Conditions of Approval for Project (Case File No. TTM8047)

If the project is approved by the Advisory Agency, the following conditions shall apply:

- A. Hydrants: Public hydrants, each one capable of delivering a minimum fire flow designed for the size and type of construction of the buildings are required with 300 foot spacing between hydrants. The applicant needs EBMUD to obtain a verifiable (confirmed flow test or) simulated hydraulic analysis to size the underground water mains adequately for minimum hydrant flow. Ref : 2007 CFC Appendix B, 2001 CFC Section 508.
- B. Electrical power and cable services to the site: All overhead wiring shall be undergrounded. Existing and new power and communication cables serving the proposed buildings shall be undergrounded to eliminate hazards posed to rescue and fire fighting when operating the ladder trucks.
- C. Fire Apparatus Access, Internal Street Parking:
  1. Fire apparatus access road widths shall adopt the fire department access provisions of the 2007 CFC Appendix D, Section D103 as amended per 2008 Oakland Ordinance No. 12871. The 2008 Oakland Fire Code Appendix Ifl-D shall apply to new and existing roads to allow not only the OFD ladder and engine apparatus from the city's fire stations but also those from other cities where the City's Fire Department has mutual response agreements with. Portions of fire apparatus access roads inside the property are less than the specified 26 feet required by the 2007 California Fire Code as amended per Oakland Ordinance 12871. The Fire Department is consistently enforcing the state code and city amendments on minimum fire apparatus access road width on various on-going development projects. Code mitigations involving practical difficulties of the building design will be considered only after available water flow and fire truck access constraints have been fully complied with.
  2. Follow the City's Public Works Agency's Road Design Standards if the specific design specifications are more restrictive than the new 2007 CFC Appendix D for fire access roads. The following shall be used to consider options for parallel or diagonal parking at the site's internal streets:
    - 26 feet minimum effective road width: 0 parking on either side of the street.
    - The 2007 CFC Appendix D, Section D105.2 requires the 26-foot minimum fire apparatus access road width when the buildings or portions of the buildings served by the access road exceed 30 feet in height and when access roads are served with on site hydrants.
  3. The above may be modified to include Public Works Agency design standards and fire code exceptions, subject to approval by the Fire Marshal. An effective road width having no less than 26 feet for fire apparatus access and equipment staging shall be maintained. Ref : 2007 California Fire Code Article 5, Section 503, Appendix D as amended per 2008 Ordinance 12871.

#### D. Vegetation Management

4.1 The Vegetation Management Unit will not be enforcing the rules applicable to the Wildfire Assessment District. However, foliage from plants and trees are regulated as noted below.

- The trees selected shall be maintained to allow fire apparatus ladder access to rescue openings (i.e. rescue windows, porches or private decks) starting at the fourth floor elevation of the proposed building/s. The building owner shall maintain the maximum tree height and openings to allow the Fire Department's boom ladder to operate effectively with 10-foot clear horizontal openings between foliage at all times.
- Planter areas that may alternatively be used to drain standpipes and automatic fire sprinkler systems shall provide proof of adequate sizing or route the drains to appropriately sized sewer systems. Ref: City's Clean Water Program, "Source Control Measures to Limit Storm Water Pollution"

#### E. Building Permit Plans, Code Variances, Related Fire Code Permits:

1. Oakland Fire Department references minimum fire department access to the site as the lowest grade level on the street for fire truck staging operations. Building designs shall address the type of construction with height limitations regulated by codes without constraining fire apparatus and fire crew access. Impaired occupant means of egress; that diminished fire crew and fire apparatus access shall be addressed by the following mitigations which may include but not be limited to the following:

- Type I A or fire resistive construction which is similar to high rise dwelling occupancies where access to rescue windows is not required. This means upgraded type of construction in fire resistance for the number of stories, floor areas, and/or permitted occupancies. Ref: 2007 CBC Section 1026.1
- Addressable fire alarm system with graphical monitoring.
- Two interconnected combination standpipe systems at every floor. This means multiple water supply feeds to the automatic fire sprinkler system with two riser control assemblies serving each floor of the building.
- Enhanced automatic extinguishing system demand. This would require the minimum number of discharging heads or minimum hydraulically-remote areas to be increased 200%.
- Increased stand pipe hose demand,

Coordinate the design concepts or approaches to design parameters involved in fire alarm, automatic fire sprinkler and stand pipe systems for fire code permits for projects with fire code variance/s.

Coordinate the design for upgraded type/s of construction with the City's Building Services and the Fire Marshal whether the minimum type of construction is solely or jointly enforced by the Fire Marshal and/or the Building Official or the City's Review/inspection matrix system for buildings when life safety is compromised due to a building code variance.

2. The Fire Prevention Bureau shall review related hazardous materials and fire code permits related to the building permit plans, building and fire code variances. This condition applies to samples determined by laboratory soils tests or property records from authorities or agencies having jurisdiction.

3. Addressable fire alarm systems and multiple water supply feeds to each common residential floor and/or unit will be required as partial mitigation to constrained rescue window access. Coordinate the concepts or approach to fire alarm and automatic extinguishing systems design with the Fire Department or applicant's fire alarm system consultant prior to the review of automatic sprinkler, standpipe, and fire alarm systems designs for permits.

References: 2007 CFC Section 1026,

F. Hazardous Materials.

The city files looked into have no recorded data on the above project address related to hazardous material contamination of ground soils within the various sites. No building plans have been submitted to determine that the project has no planned human occupancy below grade level that could potentially require soils analysis or restrictions due to environmental issues. Building permit applications related to this map shall be accompanied by soils reports, as determined to be necessary by the Fire Department and/or Engineering Services Division.

### ENGINEERING SERVICES CONDITIONS:

8. Engineering Services Conditions of Approval for Project (Case File No. TTM8047)  
If the project is approved by the Advisory Agency, the following conditions shall apply:

- A. Prior to any building permits being issued by the City of Oakland the applicant shall sign a Subdivision Improvement Agreement to construct all the improvements in the public right-of-way and in the public access easements. On the Map these areas are identified as 39<sup>th</sup> Street (Village Drive), Internal Road, and frontage Road. The City shall not sign the Final Map until a Subdivision Improvement Agreement has been signed by the applicant for these improvements.
- B. In accordance with California Building Code Sections 504.2 and 509.7, group R-2 occupancies of Type VA + sprinkler construction shall not exceed 60 feet in height measured from the grade plane to the roof nor 4 stories measured above the parking garage.
- C. The proposed project may increase sanitary sewer flows beyond the capacity of the existing sanitary sewer system. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit.

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- D. All property owners shall sign the Final Map. A portion of the access to this project is owned by Caltrans. An easement has been given to BART for this access. The applicant shall confirm that this easement grants the City the same rights as Caltrans. Caltrans may be required to sign the Final Map.
- E. For each lot shown on the Map, please clearly state within the boundary of each lot, the total number of condominiums for the lot and the total number of commercial and residential condominiums for that lot.
- F. Parcel F and Parcel G shall be dedicated as a Public Access Easements to be maintained by the property owners.
- G. The roadway width within the emergency vehicle access easements and the public access easements shall be a minimum of 26-feet wide from face-of-curb to face-of curb.
- H. Parking spaces are shown along the existing and proposed right-of-way within the project site. Parking meters may be required along this right-of-way; the applicant shall coordinate with the City to determine need and location for parking meters on this public street. The parking spaces conform to City standards and shall provide sufficient room for a two lane traveled way?
- I. Provide a minimum 5-foot sidewalk measured from the back of curb along the western side of Parcels B1 and B2. If the applicant chooses to not provide a sidewalk along this side of the lots, exit discharge for structures to be constructed on the lots shall be restricted to the Internal Road side of the lots.
- J. Provide City standard separation distance between trees and street lights.
- K. Clearly delineate on the Map the public bus and shuttle bus areas.
- L. Provide a typical section for the public right-of-way immediately off of 40<sup>th</sup> Street.
- M. Show proposed new and modified traffic signal locations on the Map.
- N. Clearly label and dimension public access easements, right-of-way width dimensions, emergency vehicle easements, and public right-of-way on the typical sections. Generally, sidewalks shall be included within both sides of the public access easements and right-of-way.
- O. Coordinate the temporary removal of any bus stop and shelter with AC Transit. Provide documentation of AC Transit approval of the proposed removal and replacement prior to obtaining Grading, Demolition, or P-job permits.
- P. The renaming of 39<sup>th</sup> Street to Village Drive requires City Council approval. Approval of the renaming is discretionary and may be denied.

- Q. The entire width of 39<sup>th</sup> Street will not be vacated and then rededicated. Show only the portion of street required for dedication and vacation. The area in between shall remain as right-of-way.
- R. The TTM shows 9 sanitary sewer manholes in the public right-of-way. Please consolidate the number of manholes to four. If the design is unable to reduce the number of manholes the owners of the property shall maintain the manholes.
- S. Show location, purpose, and width of all existing and proposed easements.
- T. Major and Minor Encroachment Permits shall be obtained prior to the approval of the Final Map or the issuance of Grading, Demolition, or P-job permits.
- U. Parking meters may be required for the new parking space along Village Drive and the Frontage Road. Obstruction permits for any existing parking meter removal shall be obtained prior to obtaining Grading, Demolition, or P-job permits.
- V. Copies of utility agreements regarding relocation shall be provided to the City prior to approval of the Final Map or issuance of any permits.
- W. Obtain approval from the City for the location of the joint trench and utility boxes.
- X. Fire Department approval of tire flows and access is required.
- Y. Shoring and/or tie-backs used in construction may require Major Encroachment permits if they encroach into the public right-of-way.
- Z. Utility vaults may require Major Encroachment permits.
- AA. Obtain a Tree Removal Permit from the City before removing any trees.
- BB. Note, new and/or revised storm water and Title 24 regulations are in affect. The designer will be required to provide a project design that meets the new regulations.
- CC. Provide documentation including photographs showing the condition of the improvements with in the public right-of-way including curb, gutter, and sidewalk. If repairs or improvements are required, work shall be included in a P-job permit and a signed Subdivision Improvement Agreement.
- DD. The roadway structural pavement section of all emergency vehicle access roadways or sidewalks shall be designed to structurally support a tire truck vehicle. Coordinate the design criteria with the City.

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EE. A portion of Frontage Road contains a 30-wide shuttle bus area. The 30-foot wide shuttle stop area is acceptable to the City providing that the applicant install curbside signing in the stop area requiring shuttle bus drivers to remain with their buses at all times. Exact wording shall be coordinated with the City.

FF. The applicant has stated that the EVAE area immediately south of the proposed garage is for the use of emergency vehicles and pedestrians only. No other vehicular traffic will be using the EVAE. The City requires a 26-foot wide EVAE throughout this area. The EVAE can be utilized as both a pedestrian path and an emergency vehicle access roadway. Fire department approved bollards shall be placed at both ends of this area and the roadway pavement section designed as stated above.

GG. The following shall be included on the revised TTM:

This Tentative Map vests the right to create the parcels shown and to develop them to up to the total number of units indicated. Each individual parcel shall be required to conform to the applicable Building and Fire Codes at the time the application for Building Permit is filed. Additionally each parcel shall conform to the project conditions of approval which further define project requirements.

Parcels B1 & B2 - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Develop as a single lot with tire access on the west, north, and east sides. Entrance driveway off the east side. Construction type to be determined at the time of building permit application.
Option 2	Develop as two lots with a 26 foot wide emergency vehicle access easement located between the lots. The easement shall be 1/3 the total depth of the lot and be accessed from the east. The buildings shall each have a three hour rated wall along the shared property line. Fire access shall be provided along the west and east sides of both parcels and on the north side of parcel B2. Entrance driveway(s) will be off the east side
Option 3	Develop as two lots with tire access on the west and east sides of both parcels. Parcel B2 will have access on the north side as well. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes.

Parcels D & C1 - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Fire access on the west side of both parcels with access on the north side of parcel C1. Provide a 26 foot wide emergency vehicle access easement located between the lots for approximately 90% of the depth of the lot.
Option 2	Fire access on the west side of both parcels with access on the north side of parcel C1. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes. In the event the parcels are combined the easement would be removed.

**EBMUD CONDITIONS:**

9. Comply with attached EBMUD conditions.

**AS AMENDED AND APPROVED BY THE PLANNING COMMISSION ON 11/3/10**

Replace this page with EBMUD conditions.

<b>Location:</b>	Multiple parcels immediately adjacent to the Macarthur BART station; on the west side of Telegraph Avenue between 40 <sup>th</sup> Street and West Macarthur Boulevard (see map)
<b>Assessors Parcel Numbers</b>	012-0969-053-03, 012-0968-055-01, 012-0967-01, 012-0969-002-00, 012-0969-003-00, 123-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
<b>Proposal:</b>	Construct Stage One (1) of the Macarthur Transit Village project (PUD06058), including: a new BART parking garage with 480 parking spaces and 5,200 square feet of ground-floor commercial space; as well as new streets, utilities, and public improvements. Additional application for Vesting Tentative Map for entire site.
<b>Project sponsor(s):</b>	Macarthur Transit Community Partners, LLC (MTCP)
<b>Owner(s):</b>	Art May; Project Manager (510) 903-2051
<b>Case File Number(s):</b>	PUDF10-097, TTM8047 (related to PUD06058)
<b>Planning Permits Required:</b>	Stage I Final Development Permit, Vesting Tentative Map
<b>General Plan:</b>	Neighborhood Mixed Use
<b>Zoning:</b>	S-15 Transit-Oriented Development Zone
<b>Environmental Determination:</b>	Reliance on previously certified June 2008 Environmental Impact Report (EIR).
<b>Historic Status:</b>	There are no Potential Designated Historic Properties located on the project site.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1 - Brunner
<b>Status:</b>	Design Review Committee on May 26, 2010
<b>Action to be Taken:</b>	Consider recommendation of approval of FDP and VTTM to the City Council
<b>Finality of Decision:</b>	NA
<b>For further information:</b>	Contact case planner Catherine Payne at (510) 238-6168 or by email at cpayne@oaklandnet.com

## SUMMARY

Macarthur Transit Community Partners, LLC (the Applicant) seeks approval of the Stage 1 Final Development Permit (FDP) and Vesting Tentative Tract Map (VTTM) for the Macarthur Transit Village (MTV) project located in North Oakland. The Stage 1 FDP application is to construct a 6-level parking structure with approximately 480 parking stalls and 5,200 square feet of ground-floor commercial space; additionally, the Stage 1 FDP includes infrastructure improvements, including new streets, utilities and public improvements. The conditions of approval for the MTV Planned Unit Development ((PUD06058, approved on June 4, 2008) require City Council approval of the FDP; therefore, staff request the Planning Commission make a recommendation regarding this application to the City Council. Staff is also forwarding the VTTM to the City Council for consideration with the Stage One FDP.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PUDF10-097, TTM8047 (related to PUD06-058)  
Applicant: West MacArthur Transit Community Partners (MTCP)  
Address: Multiple parcels immediately adjacent to MacArthur BART station; on west side of Telegraph Ave. between 40th St. and W. MacArthur Blvd  
Zone: S-15

**PROJECT SITE AND SURROUNDING AREA**

The project site is located in North Oakland, within the area bounded by 40<sup>th</sup> Street, Telegraph Avenue, West Macarthur Boulevard, and State Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West Macarthur Boulevard and 40<sup>th</sup> Street, and seven adjacent parcels. The project site includes the majority of the block on Telegraph Avenue between West Macarthur Boulevard and 40<sup>th</sup> Street; however, several parcels within this block are not included within the project site (see map on preceding page 2). There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

The Stage 1 FDP includes the portion of the site in the southwest corner, where the new BART garage will be located, and all of the public and private streets and patins located throughout the site. The VTTM applies to the parcels currently under the Applicant's control (and excludes some parcels fronting West Macarthur Boulevard and Telegraph Avenue.

**BACKGROUND**

The Macarthur Transit Village Project has been in development since 1993, with the involvement of the surrounding community and has been through several iterations. The current development team, MTCP, was selected through a Request for Proposals process in 2004. The PUD was approved in June 2008. The Design Review Committee of the Planning Commission (DRC) reviewed the Stage 1 proposal on May 26, 2010.

*PUD*

The Macarthur Transit Village PUD was approved by the Planning Commission on June 4, 2008. The PUD includes the entire 7.76-acre MTV site. The PUD establishes the approved land uses, site layout, density, bulk, massing, and design guidelines for the site. The PUD allows for 42,500 square feet of commercial space and 624 residential units, as well as additional open space and public infrastructure. Development of the PUD is phased to occur in five stages. The applicant is currently applying for a FDP and VTTM to initiate development of Stage One development. See Attachment C for complete description of the PUD.

*Stage One*

Stage One is fully described in the Project Description section of this report, but essentially includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets).

*Design Review Committee*

The Design Review Committee of the Planning Commission (DRC) reviewed the project at their meeting on May 26, 2010. The DRC was generally supportive of the project. DRC comments are fully addressed in the Key Issues and Impacts section of this report.

*Community Input*

MTCP presented the FDP design to the Macarthur BART Citizen's Planning Committee, the community organization tracking the progress of this project, on April 21, 2010. The DRC held a public hearing for the FDP at their meeting on May 26, 2010. Involved community members are supportive of the project.

**PROJECT DESCRIPTION**

The approved PUD for the project, as noted above, involves the demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The phased project includes five new blocks that would accommodate a total of 624 residential units (including 108 affordable units), 42,500 square feet of neighborhood-serving retail and commercial uses, 5,200 square feet of community center space, and a 480-space parking garage for BART patrons. Parking for residential units would be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A (to be located facing Telegraph Avenue and 40<sup>th</sup> Street). The transit village also includes creation of two new streets: Village Drive would provide an east/west connection between Telegraph Avenue and the BART Plaza and 40<sup>th</sup> Street, and Internal Street would provide a north/south connection from Village Drive to the southern edge of the project. The existing Frontage Road would be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements would also be constructed. See Attachment A.

As noted above, the current application is for the Stage One FDP. Stage One includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets).

*Building E (Replacement BART Parking Garage)*

The proposed replacement BART parking garage is located on Macarthur Boulevard, adjacent to Frontage Road (across the street from the BART station entrance). The garage includes up to 480 parking spaces and 5,200 square feet of ground-floor retail space in a six-story (68-foot tall) building.

The Draft Transportation Demand Management (TDM) Plan for the approved PUD required an increase in the BART replacement parking garage from 300 to 510 spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage has been rotated and enlarged. The FDP for the garage includes 480 parking spaces and over 5,200 square feet of ground-floor retail space on West Macarthur Boulevard and wrapping the corners of the garage on Frontage Road and Internal Street (additional spaces are provided elsewhere throughout the project to achieve the 510 total spaces required). The proposed garage materials include pre-cast textured concrete, perforated stainless steel screens, metal panels, aluminum and glass storefront, metal awnings and colored glass. The remainder of the required parking spaces will be provided through a shared parking arrangement with the development on Parcel A.

The south elevation, fronting West Macarthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have a woven screen detail.

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the corner, with perforated metal screen above. The middle portion of this elevation includes a precast concrete woven, "z" pattern detail, with a metal screen at the northern end.

The north elevation is a blank concrete shear wall detailed with random vertical and horizontal scoring lines. There is no detailed design treatment provided on this blank wall, as future development is planned immediately adjacent to the garage on Parcel B.

The west elevation, fronting Frontage Road, has ground-floor retail space wrapping the corner with perforated screen above closest to Macarthur Boulevard. Similar to the east elevation, the middle portion of this elevation includes a precast woven, "z" pattern detail, with a metal screen at the northern end, where the parking garage entrance is located.

Landscaping along the perimeter of the garage will include accepted street trees (including *Platanus Acerifolia* and *Quercus Coccinea*) and native grasses.

### *Site Infrastructure*

Site access and circulation includes multiple improvements. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and Internal Street (a north/south street off of Village Drive). New sidewalks, bicycle paths, and streetscape improvements would be constructed, as well. Approximately 45 on-street parking and loading spaces are provided.

Landscaping will include special paving, street furnishings, accepted street trees (including *Platanus Acerifolia* and *Quercus Coccinea*), and native grasses. Each project street will have a different paving and street tree combination to differentiate one from the other.

Frontage Road

The existing Frontage Road would be replaced, but remain in the same location as the existing Frontage Road, which is parallel to State Route 24, extending from 40<sup>th</sup> Street to West Macarthur Boulevard. The Frontage Road is a two-way road for the segments between 40<sup>th</sup> Street and Village Drive and between West Macarthur Boulevard and the parking garage driveway. South of the Frontage Road/Village Drive intersection, and before the parking garage, vehicular access would be limited to emergency vehicle access, southbound shuttle operators, and building services. The majority of traffic at this section of Frontage Road would be shuttles traveling southbound between 40<sup>th</sup> Street and West Macarthur Boulevard. Additionally, the intersection of Frontage Road and West Macarthur Boulevard provides access to and from the parking garage (Building E) and vehicles can also access Frontage Road at the Village Drive intersection to exit onto 40<sup>th</sup> Street. Sidewalks would be provided along the west side of Frontage Road and bicycle lanes would be included on Frontage Road.

Village Drive

Village Drive would be a two-way, two-lane road between Telegraph Avenue and the Frontage Road. Village Drive would be a public street. It is anticipated that Village Drive would be open to vehicular traffic and pedestrian, as well as patrons who use kiss-and-ride. On-street parking and kiss-and-ride loading and unloading areas would be provided on Village Drive. Village Drive also includes large sidewalks because it is envisioned as the main pedestrian connection through the project site. Ground floor commercial and live-work units in Buildings A, B and C would be oriented to face Village Drive with pedestrian scale retail uses with outdoor seating areas and retail displays at the transit village plaza (across from the BART plaza) and on Telegraph Avenue.

Internal Street

An internal two-way street is proposed south of Village Drive. The internal street would provide vehicular access to Buildings B, C, and D from Village Drive southward. Internal Street would be a private street. The internal street is not a through street for vehicular traffic, but would provide through access for pedestrians and emergency vehicles to and from West Macarthur Boulevard. On-street parking and sidewalks are proposed for both sides of the internal street at the southern edge of the project site. The internal street is envisioned as a residential street (no commercial space would front on the internal street). Residential unit entrances (including stoops and small porches) would face onto the internal street. The primary pedestrian access to the internal street would be from Village Drive, but a pedestrian pathway located along the east elevation of the parking garage (Building E) would allow pedestrians, bicyclists, and emergency vehicles to access the internal street from West Macarthur Boulevard.

**SUBDIVISION ANALYSIS**

The current proposal includes a Vesting Tentative Tract Map (VTTM) to create lots for development of the approved PUD. The 8-lot VTTM creates six development parcels, two access parcels (for Frontage Road and Internal Street), and one parcel to be dedicated to the City of Oakland for a public street (Village Drive). The proposed VTTM includes a portion of the larger PUD site and allows, at a minimum, development of the Stage One FDP. The applicant may propose additional subdivision maps in the future to include additional adjacent parcels as they gain site control and seek FDPs for future development phases. Although the Planning Commission is typically the initial decision-maker for tentative tract maps, in this instance, the Planning Commission will act in an advisory role and the City Council will make the decision for this VTTM to allow for consistency with their decision regarding the Stage One FDP. As with the FDP, the Planning Commission would provide a recommendation on the VTTM to the City Council.

**GENERAL PLAN ANALYSIS****Land Use and Transportation Element**

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

**ZONING ANALYSIS**

The proposed FDP is a requirement of the PUD adopted in June 2008. The PUD approval included a rezone of the entire site to the S-15 Transit Oriented Development Zone (S-15 zone), and the adoption of design guidelines specific to the PUD. The intent of the S-15 zone is to, "create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial and mixed-use development to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and tight industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as [BART] stations, AC Transit Centers and other transportation nodes. (Planning Code Sec. 17.100.010) As determined in 2008, the project is consistent with the S-15 zone. The current proposal is consistent with the 2008 approval and the PUD, and is therefore in compliance with the underlying zoning (see Attachment D: June 4, 2008 Planning Commission Report).

**ENVIRONMENTAL REVIEW**

An EIR was certified by the Planning Commission for this project on June 4, 2008. The proposed FDP is, by definition, consistent with the PUD. Staff has determined through preparation of a memo/addendum to the EIR that no new information about the site, changes to the project or circumstances under which the project will be undertaken have occurred that would require subsequent or supplemental environmental review. The CEQA memo/addendum is attached to this report. In sum, (a) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; (b) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or (b) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them. (see Attachment F).

**KEY ISSUES AND IMPACTS**

Staff has identified a number of key issues that require further explanation to the Planning Commission, as follows:

*Conformance with adopted PUD*

The proposed FDP and VTTM appear different from the adopted PUD. However, staff has reviewed the changes from the PUD to the FDP and VTTM, and has determined that the changes are not substantial in terms of compliance with the PUD and consistency with the certified EIR. The following matrix outlines the changes, the reason for the changes and why the changes are not substantial (and Attachment G: Conformance Memo describes the changes in detail):

FDP Change	Reason for Change	Why Not Substantial
BART Garage and associated site plan changes, including increase from 300 to 480 parking spaces, and relocation of affordable housing to different parcel on-site	To accommodate additional required BART parking stalls	Consistent with COA, design guidelines and pursuant to change required per the approved Draft TDM Plan
Adjustment of Internal Street, widening of pedestrian walkway, and addition of an EVA connection to W. Macarthur	To accommodate revision to BART Garage	Conforms and promotes design guidelines and consistent with COA
Realignment of Village Drive	To line up with existing 39th Street and not require acquisition of 3875 Telegraph	Street pattern consistent with COA and design guidelines
Street widening	Required by Oakland Building and Fire Services Divisions	Not substantial change to design guidelines and pursuant to COA requiring Fire Services approval
Removal of parking on Internal Street	To accommodate the street widening	Conforms and promotes design guidelines and consistent with COA

Smaller VTTM (in terms of acreage and lots included)	Allows a map for the area controlled by the applicant and planned for Stage One Development	Does not preclude future maps and/or development of additional parcels to complete planned development
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Although the FDP and VTTM proposes clarifying and complementing revisions to the PUD, in all fundamental respects the Project approved in the PUD remains the same: there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in the community space; no change in the height or bulk controls; no change in the community benefits; no change in the project site; and no change in the project phasing. The changes related to the BART garage and the site plan adjustments and refinements resulting from the larger garage (e.g., parcel adjustment, realignment of Internal Street) are related to implementation of the terms of the Draft TDMP included in the PDP approval. The changes related to widening the streets and the resulting removal of the street parking on Internal Street are related to requirements imposed by City departments. The realignment of Village Drive is not precluded by any specific COA or Design Guideline. Additionally, none of the changes would violate the Development Agreement. Consequently, these facts support a finding by the City that the proposed FDP for Stage I, including the changes and refinements described above, substantially conforms with the PUD and no PUD amendment is required.

#### *Conformance with design guidelines*

The Conditions of Approval for the project require consistency with the Macarthur Transit Village Design Guidelines. The portions of the Design Guidelines that are most relevant to the Stage 1 FDP are cited below.

#### **1. West Macarthur Boulevard**

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.

#### ***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.
- 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.

**2. 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.

***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 forms and building

materials to promote a sense of arrival at this important civic place within the City.

The Draft Transportation Demand Management (TDM) Plan for the approved PDP required an increase in parking spaces in the BART replacement parking garage from 300 to 400 spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage was rotated and enlarged. The FDP for the garage includes up to 480 parking spaces and 5,200 square feet of ground-floor commercial space on West Macarthur Boulevard and wrapping the comers of the garage on Frontage Road and Internal Street. The proposed materials for the garage are pre-cast concrete, perforated metal screens, metal panels, aluminum and glass storefront, metal awnings, and colored glass.

The south elevation, which fronts West Macarthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have pre-cast concrete columns, perforated metal screens, and orange reveal accents. See Attachment A: Sheet A3.1.

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the comer, with perforated metal screen above. The rest of this elevation has metal security screen at the base and alternating segments of pre-cast concrete and perforated metal screen above in a stepped pattern. See Attachment A: Sheet A3.1.

The north elevation, facing 40<sup>th</sup> Street, is a blank concrete shear wall with scoring lines. There is no design treatment provided on this massive blank wall, which will be located directly adjacent to the interim surface parking lot at the BART station. See Attachment A: Sheet A3.2.

The west elevation, which fronts on Frontage Road, has ground-floor commercial space wrapping the comer with perforated screen above. It also includes the vehicle entry/exit, and the stair/elevator tower. The rest of the elevation has a combination of metal security screens and colored glass at the base, and alternating segments of pre-cast concrete and perforated metal screen above in a slight variation to the pattern on the east elevation. See Attachment A: Sheet A3.2.

After comparing the proposed garage design to several other recently constructed BART garages and other parking garages in Oakland, staff recommended the incorporation of some design revisions for the parking garage to the applicant and to BART staff. Because the parking garage will be owned and maintained by BART, their primary design concerns are maintenance and cost. The responses to these potential design revisions are discussed below.

Staff requested that the applicant consider the use of paint to help articulate the design. BART staff indicated that although other BART garages including Fruitvale, West Dublin, and Dublin/Pleasanton have been painted, BART considers painted structures very difficult to maintain over time. Some of their garages, however, have incorporated elastomeric paint,

which requires much less maintenance. However, BART prefers to have the building's architecture address aesthetic features through use of materials and design elements that are more sustainable over time.

Consistent with Design Guidelines A.2.7 and A.2.8, staff previously requested that the applicant consider the use of additional exterior materials to enhance the proposed design. This includes providing high-quality materials at the base of the ground-floor commercial space, such as stone, tile, or brick. The current proposal is for an exposed concrete base, which is consistent with the overall design approach to the contemporary exterior appearance of the garage.

Staff asked the applicant to consider adding vines to help screen the view of the garage on the Frontage Road, Internal Street, and rear elevations. BART staff responded that they do not have the staff to maintain landscaping on parking structures, and that planting beds therefore become weeds, which become a source of complaints from the local jurisdictions.

Staff recommends that the applicant further articulate the north elevation of the garage in order to enhance the appearance of the blank shear wall. This could be accomplished in a variety of ways, including a mural, or paint. Although Stage IV of the project is planned directly adjacent to this blank wall, it may be a number of years before this phase is constructed. In the interim, this wall will be located adjacent to the remaining BART surface parking, and will be visible at a distance from 40<sup>th</sup> Street. BART staff has indicated that they are receptive to working with the applicant and staff to address this wall during the interim time period before the adjacent development is built. The current proposal includes scoring of the wall in a varied architectural pattern responsive to the irregular window mullions on the ground floor of the building.

Staff recommends that the perforated metal screen on the west elevation be extended over the entire ground-floor commercial space so that it is consistent with the south and east elevations. The current design includes screening along the entire ground floor, in response to staff comment.

The plans for the PDP had conceptual elevations for the garage that included solar panels on the roof. Consistent with Design Guideline A.2.6, staff recommends that the applicant consider incorporating solar panels on the roof into the current design, which in addition to adding energy efficiency to the building, could provide an additional design element on the roof. BART staff responded favorably to exploring this option further. The applicant has included this as an option in the plans.

The open metal screens at the base of the east elevation do not appear to provide an attractive view of the garage for pedestrians. Per Design Guideline A.4.4, staff suggests that the design treatment be revised to be consistent with the base of the building shown on the west elevation that includes artistic colored glass accent panels. The applicant has done this.

#### *Compliance with Conditions of Approval*

The planned Macarthur Transit Village is required to meet the adopted conditions of approval over the course of project build-out. Specific conditions of approval must be met prior to approval of the first FDP and the VTTM. In summary, the project is in compliance with the adopted conditions of approval, as is demonstrated in the following matrix:

Condition of Approval	Requirement	Status
PUD COA-15b	Bicycle parking	Feasibility Study accepted by City
PUD COA-22	TDM Program	Attached for Planning Commission/City Council review and consideration
PUD COA-23	Fire Emergency Vehicle Access	Provided on Internal Street, per FDP plans
PUD COA-25	FDP Stage One Components	Required components included in FDP plans
PUD COA-26	Subdivision Map	Attached for Planning Commission/City Council review and consideration
PUD COA-30	Special project driveway design	Special paving materials and design included in FDP plans and VTTM
PUD COA-31	Pedestrian access path	Included in FDP plans
PUD COA-32	Internal Street	Included in FDP plans
PUD COA-33	Special project intersection improvements	Special paving materials and design included in FDP plans and VTTM
PUD COA-34	BART parking and plaza improvements	BART has reviewed the FDP submittal and plans for the BART plaza
PUD COA-35	Bicycle access and paths	Feasibility Study accepted by City
PUD COA-36	Area ROW improvements	Feasibility Study accepted by City
PUD COA-39	BART garage elevation	Reviewed and forwarded by DRC, and included in attached FDP plans
PUD COA-41	Building Height	Garage is within adopted height allowances
MMRP GEO-2	Soils report	Submitted with VTTM
MMRP GEO-3	Geotechnical report	Submitted with VTTM

Of note, the applicant has submitted the proposed Final Traffic Demand Management Program (TDM) (COA-22), Bicycle Access and Bicycle Paths Feasibility Study (COA-35), and Area Right of Way Improvements Feasibility Study (COA-36) for staff review. Staff has determined that the applicant has complied with COA-35 and COA-36: it will be feasible to provide the requested improvements for bicycle riders; and it will be possible to provide street furniture and sidewalk widening in specific locations fronting the project. The Planning Commission

reviewed and accepted the Draft TDM on June 4, 2008. Although COA-22 calls for staff level review and approval of the TDM (and staff has reviewed and is able to approve the proposed TDM), staff is providing the document to the Planning Commission and City Council for review and approval to provide continuity related to the earlier consideration of the Draft TDM. Changes to the TDM are generally non-substantive and address details and funding sources specific to BART and the applicant (see Attachment F).

*Design Evolution based on input by key decision-makers*

The design of the proposed Stage One FDP, specifically the BART parking garage, has evolved since project approval in 2008, in part based on land acquisition, and in part based on response from the community and key decision-makers. The available land for the BART parking garage is different from the original proposal; although the parking garage is still proposed to be located off of West Macarthur Boulevard and adjacent to Frontage Road, the area is now a long rectangle, with the longest garage elevations along Frontage Road and Internal Street.

The exterior appearance of the garage has changed substantially since 2008, with a more dynamic, “woven” theme creating the visual identity for the structure. Community members and key decision makers have expressed interest in the garage being a prominent architectural marker for the Macarthur Transit Village, providing a significant retail frontage on Macarthur Boulevard, and transitioning to a residential scale on Internal Street (across the street from planned residential uses). The current design responds to this interest.

In addition, the applicant has raised the height of the commercial space fronting Macarthur Boulevard from 13 feet to 15 feet, in response to community and decision-maker input.

*Design Review Committee*

The Design Review Committee of the Planning Commission (DRC) reviewed the FDP application at their regularly scheduled meeting on May 26, 2010. The DRC and public were generally supportive of the FDP and made the following comments specific to design review (staff response in indented italics below each comment):

Public Comments

- Macarthur Transit Village project received very positive responses at last year’s Temescal Street Fair
- Not often that a project has so much support from the local community
- Project is the best thing to happen to Oakland
- Want clean green detail shop in the proposed garage

*The applicant, BART, and the Oakland Redevelopment Agency (ORA) continue to negotiate with the on-site auto-detailing business to relocate to the planned garage.*

DRC Comments

- Supports staff's request for a mesh/screen at the first level  
*The garage ground-floor now includes screening on both exposed sides. The proposed screening includes irregularly spaced mullions to complement the concrete scoring and window treatments proposed throughout the project. The screen material is stainless steel.*
- Solar panels – if incorporated, suggest using to shade cars – make aesthetically pleasing.  
*The roof-level solar panels continue to be an optional feature. Staff suggests the Planning Commission recommend staff-level review and approval of any solar-panel proposal.*
- Suggest developer lean toward using more California native plants.  
*The plant list includes native grasses along the eastern (Internal Street) frontage of the garage.*
- Concerned about garage overlap with housing, want to see more details  
*The garage is located across "Internal Street" from a planned high-density, affordable housing site. The façade of the garage facing "Internal Street" is broken into three components, thereby reducing the massing and potential monotony of the façade. In addition, each component includes features of a similar scale to residential units and details, and should thereby complement the future housing and streetscape.*
- Want developer to keep rain garden next to garage  
*There is landscaping proposed adjacent to the garage; however, it is not a bioswale. The applicant is relying on a mechanical stormwater management system. In addition, there is not enough depth at that location to accommodate a bioswale (the garage foundation is immediately below the previously proposed bioswale area).*
- Want to see site materials before going to full PC
  - DRC suggested not holding up process, but reviewing materials at PC Hearing
  - Staff suggested Commissioner Zayas-Mart meet with developer prior to PC hearing to review materials  
*Commissioner Zayas-Mart has met with the applicant three times since the DRC hearing, although all three meetings were focused on the garage design and not specifically on the site design and materials.*
- Interested in seeing stormwater management plans  
*Stormwater Management Plans will be available for review upon building permit application (or first construction-related permit).*
- Suggest adding materials to garage base (like stone)  
*The development team supports the current continuous concrete base as consistent with the overall design of the building.*
- Request developer work on Macarthur Boulevard elevation – too blocky  
*The Macarthur Boulevard elevation has been revised to include a horizontally-oriented screen detail that is more dynamic than the elevation considered at the*

*DRC. The screen detail includes a woven effect that adds depth and reduces massing of the Macarthur Boulevard frontage.*

- Request screened wall with graphics on east elevation be raised to increase its proportion  
*The entire ground floor has been raised 1.5 feet to a floor to ceiling height of 15 feet*
- Suggested sidewalks be 12 feet wide on Macarthur and felt the 8 feet width on Frontage Road was narrow  
*Proposed sidewalks are 12-14 feet wide on Frontage Road. The applicant is not changing the sidewalk on Macarthur Boulevard. However, removal of the planting strip will increase the effective width to at least ten (10) feet.*
- Precast panels should have texture and interested to see more details like proposed scoring  
*The precast panels have two different textures to emphasize the intended woven pattern. Details of the textures are included in Attachment A.*
- Blank wall – suggest hanging temporary banners (like images of buildings) or murals  
*The applicant proposes articulated scoring of the blank wall, in a pattern similar to the irregular rectangular pattern of the window mullions on the ground floor level.*
- Concerned whether 13' – 6" ceiling height will work in garage  
*The applicant has agreed to raise the floor-to-floor height from 13'6" to 15 feet for the commercial space.*
- Suggest studying 2-bay elevation in more detail  
*The applicant provided Commissioner Zayas-Mart with a more detailed study of the 2-bay elevation in meetings with the Commissioner since the DRC hearing: additional information included larger format drawings of the bay, sections, and more information about the texturing of the materials.*
- Supports staff recommendation for the east pedestrian level to feel more like the west elevation  
*The eastern ground floor has been revised to include screening and mullion details that are high quality and pedestrian-scaled to provide design continuity along all sides of the garage.*

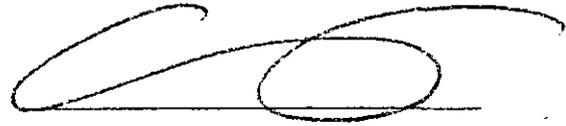
**RECOMMENDATION**

Staff believes that the proposed project has been well designed and has substantially addressed the issues that have been raised throughout the review process. The FDP will consolidate BART parking in an attractive garage and prepare the larger PUD area for development of retail and high-density housing uses.

Based on the analysis contained within this report and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location and is an attractively designed project. The proposed project will further the overall objectives of the General Plan. Thus, staff recommends that the Planning Commission:

- 1) Hold a public hearing and receive public testimony regarding the proposed project;
- 2) Accept the addendum to the EIR and find that, in accordance with CEQA Section 15162, no further environmental review is required, as set forth above and detailed in the attached CEQA memo;
- 3) Recommend approval of the VTTM to the City Council, subject to the attached findings and conditions of approval;
- 4) Recommend approval of the Final TDM, consistent with the requirements of the adopted PUD conditions of approval, to the City Council; and
- 5) Recommend approval of the proposed FDP to the City Council, based on the attached findings.

Prepared by:



Catherine Payne, Planner III

Approved for forwarding to the  
City Planning Commission by:



SCOTT MILLER  
ZONING MANAGER



ERIC ANGSTADT  
DEPUTY DIRECTOR, CEDA

Attachments:

- A. Project Plans
- B. TTM8047
- C. May 26, 2010 Design Review Committee Report (and attachments)
- D. June 4, 2008 Planning Commission Report (and attachments)
- E. Macarthur Transit Village Project Environmental Impact Report (SCH No. 2006022075) (provided under separate cover to the Planning Commission and available to the public here:  
<http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008406>)
- F. CEQA Memo
- G. Substantial Conformance Memo
- H. Proposed Final TDM
- I. Feasibility Analyses

**FINDINGS FOR APPROVAL**

The Macarthur Transit Village Final Development Permit and Vesting Tentative Tract Map proposal meets the required findings for compliance with the California Environmental Quality Act; Oakland Planning Code Section 17.140.060 (Planning Commission Action for Final Planned Unit Development); and findings for Oakland Municipal Code Title 16: Subdivisions, as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record.

**CEQA-Related Findings**

**California Environmental Quality Act**

The City hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (a) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; (b) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or (b) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them.

**Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):**

The findings below apply to the Final Development Plan for Macarthur Transit Village Stage One.

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and

arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed final development plan for Stage One conforms to all applicable criteria and standards and is consistent with the preliminary development plan for the PUD. The proposed garage meets the design guidelines included in the PUD and Development Agreement: the garage includes 15-foot height retail space and is designed to both provide an architectural presence for this major development and transportation node, as well as respond to the residential context to be located opposite the garage. The design of the Stage One garage and infrastructure is attractive and appropriate for the location. In addition, the project substantially conforms to the PUD, as is demonstrated in the Substantial Conformance Memo attached to this report and incorporated herein by reference (see Attachment G).

**Section 16.08.030 (Tentative Map Criteria):**

**A. That the proposed map is consistent with applicable general and specific plans.**

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

**B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

Consistent with the approved PUD for the site, the proposed FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The

intent of the NCMU designation is to “identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial.” (Page 149, Land Use and Transportation Element of the General Plan). Stage One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

**C. That the site is physically suitable for the type of development.**

The project is proposed for a relatively flat, urban site, located within an existing street and utility context, with no significant natural features. The site is currently undeveloped. Therefore, the site is physically suitable for the proposed mixed-use development.

**D. That the site is physically suitable for the proposed density of development.**

The site is physically suitable for the proposed density of development, which is well within the maximum allowable density for the site.

**E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause substantial environmental damage or to injure fish or wildlife or their habitat.

**F. That the design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems.**

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause any serious public health or safety problems.

- G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

The design of the subdivision will not conflict with easements on the property. The proposed project includes vacations of public land, and dedications of public land for the purposes of all types of access and utilities. If new easements are necessary, they will be recorded as needed by the affected utility.

- H. That the design of the subdivision does provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The design of the subdivision does not preclude future passive heating or cooling opportunities.

CONDITIONS OF APPROVAL for PUDF10097 and TTM8047

The proposal is hereby approved subject to the following Conditions of Approval:

STANDARD CONDITIONS:

The proposal is hereby approved subject to the following Conditions of Approval:

1. **Effective Date, Expiration, and Extensions**

*a. Ongoing*

The effective date, expiration, and extensions of the approval of the Final Development Permit shall be consistent with the Development Agreement by and between City of Oakland and Macarthur Transit Partners, LLC Regarding the Property and Project Known as "Macarthur Transit Village" (DA) Section 3.3.3, adopted July 21, 2009 by the Oakland City Council.

*b. Ongoing*

Unless a different termination date is prescribed, this Approval shall expire two (2) calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. 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 an extension of this date. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

2. **Scope of This Approval**

*a. Ongoing*

The property shall be subdivided and constructed in accordance with the approved Tentative Tract Map dated October 26, 2010, and the approved Final Development Permit, dated October 26, 2010, as amended by these Conditions of Approval. The proposal is approved pursuant to the Planning Code and Subdivision Regulations of the Municipal Code only and shall comply with all other applicable codes, requirements, regulations and guidelines, including but not limited to those imposed by the City's Building Services Division, Fire Marshal, and Public Works Agency. The proposal shall specifically comply with the conditions required by the Planning Division, Oakland Building Services Division, Fire Department, and EBMUD, and attached to these conditions of approval.

3. **Conditions of Approval for Project (Case File No. PUD060058)**

*a. Ongoing*

All Conditions of Approval, Standard Conditions of Approval, and Mitigation Measures for the Project (Case File No. PUD060058) {"Previous Conditions"} are hereby incorporated herein by reference as if fully set forth herein, except that to the extent there are any conflicts between the conditions imposed by this approval and the Previous Conditions, the conditions imposed by this approval shall control.

**FIRE DEPARTMENT CONDITIONS For TTM8047:**

7. Fire Department Conditions of Approval for Project (Case File No. TTM8047)

If the project is approved by the Advisory Agency, the following conditions shall apply:

- A. Hydrants: Public hydrants, each one capable of delivering a minimum fire flow designed for the size and type of construction of the buildings are required with 300 foot spacing between hydrants. The applicant needs EBMUD to obtain a verifiable (confirmed flow test or) simulated hydraulic analysis to size the underground water mains adequately for minimum hydrant flow. Ref : 2007 CFC Appendix B, 2001 CFC Section 508.
- B. Electrical power and cable services to the site: All overhead wiring shall be undergrounded. Existing and new power and communication cables serving the proposed buildings shall be undergrounded to eliminate hazards posed to rescue and fire fighting when operating the ladder trucks.
- C. Fire Apparatus Access, Internal Street Parking:
  1. Fire apparatus access road widths shall adopt the fire department access provisions of the 2007 CFC Appendix D, Section D103 as amended per 2008 Oakland Ordinance No. 12871. The 2008 Oakland Fire Code Appendix III-D shall apply to new and existing roads to allow not only the OFD ladder and engine apparatus from the city's fire stations but also those from other cities where the City's Fire Department has mutual response agreements with. Portions of fire apparatus access roads inside the property are less than the specified 26 feet required by the 2007 California Fire Code as amended per Oakland Ordinance 12871. The Fire Department is consistently enforcing the state code and city amendments on minimum fire apparatus access road width on various on-going development projects. Code mitigations involving practical difficulties of the building design will be considered only after available water flow and fire truck access constraints have been fully complied with.
  2. Follow the City's Public Works Agency's Road Design Standards if the specific design specifications are more restrictive than the new 2007 CFC Appendix D for fire access roads. The following shall be used to consider options for parallel or diagonal parking at the site's internal streets:
    - 26 feet minimum effective road width: 0 parking on either side of the street.
    - The 2007 CFC Appendix D, Section D105.2 requires the 26-foot minimum fire apparatus access road width when the buildings or portions of the buildings served by the access road exceed 30 feet in height and when access roads are served with on site hydrants.
  3. The above may be modified to include Public Works Agency design standards and fire code exceptions, subject to approval by the Fire Marshal. An effective road width having no less than 26 feet for fire apparatus access and equipment staging shall be maintained. Ref : 2007 California Fire Code Article 5, Section 503, Appendix D as amended per 2008 Ordinance 12871.

#### D. Vegetation Management

4.1 The Vegetation Management Unit will not be enforcing the rules applicable to the Wildfire Assessment District. However, foliage from plants and trees are regulated as noted below.

- The trees selected shall be maintained to allow fire apparatus ladder access to rescue openings (i.e. rescue windows, porches or private decks) starting at the fourth floor elevation of the proposed building/s. The building owner shall maintain the maximum tree height and openings to allow the Fire Department's boom ladder to operate effectively with 10-foot clear horizontal openings between foliage at all times.
- Planter areas that may alternatively be used to drain standpipes and automatic fire sprinkler systems shall provide proof of adequate sizing or route the drains to appropriately sized sewer systems. Ref: City's Clean Water Program, "Source Control Measures to Limit Storm Water Pollution"

#### E. Building Permit Plans, Code Variances, Related Fire Code Permits:

1. Oakland Fire Department references minimum fire department access to the site as the lowest grade level on the street for fire truck staging operations. Building designs shall address the type of construction with height limitations regulated by codes without constraining fire apparatus and fire crew access. Impaired occupant means of egress, diminished fire crew and fire apparatus access shall be addressed by the following mitigations which include but not be limited to the following:

- Type I A or fire resistive construction which is similar to high rise dwelling occupancies where access to rescue windows is not required. This means upgraded type of construction in fire resistance for the number of stories, floor areas, and/or permitted occupancies. Ref: 2007 CBC Section 1026.1
- Addressable fire alarm system with graphical monitoring.
- Two interconnected combination standpipe systems at every floor. This means multiple water supply feeds to the automatic fire sprinkler system with two riser control assemblies serving each floor of the building.
- Enhanced automatic extinguishing system demand. This would require the minimum number of discharging heads or minimum hydraulically-remote areas to be increased 200%.
- Increased stand pipe hose demand,

Coordinate the design concepts or approaches to design parameters involved in fire alarm, automatic fire sprinkler and stand pipe systems for fire code permits for projects with fire code variance/s.

Coordinate the design for upgraded type/s of construction with the City's Building Services and the Fire Marshal whether the minimum type of construction is solely or jointly enforced by the Fire Marshal and/or the Building Official or the City's Review/Inspection matrix system for buildings when life safety is compromised due to a building code variance.

2. The Fire Prevention Bureau shall review related hazardous materials and fire code permits related to the building permit plans, building and fire code variances. This condition applies to samples determined by laboratory soils tests or property records from authorities or agencies having jurisdiction.

3. Addressable fire alarm systems and multiple water supply feeds to each common residential floor and/or unit will be required as partial mitigation to constrained rescue window access. Coordinate the concepts or approach to fire alarm and automatic extinguishing systems design with the Fire Department or applicant's fire alarm system consultant prior to the review of automatic sprinkler, standpipe, and fire alarm systems designs for permits.

References: 2007 CFC Section 1026,

F. Hazardous Materials.

The city files looked into have no recorded data on the above project address related to hazardous material contamination of ground soils within the various sites. No building plans have been submitted to determine that the project has no planned human occupancy below grade level that could potentially require soils analysis or restrictions due to environmental issues. Building permit applications related to this map shall be accompanied by soils reports, as determined to be necessary by the Fire Department and/or Engineering Services Division.

**ENGINEERING SERVICES CONDITIONS:**

8. Engineering Services Conditions of Approval for Project (Case File No. TTM8047)  
If the project is approved by the Advisory Agency, the following conditions shall apply:

- A. Prior to any building permits being issued by the City of Oakland the applicant shall sign a Subdivision Improvement Agreement to construct all the improvements in the public right-of-way and in the public access easements. On the Map these areas are identified as 39<sup>th</sup> Street (Village Drive), Internal Road, and frontage Road. The City shall not sign the Final Map until a Subdivision Improvement Agreement has been signed by the applicant for these improvements.
- B. In accordance with California Building Code Sections 504.2 and 509.7, group R-2 occupancies of Type VA + sprinkler construction shall not exceed 60 feet in height measured from the grade plane to the roof nor 4 stories measured above the parking garage.
- C. The proposed project may increase sanitary sewer flows beyond the capacity of the existing sanitary sewer system. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit.

- D. All property owners shall sign the Final Map. A portion of the access to this project is owned by Caltrans. An easement has been given to BART for this access. The applicant shall confirm that this easement grants the City the same rights as Caltrans. Caltrans may be required to sign the Final Map.
- E. For each lot shown on the Map, please clearly state within the boundary of each lot, the total number of condominiums for the lot and the total number of commercial and residential condominiums for that lot.
- F. Parcel F and Parcel G shall be dedicated as a Public Access Easements to be maintained by the property owners.
- G. The roadway width within the emergency vehicle access easements and the public access easements shall be a minimum of 26-feet wide from face-of-curb to face-of curb.
- H. Parking spaces are shown along the existing and proposed right-of-way within the project site. Parking meters may be required along this right-of-way; the applicant shall coordinate with the City to determine need and location for parking meters on this public street. The parking spaces conform to City standards and shall provide sufficient room for a two lane traveled way?
- I. Provide a minimum 5-foot sidewalk measured from the back of curb along the western side of Parcels B1 and B2. If the applicant chooses to not provide a sidewalk along this side of the lots, exit discharge for structures to be constructed on the lots shall be restricted to the Internal Road side of the lots.
- J. Provide City standard separation distance between trees and street lights.
- K. Clearly delineate on the Map the public bus and shuttle bus areas.
- L. Provide a typical section for the public right-of-way immediately off of 40<sup>th</sup> Street.
- M. Show proposed new and modified traffic signal locations on the Map.
- N. Clearly label and dimension public access easements, right-of-way width dimensions, emergency vehicle easements, and public right-of-way on the typical sections. Generally, sidewalks shall be included within both sides of the public access easements and right-of-way.
- O. Coordinate the temporary removal of any bus stop and shelter with AC Transit. Provide documentation of AC Transit approval of the proposed removal and replacement prior to obtaining Grading, Demolition, or P-job permits.

- P. The renaming of 39<sup>th</sup> Street to Village Drive requires City Council approval. Approval of the renaming is discretionary and may be denied.
- Q. The entire width of 39<sup>th</sup> Street will not be vacated and then rededicated. Show only the portion of street required for dedication and vacation. The area in between shall remain as right-of-way.
- R. The TTM shows 9 sanitary sewer manholes in the public right-of-way. Please consolidate the number of manholes to four. If the design is unable to reduce the number of manholes the owners of the property shall maintain the manholes.
- S. Show location, purpose, and width of all existing and proposed easements.
- T. Major and Minor Encroachment Permits shall be obtained prior to the approval of the Final Map or the issuance of Grading, Demolition, or P-job permits.
- U. Parking meters may be required for the new parking space along Village Drive and the Frontage Road. Obstruction permits for any existing parking meter removal shall be obtained prior to obtaining Grading, Demolition, or P-job permits.
- V. Copies of utility agreements regarding relocation shall be provided to the City prior to approval of the Final Map or issuance of any permits.
- W. Obtain approval from the City for the location of the joint trench and utility boxes.
- X. Fire Department approval of fire flows and access is required.
- Y. Shoring and/or tie-backs used in construction may require Major Encroachment permits if they encroach into the public right-of-way.
- Z. Utility vaults may require Major Encroachment permits.
- AA. Obtain a Tree Removal Permit from the City before removing any trees.
- BB. Note, new and/or revised storm water and Title 24 regulations are in affect. The designer will be required to provide a project design that meets the new regulations.
- CC: Provide documentation including photographs showing the condition of the improvements with in the public right-of-way including curb, gutter, and sidewalk. If repairs or improvements are required, work shall be included in a P-job permit and a signed Subdivision Improvement Agreement.

DD. The roadway structural pavement section of all emergency vehicle access roadways or sidewalks shall be designed to structurally support a fire truck vehicle. Coordinate the design criteria with the City.

EE. A portion of Frontage Road contains a 30-foot wide shuttle bus area. The 30-foot wide shuttle stop area is acceptable to the City providing that the applicant install curbside signing in the stop area requiring shuttle bus drivers to remain with their buses at all times. Exact wording shall be coordinated with the City.

FF. The applicant has stated that the EVAE area immediately south of the proposed garage is for the use of emergency vehicles and pedestrians only. No other vehicular traffic will be using the EVAE. The City requires a 26-foot wide EVAE throughout this area. The EVAE can be utilized as both a pedestrian path and an emergency vehicle access roadway. Fire department approved bollards shall be placed at both ends of this area and the roadway pavement section designed as stated above.

GG. The following shall be included on the revised TTM:

This Tentative Map vests the right to create the parcels shown and to develop them to up to the total number of units indicated. Each individual parcel shall be required to conform to the applicable Building and Fire Codes at the time the application for Building Permit is filed. Additionally each parcel shall conform to the project conditions of approval which further define project requirements.

Parcels B1 & B2 - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Develop as a single lot with fire access on the west, north, and east sides. Entrance driveway off the east side. Construction type to be determined at the time of building permit application.
Option 2	Develop as two lots with a 26 foot wide emergency vehicle access easement located between the lots. The easement shall be 1/3 the total depth of the lot and be accessed from the east. The buildings shall each have a three hour rated wall along the shared property line. Fire access shall be provided along the west and east sides of both parcels and on the north side of parcel B2. Entrance driveway(s) will be off the east side

Option 3	Develop as two lots with fire access on the west and east sides of both parcels. Parcel B2 will have access on the north side as well. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes.
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Parcels D & C1 - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Fire access on the west side of both parcels with access on the north side of parcel C1. Provide a 26 foot wide emergency vehicle access easement located between the lots for approximately 90% of the depth of the lot.
Option 2	Fire access on the west side of both parcels with access on the north side of parcel C1. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes. In the event the parcels are combined the easement would be removed.

**EBMUD CONDITIONS:**

9. Comply with attached EBMUD conditions.



## REVIEW OF AGENCY PLANNING APPLICATION

THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES			
The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purposes ONLY.			
DATE: 10/05/2010	EBMUD MAP(S): 1488B488, 1488B486	EBMUD FILE: S-9211	
AGENCY: City of Oakland Planning and Zoning Services Division Attn: Catherine Payne 250 Frank Ogawa Plaza, Suite 2114 OAKLAND, CA 94612	AGENCY FILE: TTM8047	FILE TYPE: Tentative Map	
APPLICANT: MacArthur Community Transit Partners, LLC  345 Spear Street, 7th Floor San Francisco, CA 94105		OWNER: Bay Area Rapid Transit District P.O. Box # 12688 Oakland, CA 94604	
DEVELOPMENT DATA			
ADDRESS/LOCATION: 515 Apgar Street    City: OAKLAND    Zip Code: 94609			
ZONING: Mixed-Use    PREVIOUS LAND USE: Parking/Commercial/Residential			
DESCRIPTION: Applicant requests approval of tentative map for an 11-lot subdivision of parcels located on the west side of Telegraph Avenue, between 40th Street and West MacArthur Boulevard.			TOTAL ACREAGE: 7.74 ac.
TYPE OF DEVELOPMENT:  Other: 297950 Sqft			
WATER SERVICES DATA			
PROPERTY: In EBMUD	ELEVATION RANGES OF STREETS: 68-81	ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 68-81	
All of development may be served from existing main(s) Location of Main(s):		All of development must be served from main extension(s) Location of Existing Main(s): 40th Street, W. MacArthur Boulevard, & Telegraph Avenue	
PRESSURE ZONE	SERVICE ELEVATION RANGE	PRESSURE ZONE	SERVICE ELEVATION RANGE
G0A3	0-100	G0A3	0-100
COMMENTS			
<p>Main extensions, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site.</p> <p>EBMUD owns and operates 6-inch water mains located in 39th Street and Apgar Street that provide service to EBMUD customers in the area. The integrity of these pipelines must be maintained at all times. Any proposed construction activity in 39th Street and Apgar Street needs to be coordinated with EBMUD and may require relocation of the water mains, at the project sponsor's expense.</p> <p>When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains, off-site pipeline improvements and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.</p>			
ELE			
cc: Vimal & Jignashaben Desai, 525 W. MacArthur Blvd., Oakland, CA 94609 Jagnishkumar Bhikhabhai Patel, 544 W. MacArthur Blvd., Oakland, CA 94609 Yeu Bin Wu and Tsui Ying Shon, 3919 Telegraph Ave., Oakland, CA 94609			
CHARGES & OTHER REQUIREMENTS FOR SERVICE: Contact the EBMUD New Business Office at (510)287-1008.			
 David J. Rehnstrom, Senior Civil Engineer,    DATE WATER SERVICE PLANNING SECTION			

**ATTACHMENT A:**

**PROJECT PLANS**

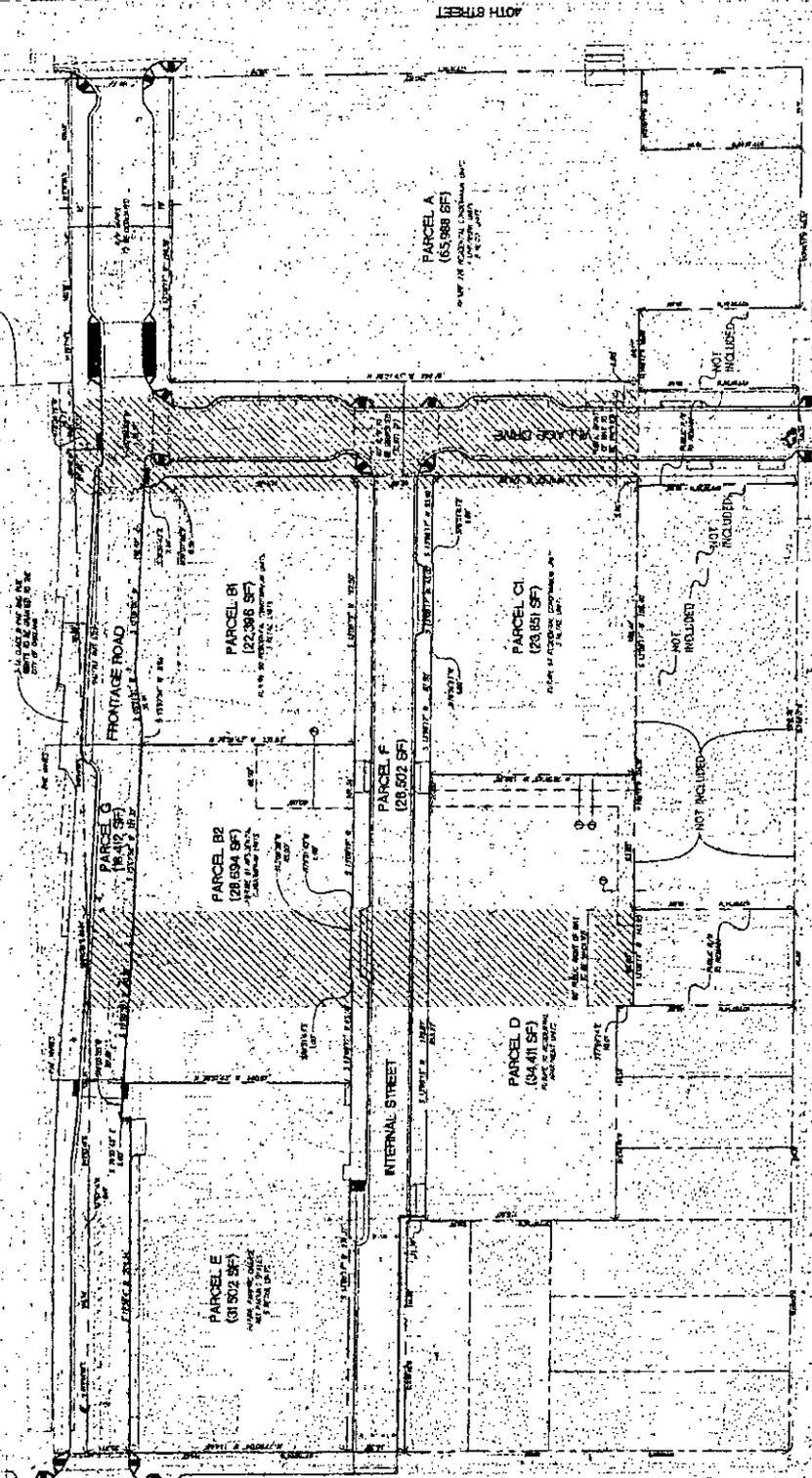












**LEGEND**

**STREET NOTES**

- ① EXISTING STREET
- ② PROPOSED STREET
- ③ EXISTING SIDEWALK
- ④ PROPOSED SIDEWALK
- ⑤ EXISTING DRIVEWAY
- ⑥ PROPOSED DRIVEWAY

**SANDIS**

222 Broadway, Suite 401, Oakland, CA 94612 | Tel: (415) 778-1100 | Fax: (415) 778-1101

Project: SANDIS RAILROADS

Map No: 80712B

**80712B**

DATE: 05-20-14

SCALE: 1"=50'

PROJECT: SANDIS RAILROADS

MAP NO: 80712B

DATE: 05-20-14

SCALE: 1"=50'

PROJECT: SANDIS RAILROADS

VESTING TENTATIVE TRACT MAP NO 8047

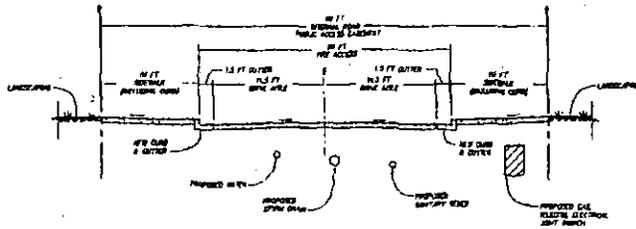
TENTATIVE MAP

OAKLAND

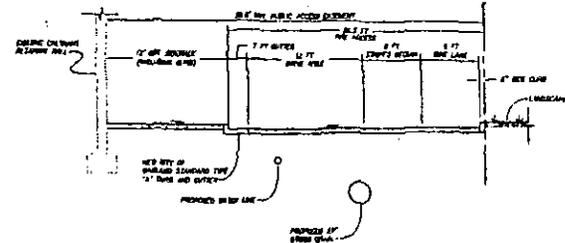
CA 94612

**T-4**

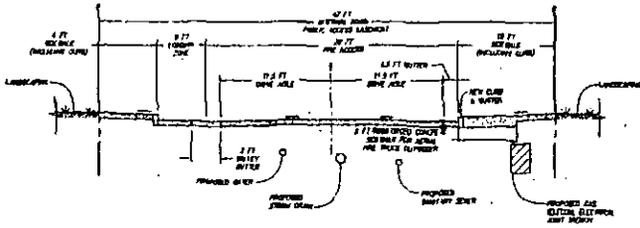
CALIFORNIA



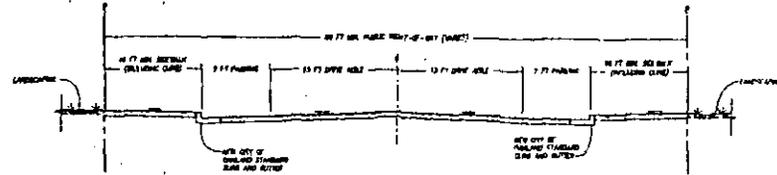
INTERNAL STREET TYPICAL SECTION (A)  
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VERTICAL 1"=4'



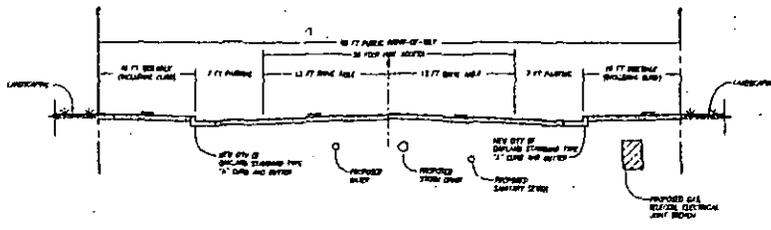
FRONTAGE ROAD (NORTH END OF BART GARAGE) (D)  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



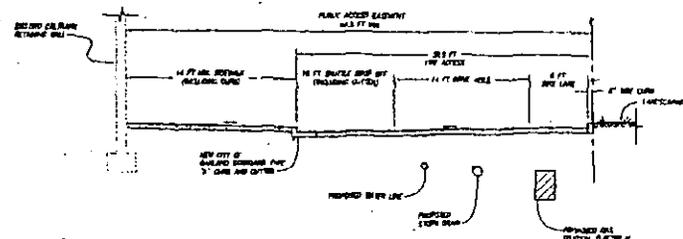
INTERNAL STREET LOADING ZONE SECTION (A1)  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



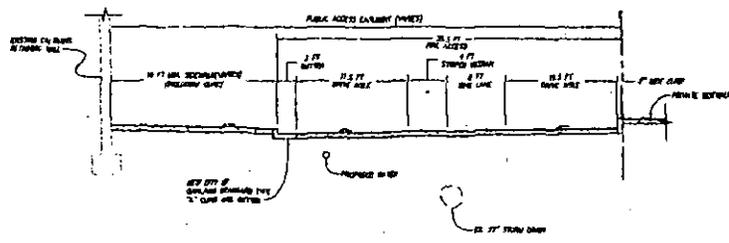
VILLAGE DRIVE (E)  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



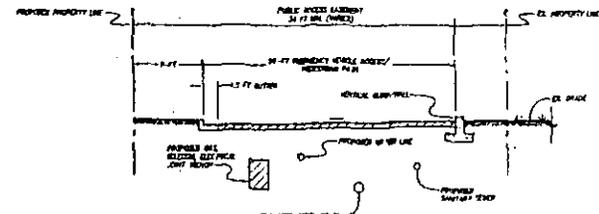
VILLAGE DRIVE (FORMERLY 39TH STREET) (B)  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



FRONTAGE ROAD (SHUTTLE DROP OFF) (F)  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



FRONTAGE ROAD (SOUTH END OF BART GARAGE) (C)  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



SECTION G EMERGENCY VEHICLE ACCESS NEAR WEST MACARTHUR (G)  
SCALE: HORIZONTAL 1"=40'  
VERTICAL 1"=4'



1731 Broadway Ave. Suite 200, Oakland, CA 94612 | A TRUSTEES & PARTNERS COMPANY

DATE: 08-20-19	PROJECT: 2019	DATE: 08-20-19
DRAWN: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
CHECKED: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
APPROVED: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
PROJECT NO: 007128	SCALE: 1"=40'	DATE: 08-20-19

DATE: 08-20-19	PROJECT: 2019	DATE: 08-20-19
DRAWN: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
CHECKED: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
APPROVED: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
PROJECT NO: 007128	SCALE: 1"=40'	DATE: 08-20-19

DATE: 08-20-19	PROJECT: 2019	DATE: 08-20-19
DRAWN: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
CHECKED: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
APPROVED: J. J. JONES	SCALE: 1"=40'	DATE: 08-20-19
PROJECT NO: 007128	SCALE: 1"=40'	DATE: 08-20-19

VESTING TENTATIVE TRACT MAP NO. 80M7  
TYPICAL SECTIONS AND NOTES

OAKLAND

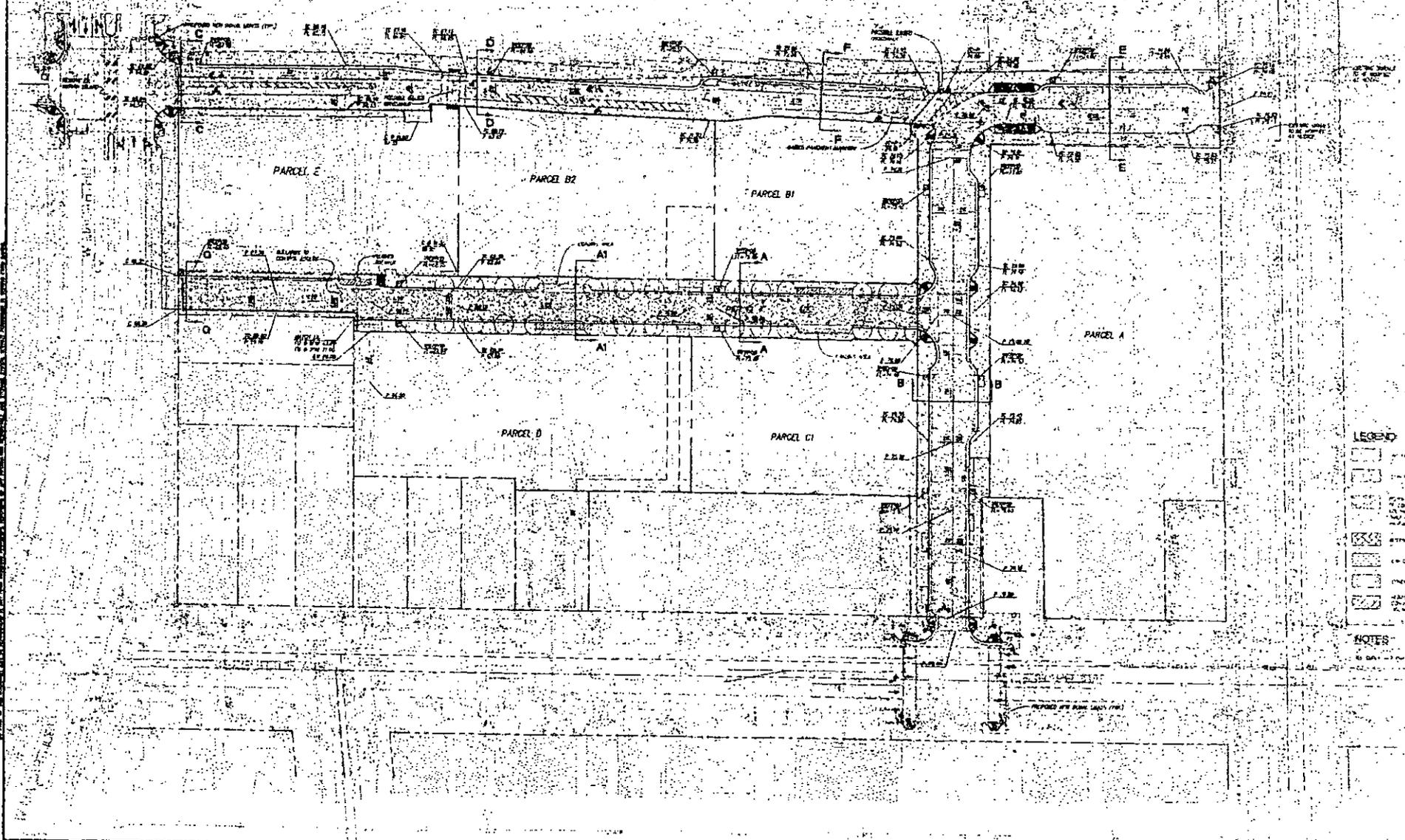
CALIFORNIA

T-7

OF 7 SHEETS



HORIZONTAL



**LEGEND**

- [Symbol] EXISTING
- [Symbol] PROPOSED
- [Symbol] EXISTING GRADE
- [Symbol] PROPOSED GRADE
- [Symbol] EXISTING DRAINAGE
- [Symbol] PROPOSED DRAINAGE
- [Symbol] EXISTING ROAD
- [Symbol] PROPOSED ROAD
- [Symbol] EXISTING CURB
- [Symbol] PROPOSED CURB

**NOTES**

1. SEE SHEET T-4 FOR PARCEL A

2. SEE SHEET T-6 FOR PARCELS B1, B2, C, D, E

3. SEE SHEET T-7 FOR PARCELS A, B1, B2, C, D, E

**SANDIS** CIVIL ENGINEERING  
 2275 Broadway, Suite 201 | Oakland, CA 94612 | P (510) 438-2200 | F (510) 438-2201  
 www.sandis.com

DATE: 04-30-10  
 DRAWN BY: J. [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: 607128

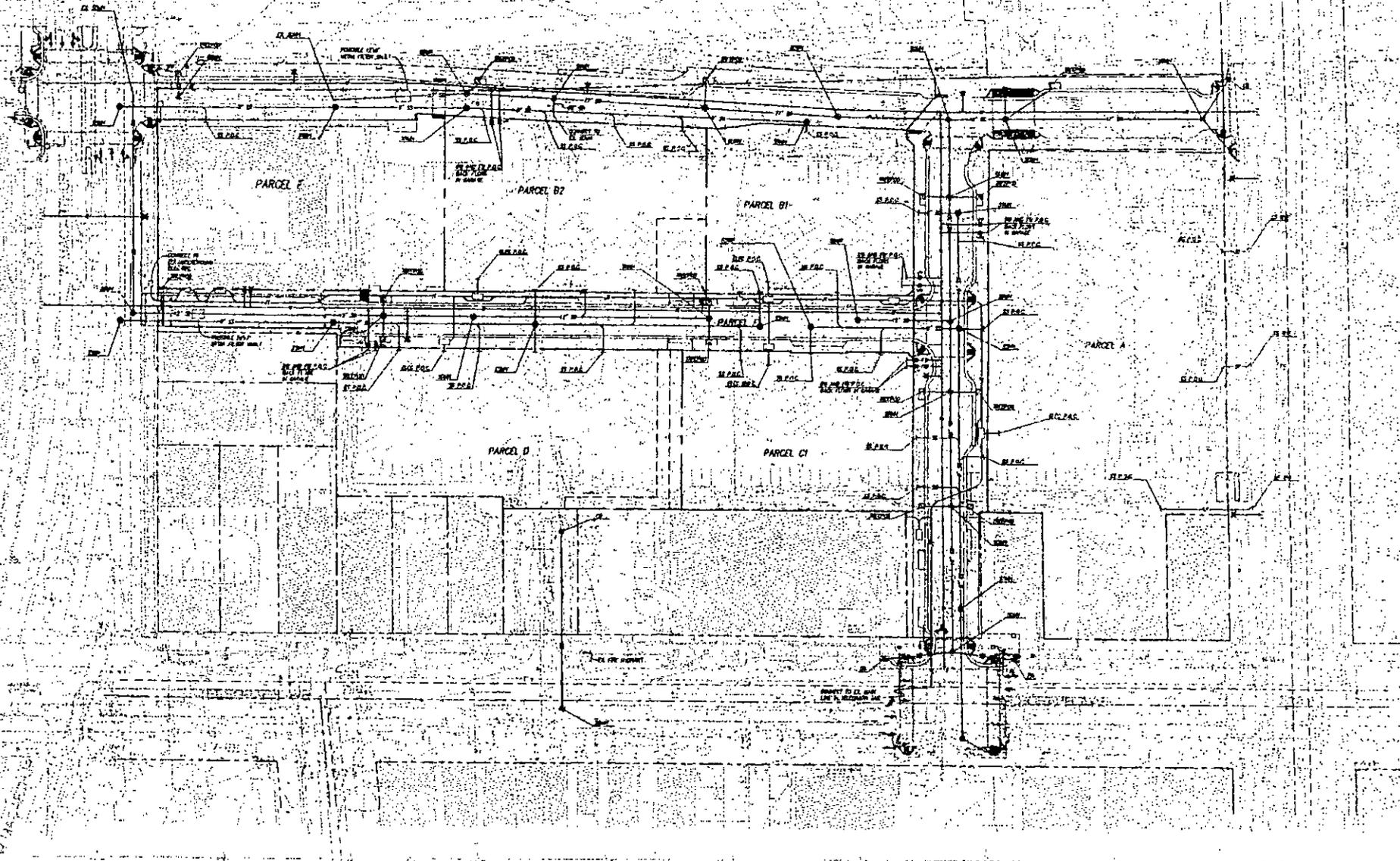
PROJECT NO.: 607128  
 SHEET NO.: T-5  
 TOTAL SHEETS: 7

NO.	REVISION	DATE	BY
1.	ISSUE FOR PERMITS	04-30-10	J. [Name]
2.	DATE FOR SUBMITTAL	05-03-10	J. [Name]

OAKLAND

VESTINO TENTATIVE TRACT MAP NO 8047  
 GRADING PLAN

CALIFORNIA T-5  
 7



**SANDIS** WATER SERVICES  
 1711 Northpark Plaza Dr | Oakland, CA 94612 | (415) 774-1000 | www.sandis.com  
 SANDIS is a subsidiary of SFPUC. SFPUC is a public utility commission.

DATE: 06-21-10  
 DRAWN BY: J. J. [unreadable]  
 CHECKED BY: [unreadable]  
 607128

DATE: 06-21-10  
 PROJECT: [unreadable]  
 SHEET NO. 7 OF 10  
 SCALE: AS SHOWN

NO.	REVISION	DATE	BY
1	ISSUE FOR PERMIT	06-21-10	J. J. [unreadable]
2	ISSUE FOR CONSTRUCTION	06-21-10	J. J. [unreadable]

OAKLAND

VESTING TENTATIVE TRACT MAP NO. 8047  
 UTILITY PLAN

CALIFORNIA  
 T-6









**MACARTHUR  
TRANSIT STATION  
STAGE 1 FINAL  
DEVELOPMENT PLAN**

PLANNING  
CALIFORNIA  
1990

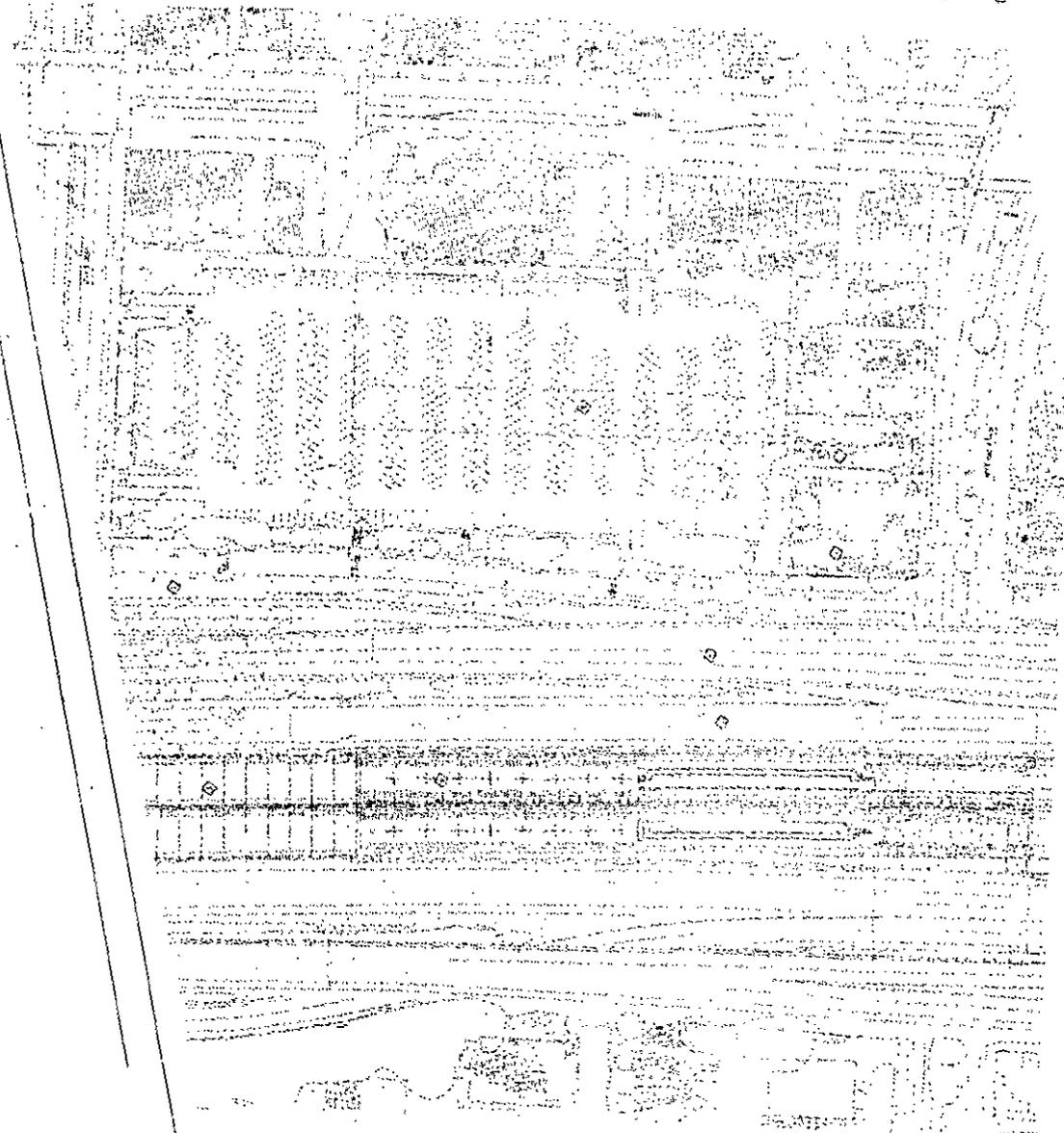
KEY NO. 1

- 1. STATION
- 2. PLATFORM
- 3. CONCOURSE
- 4. CONCOURSE
- 5. CONCOURSE
- 6. CONCOURSE
- 7. CONCOURSE
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- 100. CONCOURSE

NOT FOR CONSTRUCTION



0 100 200  
FEET





MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

Oakland,  
California  
94612



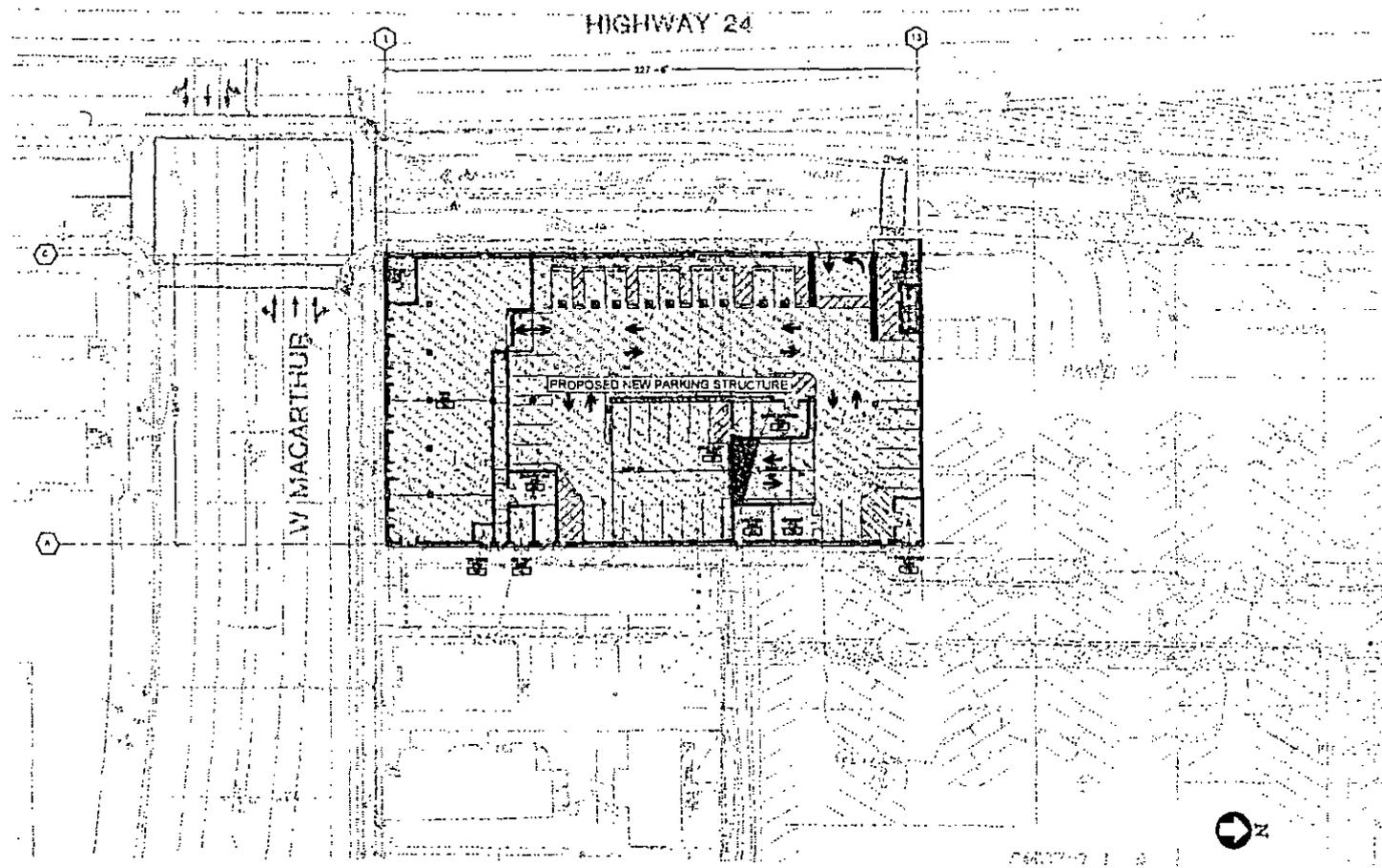
LOWNEY GROUP

NOT FOR CONSTRUCTION

DATE: 11/11/09  
BY: J. L. LONEY  
CHECKED BY: J. L. LONEY  
APPROVED BY: J. L. LONEY

ARCHITECTURAL SITE PLAN

A1.01



ARCHITECTURAL SITE PLAN  
SCALE 1" = 33'-0"





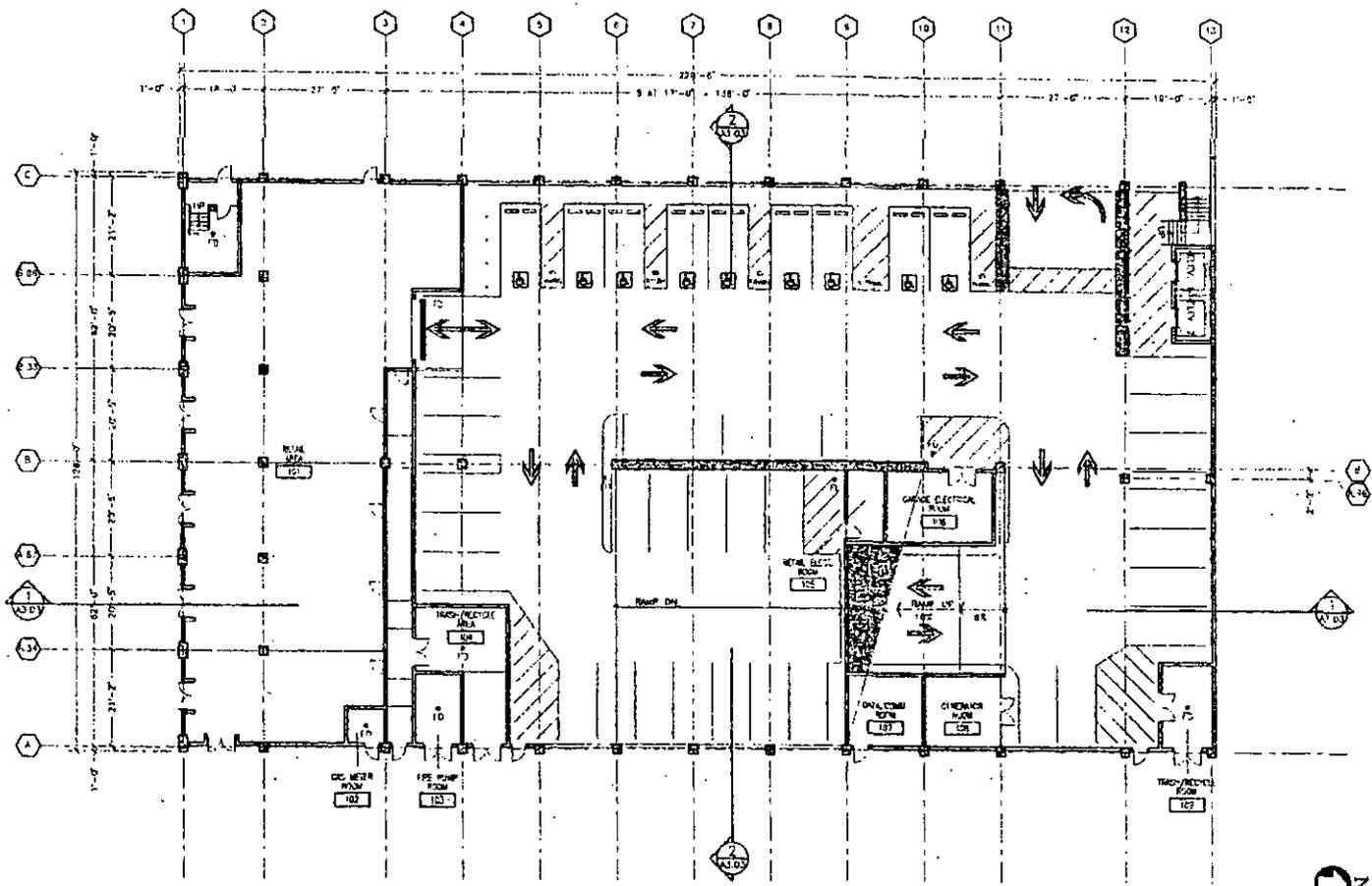


MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

Duland,  
California  
94577



ARCHITECT'S REGISTER NO. 170



GROUND LEVEL PLAN  
SCALE: 1/32" = 1'-0"

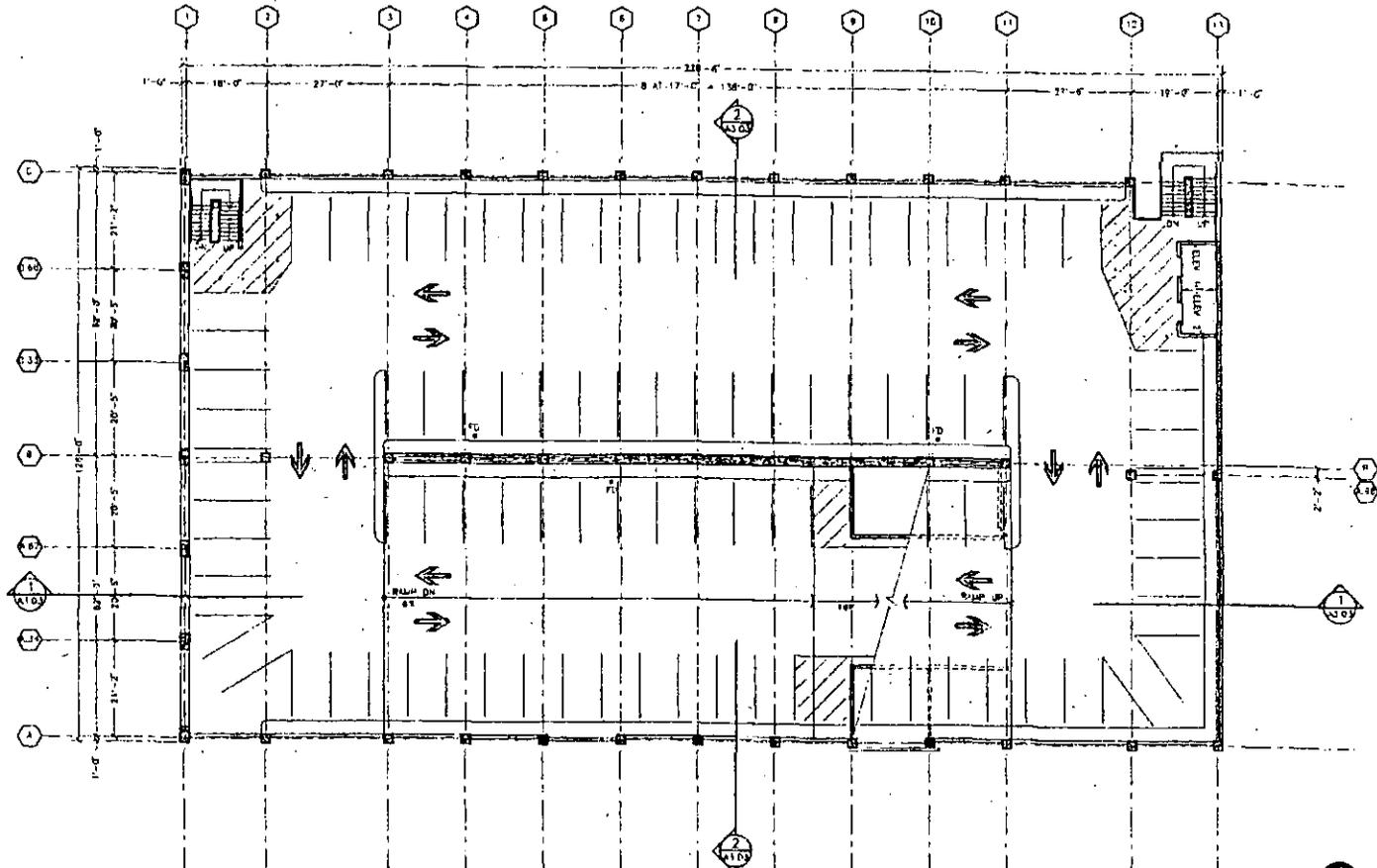
NOT FOR CONSTRUCTION

DATE	10/15/03
BY	LOWNEY ARCHITECTURE
CHECKED	LOWNEY ARCHITECTURE
APPROVED	LOWNEY ARCHITECTURE
PROJECT NO.	170
CLIENT	TRANSIT VILLAGE
LOCATION	DULAND, CALIFORNIA
DESCRIPTION	GROUND LEVEL PLAN
SCALE	1/32" = 1'-0"
DATE	10/15/03
BY	LOWNEY ARCHITECTURE
CHECKED	LOWNEY ARCHITECTURE
APPROVED	LOWNEY ARCHITECTURE



MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

Calif.  
California  
1989



SECOND LEVEL PLAN  
SCALE: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

DATE	11/11/09
BY	...
CHECKED BY	...
DATE	...
PROJECT	MACARTHUR TRANSIT VILLAGE - STAGE I
DESCRIPTION	SECOND LEVEL PLAN
SCALE	3/32" = 1'-0"
PROJECT NO.	...
DRAWING NO.	...
DATE PLOTTED	...
PLOTTED BY	...

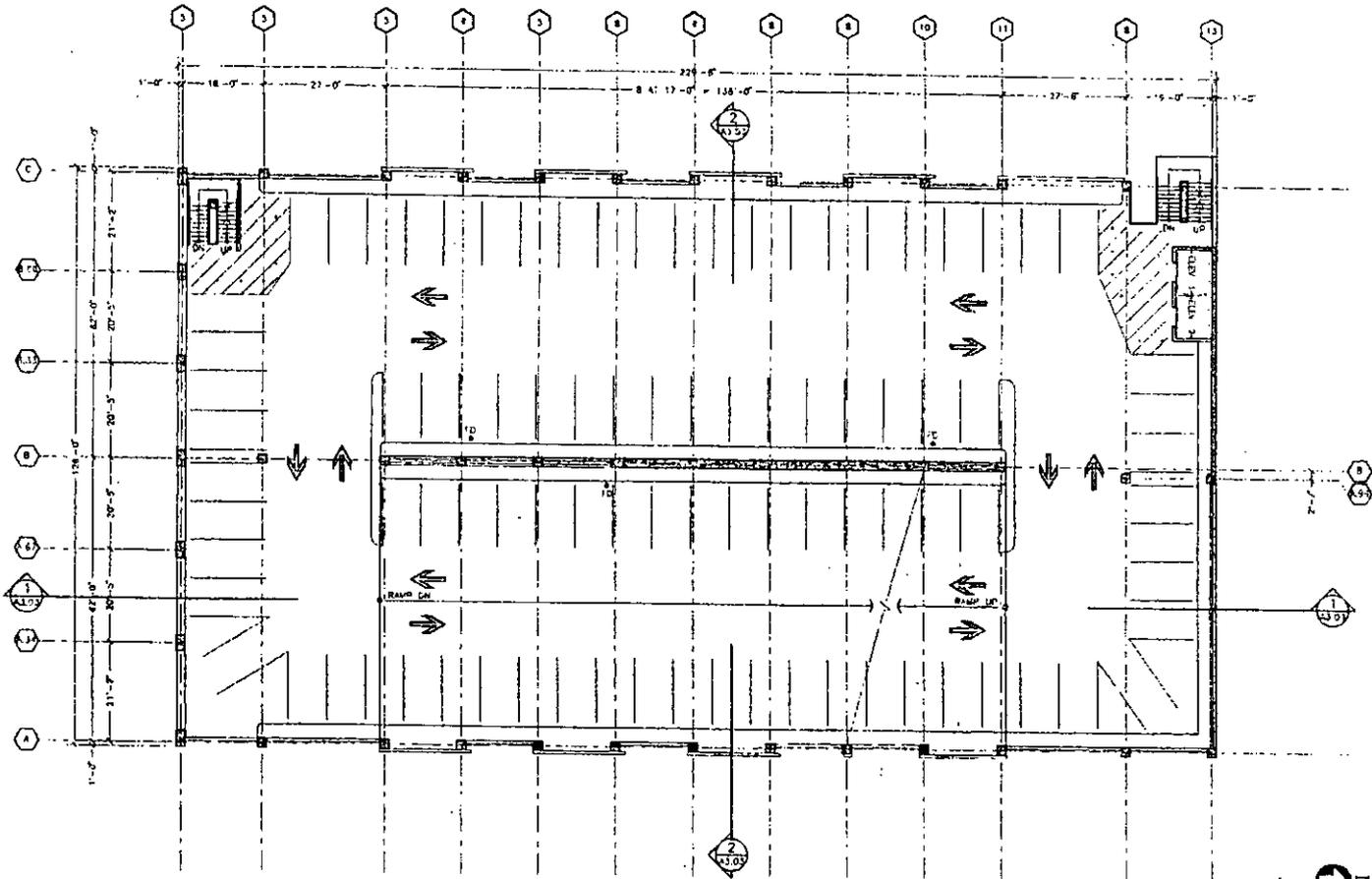


MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

Dublin,  
California  
94599



10/20/2010



THIRD LEVEL PLAN  
SCALE: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

THIS PLAN IS THE PROPERTY OF  
LOWNEY ARCHITECTURE AND SHALL BE  
RETURNED TO THE ARCHITECT UPON  
COMPLETION OF THE PROJECT.

DATE: 10/20/10  
DRAWN BY: [Name]  
CHECKED BY: [Name]

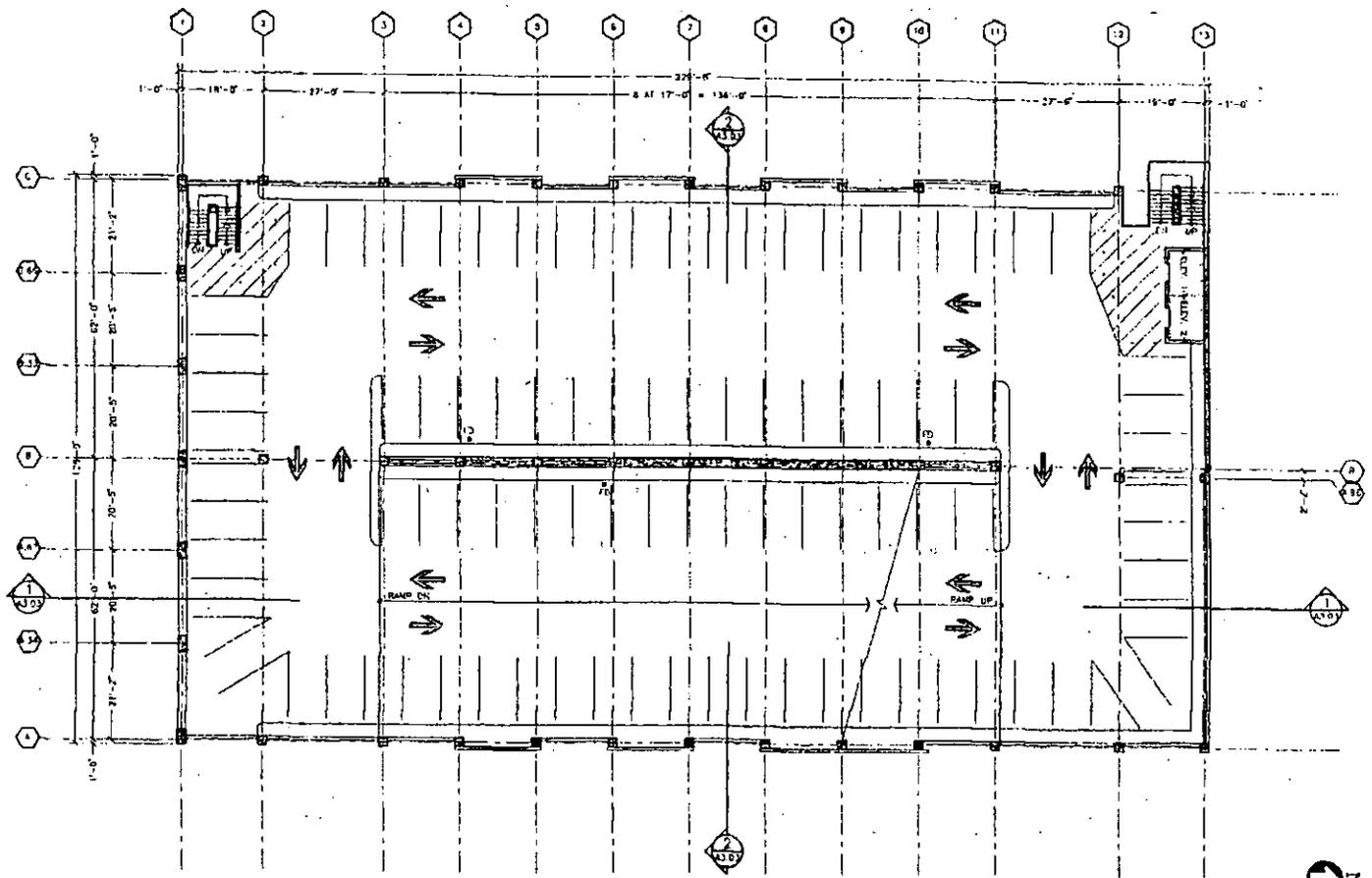
THIRD LEVEL PLAN  
A2.03

PROJECT: MACARTHUR TRANSIT VILLAGE - STAGE I  
SHEET: A2.03



MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

On Land  
Captioned  
Map



FOURTH LEVEL PLAN  
SCALE 3/32" = 1'-0"



NOT FOR CONSTRUCTION

DATE: 10/15/10  
DRAWN BY: J. B. BROWN  
CHECKED BY: J. B. BROWN  
DATE: 10/15/10

DATE: 10/15/10  
DRAWN BY: J. B. BROWN  
CHECKED BY: J. B. BROWN  
DATE: 10/15/10

FOURTH LEVEL PLAN

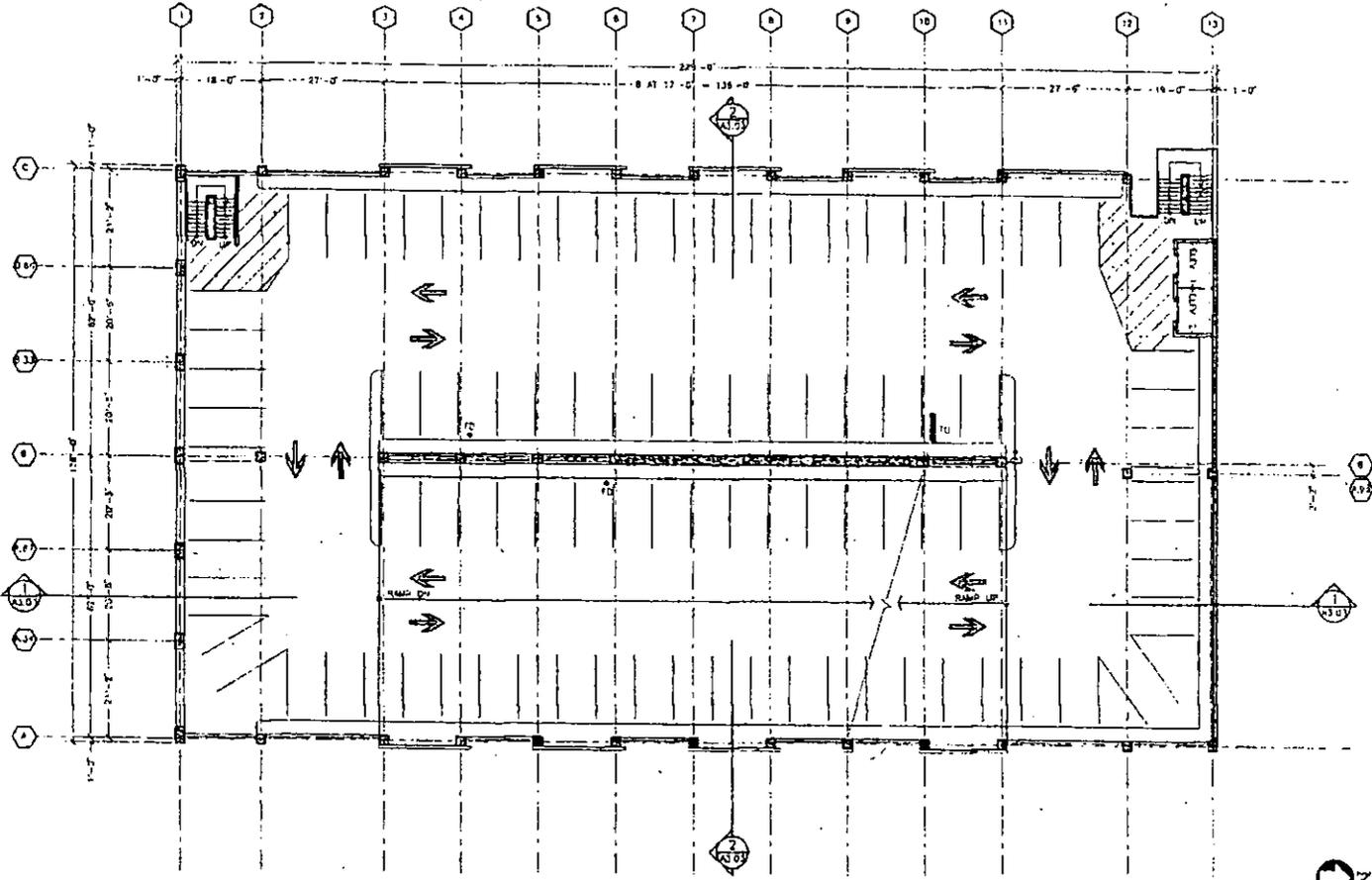
NO. 10/15/10

A2.04



MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

Out to Sea,  
California  
Sheet



FIFTH LEVEL PLAN  
SCALE: 1/4" = 1'-0"

NOT FOR CONSTRUCTION

DATE	10/15/08
PROJECT	MACARTHUR TRANSIT VILLAGE - STAGE I
CLIENT	TRANSIT VILLAGE DEVELOPMENT
ARCHITECT	LDWNEY ARCHITECT
DESIGNER	LDWNEY ARCHITECT
DRAWN BY	LDWNEY ARCHITECT
CHECKED BY	LDWNEY ARCHITECT
DATE	10/15/08
PROJECT	MACARTHUR TRANSIT VILLAGE - STAGE I
CLIENT	TRANSIT VILLAGE DEVELOPMENT
ARCHITECT	LDWNEY ARCHITECT
DESIGNER	LDWNEY ARCHITECT
DRAWN BY	LDWNEY ARCHITECT
CHECKED BY	LDWNEY ARCHITECT

FIFTH LEVEL PLAN

A2.05



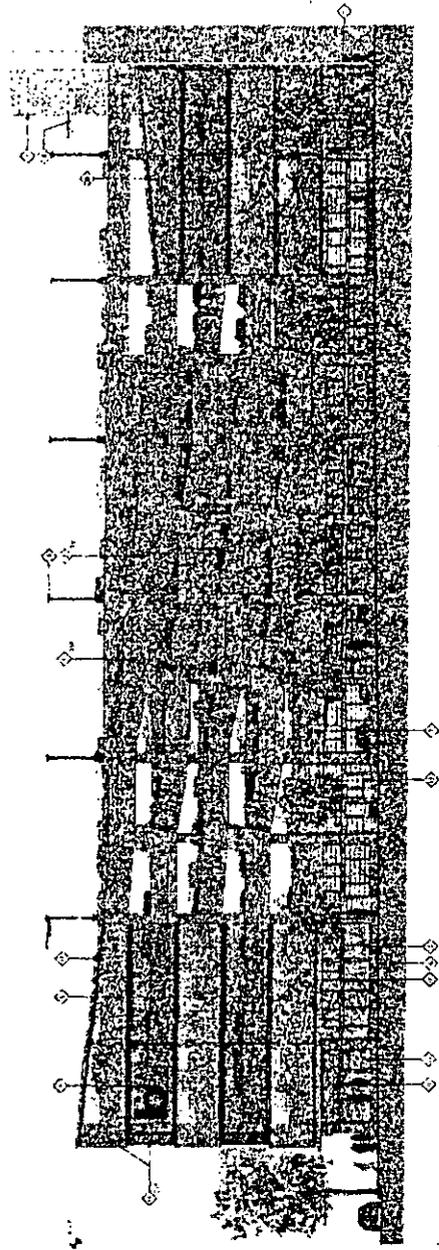
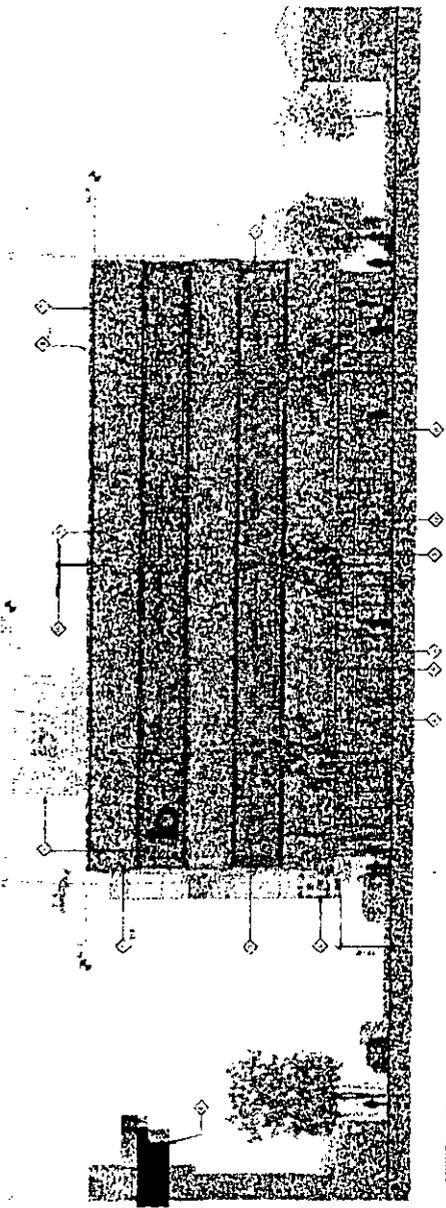


MACARTHUR  
TRANSIT VILLAGE -  
STAGE 1 FINAL  
DEVELOPMENT PLAN

DATE: 10/15/14  
PROJECT NO: 14-001

KEY NOTES

- 1. SEE PLAN FOR EXISTING UTILITIES
- 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 IBC
- 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 IBC
- 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 IBC
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- 18. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 IBC
- 19. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 IBC
- 20. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 IBC



**MATERIALS LIST**

- 1. BRICK, COMMON, 8" x 8" x 16"
- 2. BRICK, COMMON, 8" x 8" x 16"
- 3. BRICK, COMMON, 8" x 8" x 16"
- 4. BRICK, COMMON, 8" x 8" x 16"
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- 20. BRICK, COMMON, 8" x 8" x 16"

NOT FOR CONSTRUCTION

DATE	10/15/14
PROJECT NO	14-001
PROJECT NAME	MACARTHUR TRANSIT VILLAGE - STAGE 1 FINAL DEVELOPMENT PLAN
CLIENT	CH2M HILL
LOCATION	CHICAGO, IL
SCALE	AS SHOWN
DRAWN BY	J. SMITH
CHECKED BY	M. JONES
APPROVED BY	

DATE: 10/15/14  
PROJECT NO: 14-001

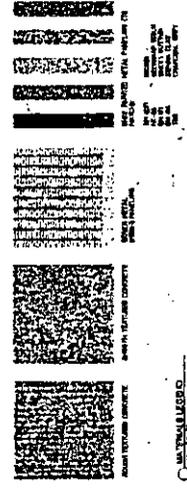
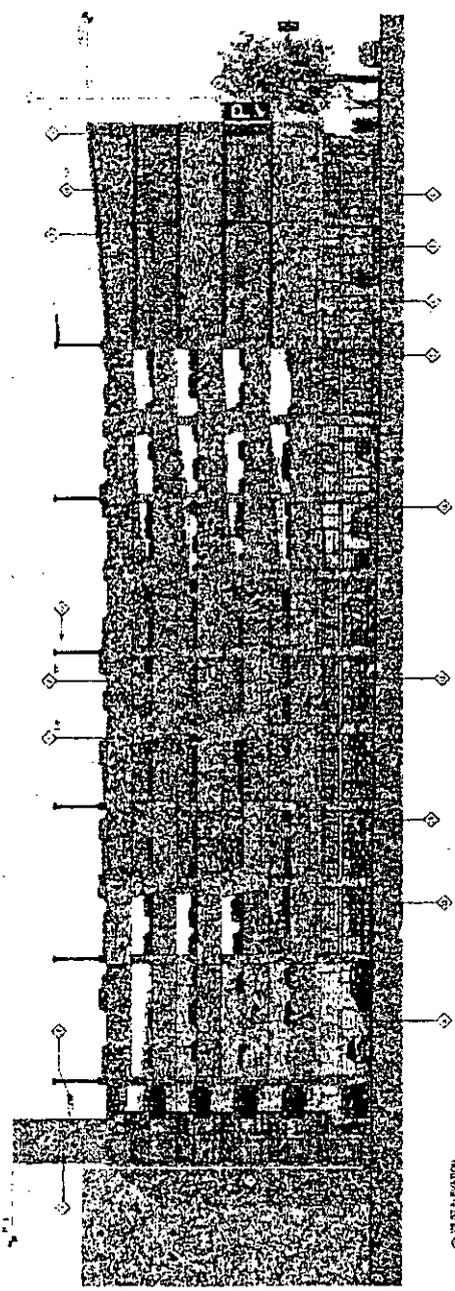
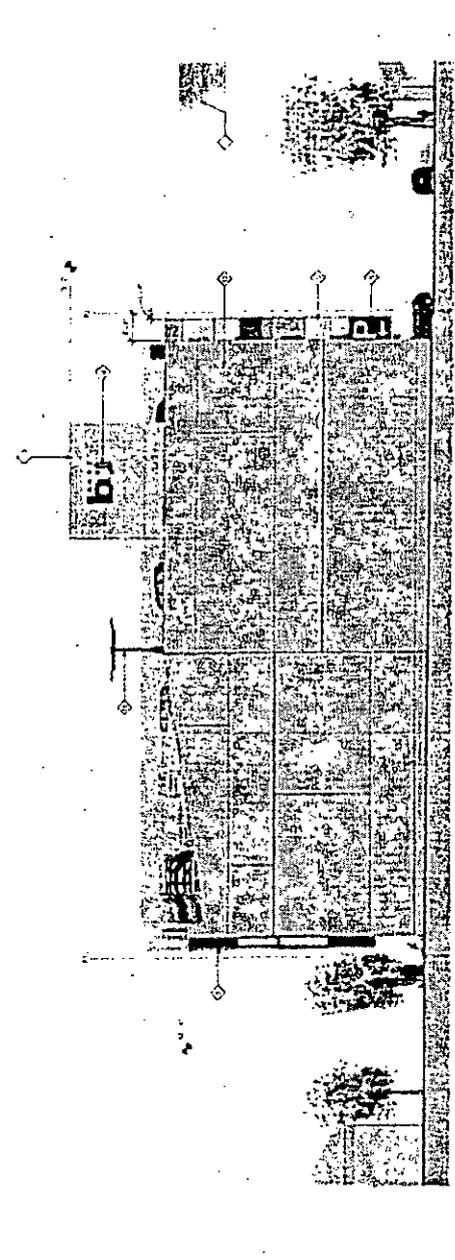


MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

OAKLAND,  
CALIFORNIA

KEY NOTES

- 1. SEE PLAN
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- 100. SEE PLAN



DATE: 11/15/00

DESCRIPTIONS

A3.2

DATE: 11/15/00

MOY FARR CONSTRUCTION





MACARTHUR  
TRANSIT VILLAGE -  
STAGE I FINAL  
DEVELOPMENT PLAN

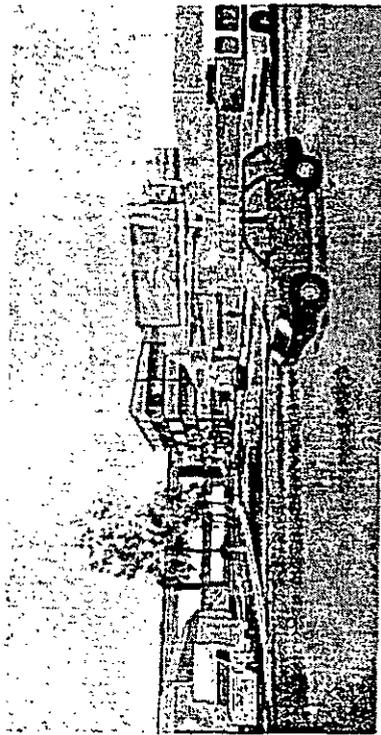
OAKLAND,  
CALIFORNIA  
1965

Sheet 111

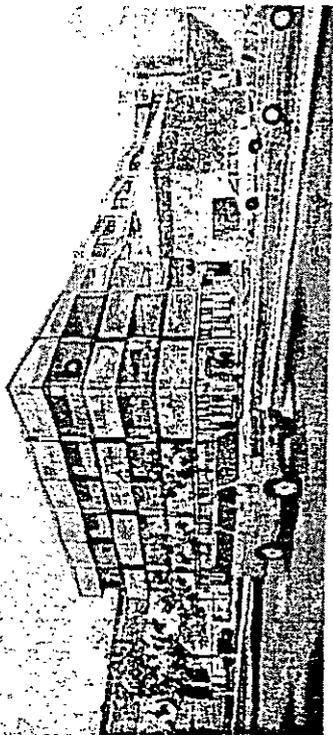
NOT FOR CONSTRUCTION

DATE	11/11/65
BY	J. H. ...
CHECKED BY	...
APPROVED BY	...
SCALE	AS SHOWN
PROJECT NO.	...
SHEET NO.	111
TOTAL SHEETS	...

COMPONENT NO. 1  
A40  
LOWMEYER ARCHITECTS  
1000 ...



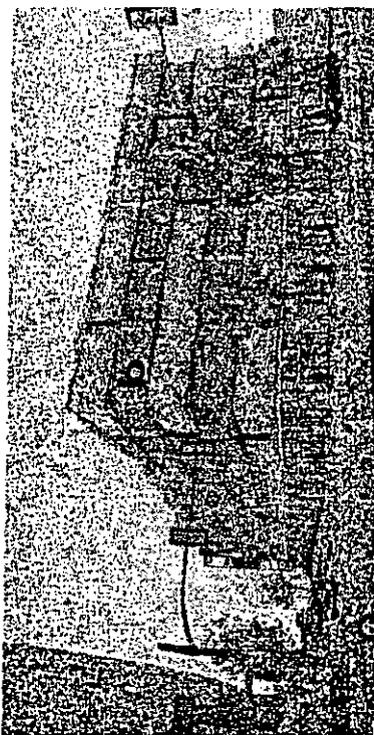
LOOKING WEST FROM INTERSECTION OF MACARTHUR BLVD AND ST. BARBARA AVE



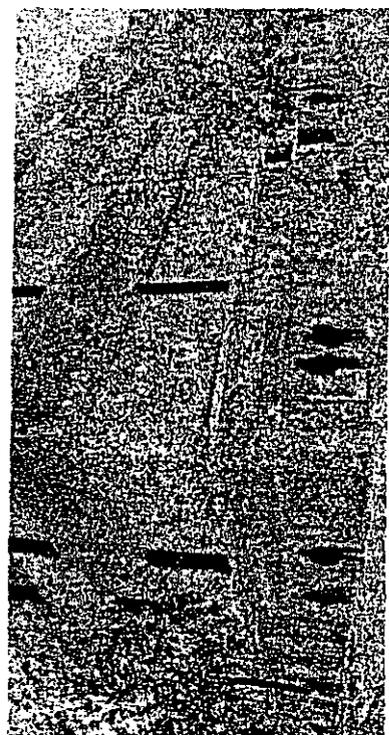
LOOKING SOUTHWEST FROM SW CORNER MACARTHUR BLVD



LOOKING FROM CORNER OF MACARTHUR BLVD AND ST. BARBARA AVE



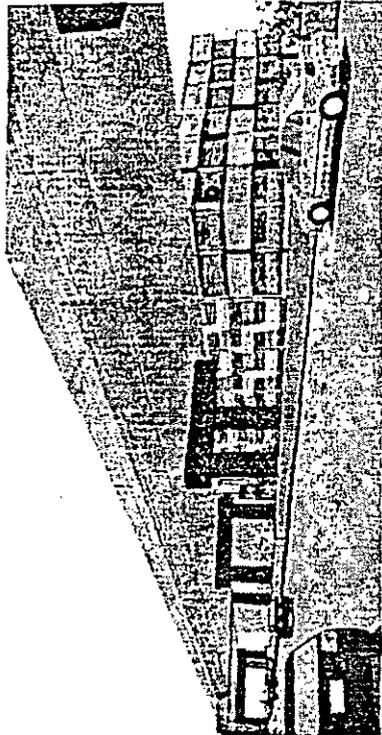
LOOKING SOUTHWEST FROM SW CORNER MACARTHUR BLVD



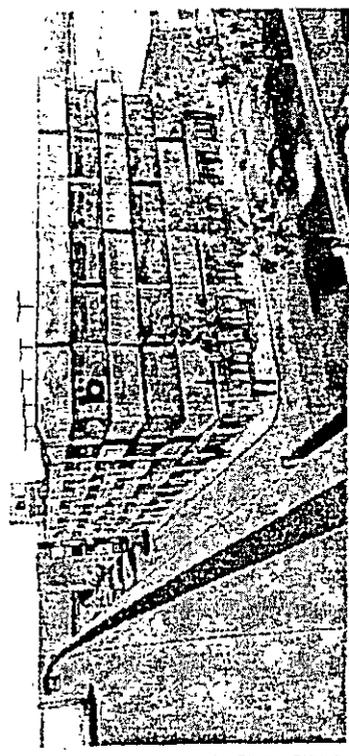
LOOKING SOUTHWEST FROM SW CORNER MACARTHUR BLVD



MACARTHUR  
TRANSIT VILLAGE -  
STAGE/FINAL  
DEVELOPMENT PLAN  
DRAFTING  
COURTESY  
CDM



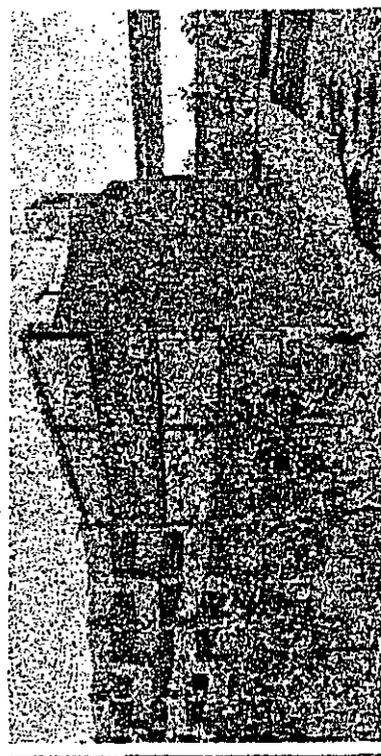
VIEW FROM EAST SIDE



VIEW FROM WEST SIDE



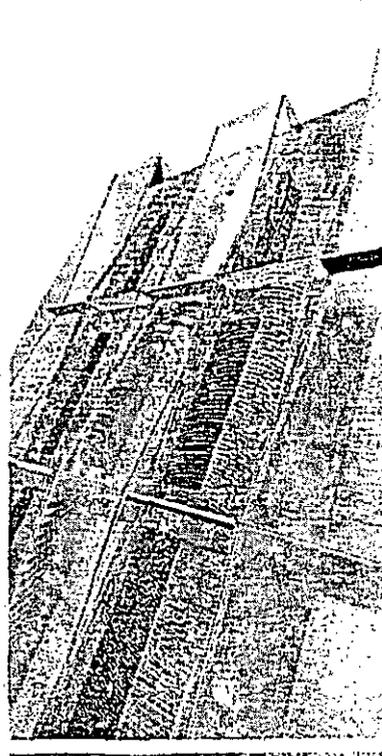
LOOKING NORTHWEST FROM PROPOSED WHEELIE ACCESS ROAD



LOOKING SOUTHWEST FROM PROPOSED WHEELIE ACCESS ROAD



DETAIL OF CONCRETE ALONG BASE INVESTIGATIONS



DETAIL OF METAL EAVE ALONG RAMP FACIAD

NOT FOR CONSTRUCTION

DATE	11/15/11	
BY	CDM	
CHECKED BY	CDM	
SCALE	AS SHOWN	
PROJECT NO.	11-00000000	
CLIENT	CDM	
LOCATION	MACARTHUR TRANSIT VILLAGE	
DRAWING NO.	11-00000000	
DESCRIPTION	STAGE/FINAL DEVELOPMENT PLAN	
REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	11/15/11
2	ISSUED FOR CONSTRUCTION	

REVISION 11/15/11  
A41



# **ATTACHMENT B:**

## **TTM8047**



EXISTING LOT INFORMATION

PARCEL	APN	ACREAGE	OWNER
1	100-04	1.00	...
2	100-05	1.00	...
3	100-06	1.00	...
4	100-07	1.00	...
5	100-08	1.00	...
6	100-09	1.00	...
7	100-10	1.00	...
8	100-11	1.00	...
9	100-12	1.00	...
10	100-13	1.00	...
11	100-14	1.00	...
12	100-15	1.00	...
13	100-16	1.00	...
14	100-17	1.00	...
15	100-18	1.00	...
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31	100-34	1.00	...
32	100-35	1.00	...
33	100-36	1.00	...
34	100-37	1.00	...
35	100-38	1.00	...
36	100-39	1.00	...
37	100-40	1.00	...
38	100-41	1.00	...
39	100-42	1.00	...
40	100-43	1.00	...
41	100-44	1.00	...
42	100-45	1.00	...
43	100-46	1.00	...
44	100-47	1.00	...
45	100-48	1.00	...
46	100-49	1.00	...
47	100-50	1.00	...
48	100-51	1.00	...
49	100-52	1.00	...
50	100-53	1.00	...
51	100-54	1.00	...
52	100-55	1.00	...
53	100-56	1.00	...
54	100-57	1.00	...
55	100-58	1.00	...
56	100-59	1.00	...
57	100-60	1.00	...
58	100-61	1.00	...
59	100-62	1.00	...
60	100-63	1.00	...
61	100-64	1.00	...
62	100-65	1.00	...
63	100-66	1.00	...
64	100-67	1.00	...
65	100-68	1.00	...
66	100-69	1.00	...
67	100-70	1.00	...
68	100-71	1.00	...
69	100-72	1.00	...
70	100-73	1.00	...
71	100-74	1.00	...
72	100-75	1.00	...
73	100-76	1.00	...
74	100-77	1.00	...
75	100-78	1.00	...
76	100-79	1.00	...
77	100-80	1.00	...
78	100-81	1.00	...
79	100-82	1.00	...
80	100-83	1.00	...
81	100-84	1.00	...
82	100-85	1.00	...
83	100-86	1.00	...
84	100-87	1.00	...
85	100-88	1.00	...
86	100-89	1.00	...
87	100-90	1.00	...
88	100-91	1.00	...
89	100-92	1.00	...
90	100-93	1.00	...
91	100-94	1.00	...
92	100-95	1.00	...
93	100-96	1.00	...
94	100-97	1.00	...
95	100-98	1.00	...
96	100-99	1.00	...
97	100-100	1.00	...
98	100-101	1.00	...
99	100-102	1.00	...
100	100-103	1.00	...

EXISTING LOT INFORMATION

PARCEL	APN	ACREAGE	OWNER
1	100-104	1.00	...
2	100-105	1.00	...
3	100-106	1.00	...
4	100-107	1.00	...
5	100-108	1.00	...
6	100-109	1.00	...
7	100-110	1.00	...
8	100-111	1.00	...
9	100-112	1.00	...
10	100-113	1.00	...
11	100-114	1.00	...
12	100-115	1.00	...
13	100-116	1.00	...
14	100-117	1.00	...
15	100-118	1.00	...
16	100-119	1.00	...
17	100-120	1.00	...
18	100-121	1.00	...
19	100-122	1.00	...
20	100-123	1.00	...
21	100-124	1.00	...
22	100-125	1.00	...
23	100-126	1.00	...
24	100-127	1.00	...
25	100-128	1.00	...
26	100-129	1.00	...
27	100-130	1.00	...
28	100-131	1.00	...
29	100-132	1.00	...
30	100-133	1.00	...
31	100-134	1.00	...
32	100-135	1.00	...
33	100-136	1.00	...
34	100-137	1.00	...
35	100-138	1.00	...
36	100-139	1.00	...
37	100-140	1.00	...
38	100-141	1.00	...
39	100-142	1.00	...
40	100-143	1.00	...
41	100-144	1.00	...
42	100-145	1.00	...
43	100-146	1.00	...
44	100-147	1.00	...
45	100-148	1.00	...
46	100-149	1.00	...
47	100-150	1.00	...
48	100-151	1.00	...
49	100-152	1.00	...
50	100-153	1.00	...
51	100-154	1.00	...
52	100-155	1.00	...
53	100-156	1.00	...
54	100-157	1.00	...
55	100-158	1.00	...
56	100-159	1.00	...
57	100-160	1.00	...
58	100-161	1.00	...
59	100-162	1.00	...
60	100-163	1.00	...
61	100-164	1.00	...
62	100-165	1.00	...
63	100-166	1.00	...
64	100-167	1.00	...
65	100-168	1.00	...
66	100-169	1.00	...
67	100-170	1.00	...
68	100-171	1.00	...
69	100-172	1.00	...
70	100-173	1.00	...
71	100-174	1.00	...
72	100-175	1.00	...
73	100-176	1.00	...
74	100-177	1.00	...
75	100-178	1.00	...
76	100-179	1.00	...
77	100-180	1.00	...
78	100-181	1.00	...
79	100-182	1.00	...
80	100-183	1.00	...
81	100-184	1.00	...
82	100-185	1.00	...
83	100-186	1.00	...
84	100-187	1.00	...
85	100-188	1.00	...
86	100-189	1.00	...
87	100-190	1.00	...
88	100-191	1.00	...
89	100-192	1.00	...
90	100-193	1.00	...
91	100-194	1.00	...
92	100-195	1.00	...
93	100-196	1.00	...
94	100-197	1.00	...
95	100-198	1.00	...
96	100-199	1.00	...
97	100-200	1.00	...
98	100-201	1.00	...
99	100-202	1.00	...
100	100-203	1.00	...

PROPOSED LOT INFORMATION

PARCEL	APN	ACREAGE	OWNER
1	100-204	1.00	...
2	100-205	1.00	...
3	100-206	1.00	...
4	100-207	1.00	...
5	100-208	1.00	...
6	100-209	1.00	...
7	100-210	1.00	...
8	100-211	1.00	...
9	100-212	1.00	...
10	100-213	1.00	...
11	100-214	1.00	...
12	100-215	1.00	...
13	100-216	1.00	...
14	100-217	1.00	...
15	100-218	1.00	...
16	100-219	1.00	...
17	100-220	1.00	...
18	100-221	1.00	...
19	100-222	1.00	...
20	100-223	1.00	...
21	100-224	1.00	...
22	100-225	1.00	...
23	100-226	1.00	...
24	100-227	1.00	...
25	100-228	1.00	...
26	100-229	1.00	...
27	100-230	1.00	...
28	100-231	1.00	...
29	100-232	1.00	...
30	100-233	1.00	...
31	100-234	1.00	...
32	100-235	1.00	...
33	100-236	1.00	...
34	100-237	1.00	...
35	100-238	1.00	...
36	100-239	1.00	...
37	100-240	1.00	...
38	100-241	1.00	...
39	100-242	1.00	...
40	100-243	1.00	...
41	100-244	1.00	...
42	100-245	1.00	...
43	100-246	1.00	...
44	100-247	1.00	...
45	100-248	1.00	...
46	100-249	1.00	...
47	100-250	1.00	...
48	100-251	1.00	...
49	100-252	1.00	...
50	100-253	1.00	...
51	100-254	1.00	...
52	100-255	1.00	...
53	100-256	1.00	...
54	100-257	1.00	...
55	100-258	1.00	...
56	100-259	1.00	...
57	100-260	1.00	...
58	100-261	1.00	...
59	100-262	1.00	...
60	100-263	1.00	...
61	100-264	1.00	...
62	100-265	1.00	...
63	100-266	1.00	...
64	100-267	1.00	...
65	100-268	1.00	...
66	100-269	1.00	...
67	100-270	1.00	...
68	100-271	1.00	...
69	100-272	1.00	...
70	100-273	1.00	...
71	100-274	1.00	...
72	100-275	1.00	...
73	100-276	1.00	...
74	100-277	1.00	...
75	100-278	1.00	...
76	100-279	1.00	...
77	100-280	1.00	...
78	100-281	1.00	...
79	100-282	1.00	...
80	100-283	1.00	...
81	100-284	1.00	...
82	100-285	1.00	...
83	100-286	1.00	...
84	100-287	1.00	...
85	100-288	1.00	...
86	100-289	1.00	...
87	100-290	1.00	...
88	100-291	1.00	...
89	100-292	1.00	...
90	100-293	1.00	...
91	100-294	1.00	...
92	100-295	1.00	...
93	100-296	1.00	...
94	100-297	1.00	...
95	100-298	1.00	...
96	100-299	1.00	...
97	100-300	1.00	...
98	100-301	1.00	...
99	100-302	1.00	...
100	100-303	1.00	...

EASEMENTS DESCRIPTION

THESE EASEMENTS ARE DESCRIBED AS FOLLOWS: ...

1. EASEMENT OF ACCESS TO THE REAR OF PARCELS 1 THROUGH 100 ...

2. EASEMENT OF ACCESS TO THE REAR OF PARCELS 101 THROUGH 200 ...

3. EASEMENT OF ACCESS TO THE REAR OF PARCELS 201 THROUGH 300 ...

4. EASEMENT OF ACCESS TO THE REAR OF PARCELS 301 THROUGH 400 ...

5. EASEMENT OF ACCESS TO THE REAR OF PARCELS 401 THROUGH 500 ...

6. EASEMENT OF ACCESS TO THE REAR OF PARCELS 501 THROUGH 600 ...

7. EASEMENT OF ACCESS TO THE REAR OF PARCELS 601 THROUGH 700 ...

8. EASEMENT OF ACCESS TO THE REAR OF PARCELS 701 THROUGH 800 ...

9. EASEMENT OF ACCESS TO THE REAR OF PARCELS 801 THROUGH 900 ...

10. EASEMENT OF ACCESS TO THE REAR OF PARCELS 901 THROUGH 1000 ...

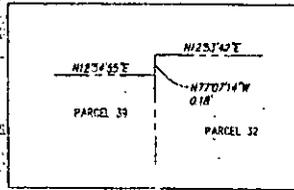
**SANDIS** | 111 Broadway, Suite 100 | Oakland, CA 94612 | (510) 438-1000 | www.sandis.com

PROJECT NO. 2017-001 | SHEET NO. T-2 OF 7

**OAKLAND**

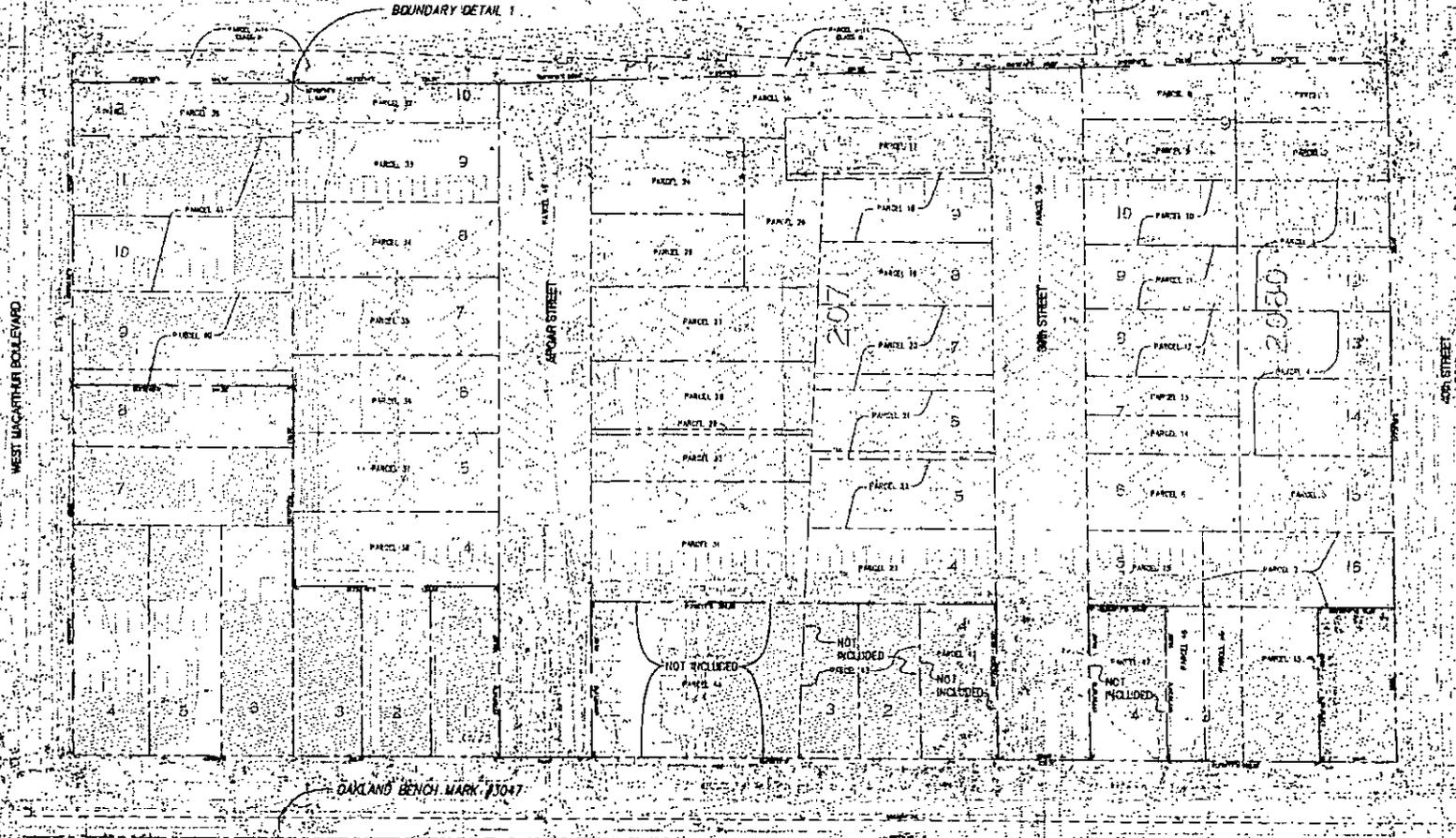
VESTING TENTATIVE TRACT MAP NO. 8047  
LOT INFORMATION

CALIFORNIA



NOTE: ALL INTERNAL PARCEL LINES TO BE REMOVED

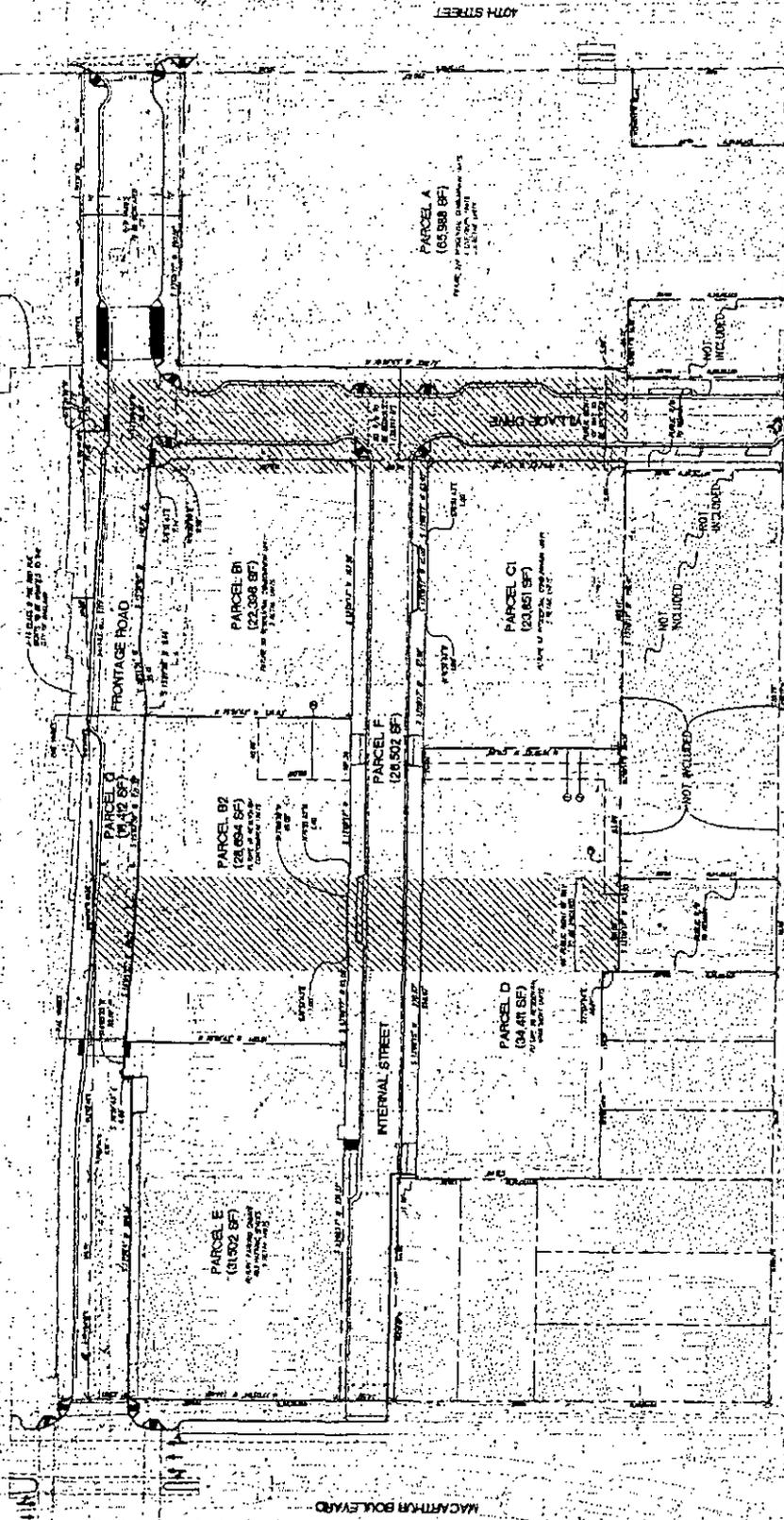
**BOUNDARY DETAIL 1**



BART PLAZA

TELEGRAPH AVENUE

DANLAND BENCH MARK 13047



**SHEET NOTES**

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

**LEGEND**

- 1. EXISTING BOUNDARY
- 2. PROPOSED BOUNDARY
- 3. EXISTING EASEMENT
- 4. PROPOSED EASEMENT
- 5. EXISTING RIGHT-OF-WAY
- 6. PROPOSED RIGHT-OF-WAY

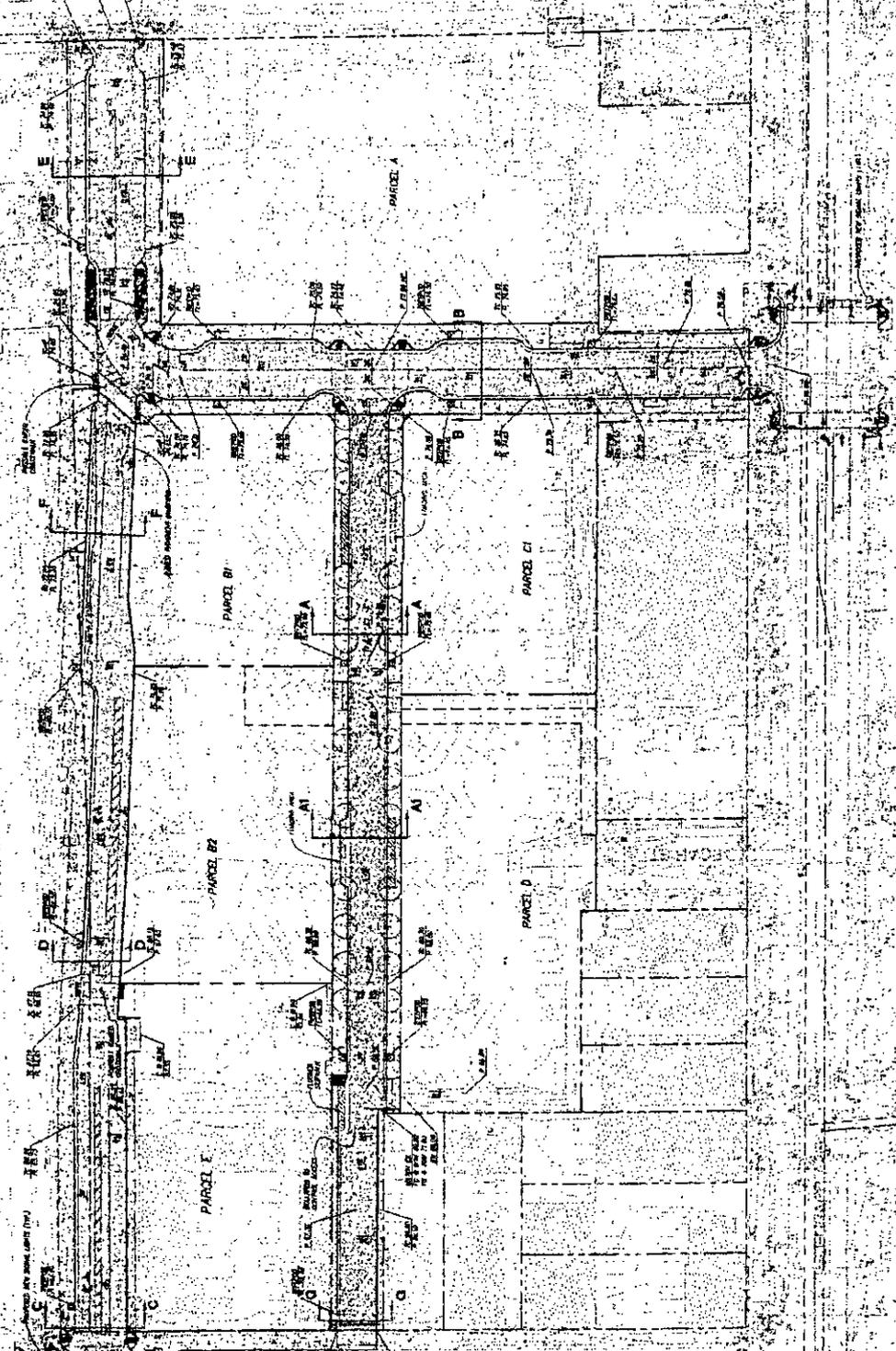
**SANDIS**  
 1000 BAY STREET, SUITE 1000, OAKLAND, CA 94612  
 TEL: 415.778.1234 FAX: 415.778.1235  
 WWW.SANDIS.COM

PROJECT: VESTING TENTATIVE TRACT MAP NO. 8047  
 SHEET: T-4 OF 7 SHEETS  
 DATE: 08/11/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

OAKLAND CALIFORNIA



100' NORTH

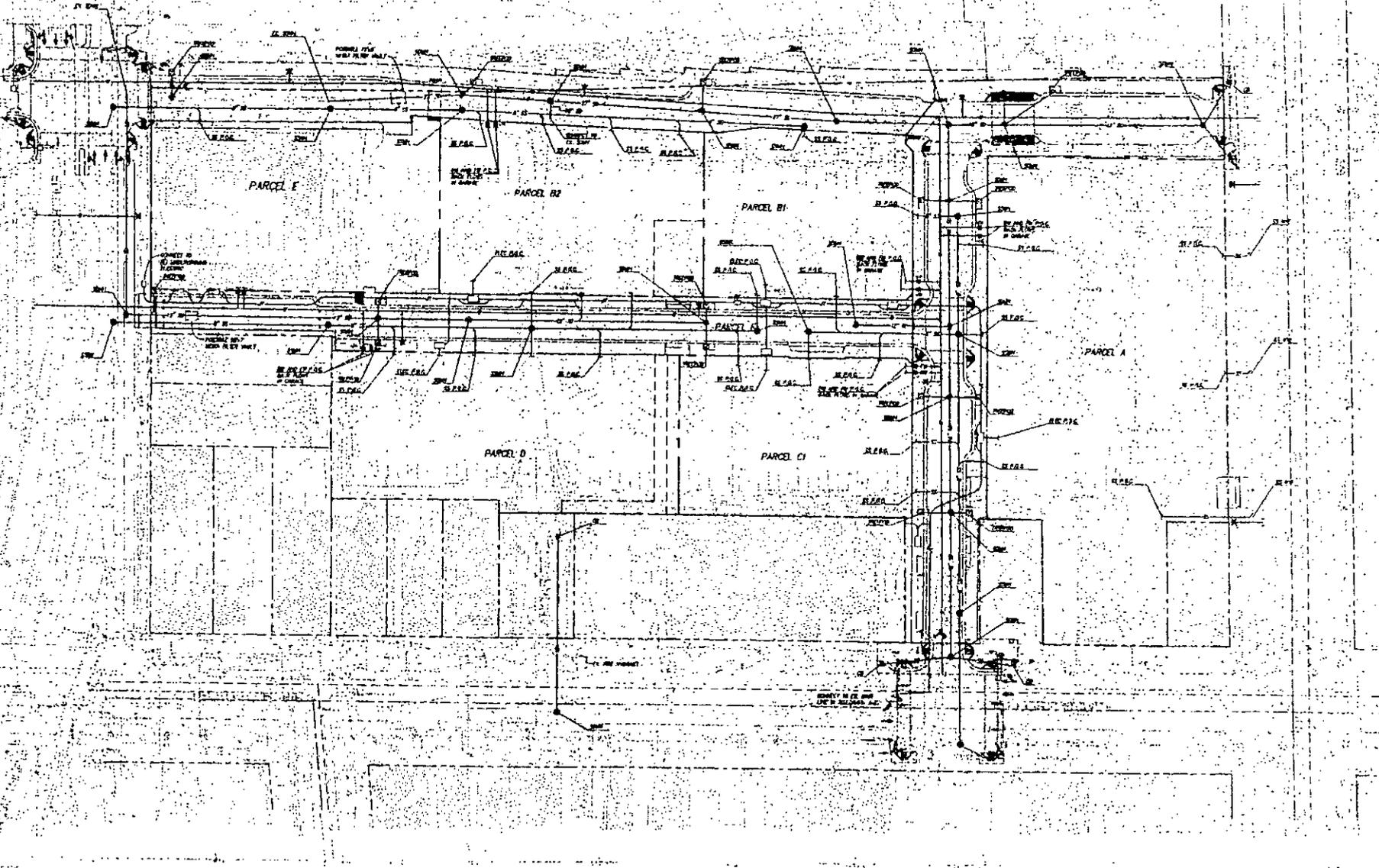


**LEGEND**

- 10' CONTOUR INTERVAL
- 5' CONTOUR INTERVAL
- 1' CONTOUR INTERVAL
- 0.5' CONTOUR INTERVAL
- 0.25' CONTOUR INTERVAL
- 0.125' CONTOUR INTERVAL
- 0.0625' CONTOUR INTERVAL
- 0.03125' CONTOUR INTERVAL
- 0.015625' CONTOUR INTERVAL
- 0.0078125' CONTOUR INTERVAL
- 0.00390625' CONTOUR INTERVAL
- 0.001953125' CONTOUR INTERVAL
- 0.0009765625' CONTOUR INTERVAL
- 0.00048828125' CONTOUR INTERVAL
- 0.000244140625' CONTOUR INTERVAL
- 0.0001220703125' CONTOUR INTERVAL
- 0.00006103515625' CONTOUR INTERVAL
- 0.000030517578125' CONTOUR INTERVAL
- 0.0000152587890625' CONTOUR INTERVAL
- 0.00000762939453125' CONTOUR INTERVAL
- 0.000003814697265625' CONTOUR INTERVAL
- 0.0000019073486328125' CONTOUR INTERVAL
- 0.00000095367431640625' CONTOUR INTERVAL
- 0.000000476837158203125' CONTOUR INTERVAL
- 0.0000002384185791015625' CONTOUR INTERVAL
- 0.00000011920928955078125' CONTOUR INTERVAL
- 0.000000059604644775390625' CONTOUR INTERVAL
- 0.0000000298023223876953125' CONTOUR INTERVAL
- 0.00000001490116119384765625' CONTOUR INTERVAL
- 0.000000007450580596923828125' CONTOUR INTERVAL
- 0.0000000037252902984619140625' CONTOUR INTERVAL
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- 0.00000000002910383045673370359375' CONTOUR INTERVAL
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PLAT NO. 21



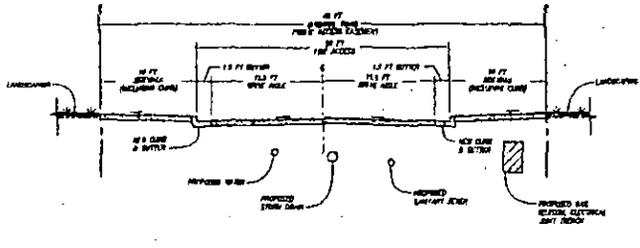
**SANDIS** San Diego Gas & Electric Company  
 1315 Broadway, N.W. • 311 • San Diego, CA 92101 • (619) 594-1000

NO. 807128 DATE 11-17-79  
 SCALE 1"=50'  
 DRAWN BY J.M. [unclear]  
 CHECKED BY [unclear]  
 807128 11-17-79 11:21 AM

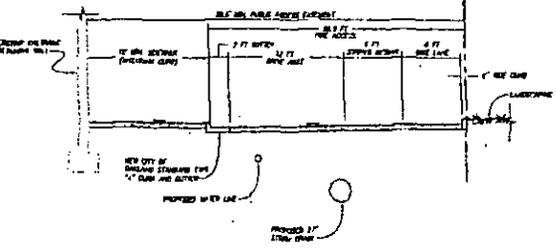
DIVISION 1114  
 2074 PEARL WOOD  
 1114 W. 11th, SAN ANTONIO, TX 78207

NO.	REVISION	DATE	BY
1	FINAL REVISION	11-17-79	[unclear]
2	ADDED THIS REVISION	11-28-79	[unclear]

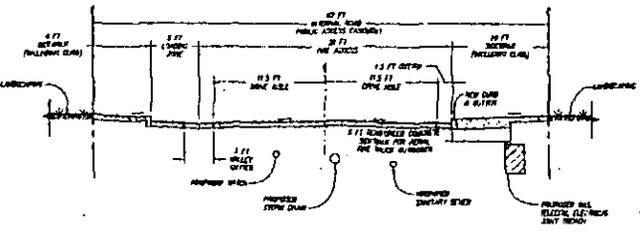
OAKLAND  
 VESTING TENTATIVE TRACT MAP NO. 8047  
 UTILITY PLAN  
 T-6  
 CALIFORNIA 7



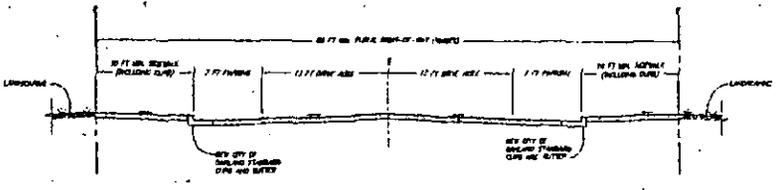
INTERNAL STREET TYPICAL SECTION A  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'



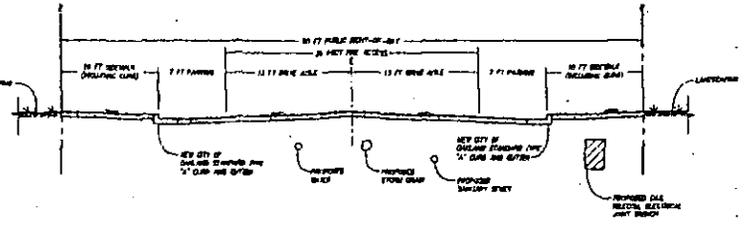
FRONTAGE ROAD (NORTH END OF BART GARAGE) D  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'



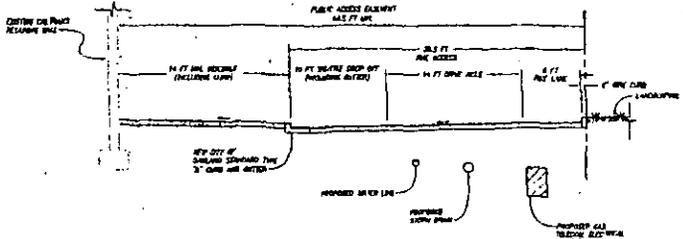
INTERNAL STREET LOADING ZONE SECTION A1  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'



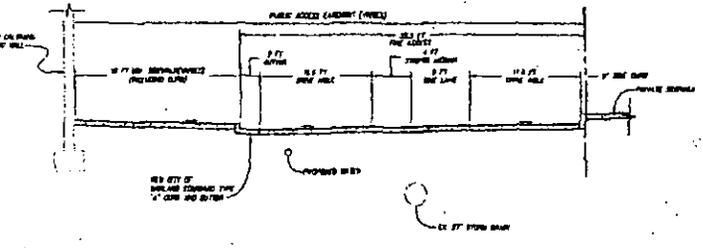
VILLAGE DRIVE E  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'



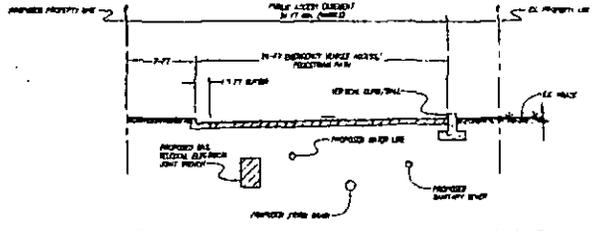
VILLAGE DRIVE (FORMERLY 39TH STREET) B  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'



FRONTAGE ROAD (SHUTTLE DROP OFF) F  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'



FRONTAGE ROAD (SOUTH END OF BART GARAGE) C  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'



SECTION G EMERGENCY VEHICLE ACCESS NEAR WEST MACARTHUR G  
SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 2'

**SANDIS** LAND MANAGEMENT  
1731 Shiloh Lane, Suite 101, Oakland, CA 94612 | 510.438.2000 | www.sandis.com

DATE: 03-21-13	BY: [Signature]	SCALE: HORIZONTAL 1" = 40'	VERTICAL 1" = 2'
PROJECT: 8047	DATE: 03-21-13	PROJECT: 8047	DATE: 03-21-13
PROJECT: 8047	DATE: 03-21-13	PROJECT: 8047	DATE: 03-21-13
PROJECT: 8047	DATE: 03-21-13	PROJECT: 8047	DATE: 03-21-13

NO.	DESCRIPTION	DATE	BY
1	FIELD REVISIONS	12-17-12	[Signature]
2	DATE TIME REVISIONS	12-26-12	[Signature]

VESTING TENTATIVE TRACT MAP NO. 8047  
TYPICAL SECTIONS AND NOTES

OAKLAND

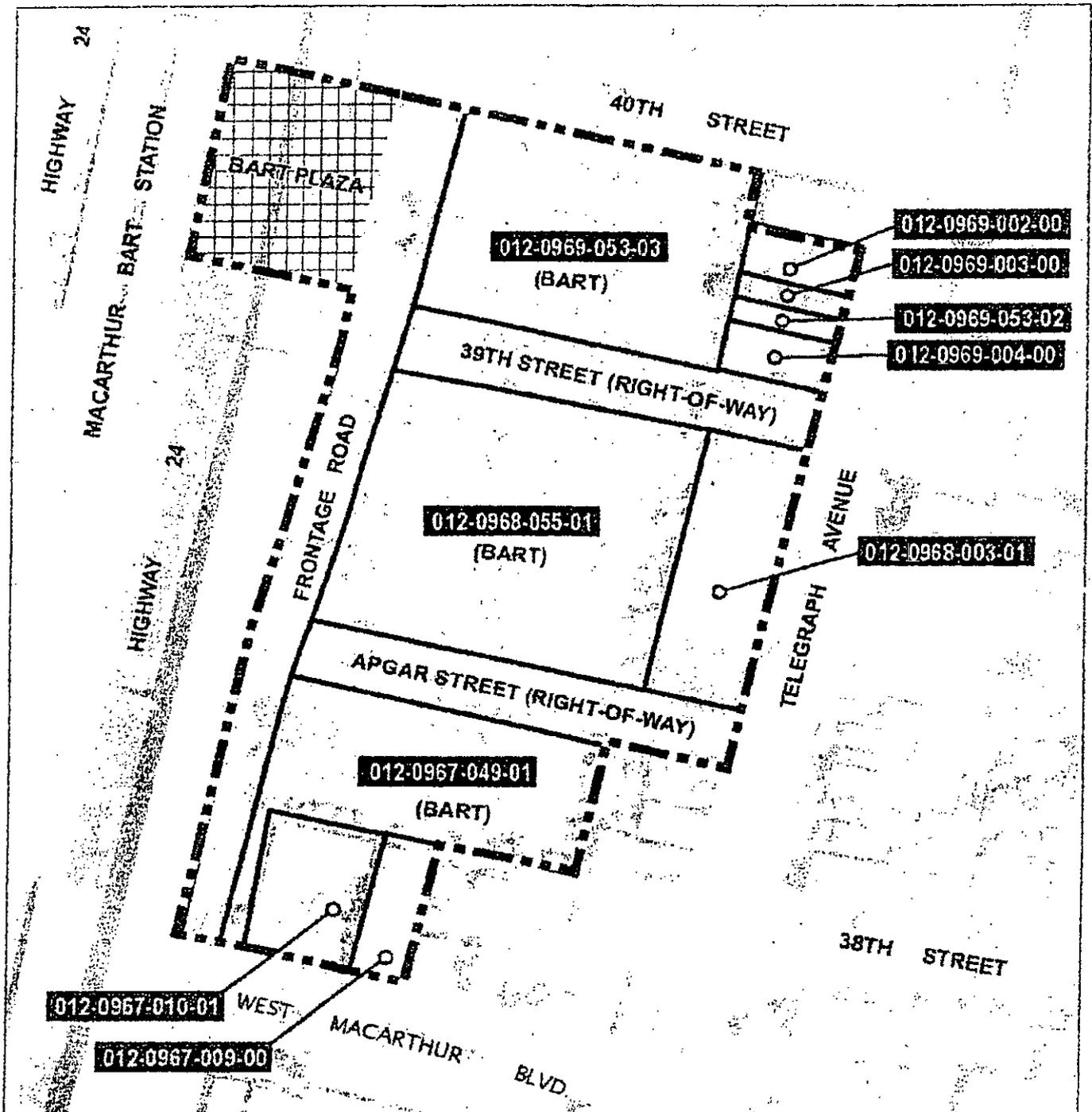
CALIFORNIA

T-7

**ATTACHMENT C:**

**MAY 26, 2010  
DESIGN REVIEW COMMITTEE  
REPORT  
(AND ATTACHMENTS)**

<b>Location:</b>	Multiple parcels immediately adjacent to the Macarthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West Macarthur Boulevard (see map)
<b>Assessors Parcel Numbers:</b>	012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 012-0969-002-00, 012-0969-003-00, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
<b>Proposal:</b>	Construct Phase 1 of the Macarthur Transit Village project which includes construction of a parking garage with approximately 468 parking spaces, and 5,200 square feet of ground-floor commercial space, as well as new streets, utilities, and public improvements.
<b>Applicant:</b>	West Macarthur Transit Community Partners (MTCP)
<b>Contact Person:</b>	Art May (510) 903-2051
<b>Owner:</b>	Multiple property owners
<b>Planning Permits Required:</b>	Revisions to Preliminary Planned Unit Development (PUD) for Macarthur Transit Village project, and Final PUD for Phase 1 of project.
<b>General Plan:</b>	Neighborhood Center Mixed Use
<b>Zoning:</b>	S-15 Transit-Oriented Development Zone
<b>Environmental Determination:</b>	An Environmental Impact Report (EIR) was certified in June 2008.
<b>Historic Status:</b>	There are no Potential Designated Historic Properties located on the project site.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1
<b>Date Filed:</b>	April 12, 2010
<b>Status:</b>	Preliminary Design Review; the project will be considered by the full Planning Commission at a future public hearing.
<b>Action to be Taken:</b>	No formal action; public hearing concerning the design of the proposal.
<b>Staff Recommendation:</b>	Take public testimony concerning the design of the proposal and provide direction to staff and the applicant.
<b>Finality of Decision:</b>	No decision will be made on the project at this time.
<b>For Further Information:</b>	Contact the case planner, Lynn Warner, at (510) 238-6983 or by e-mail at <a href="mailto:lwarners@oaklanduci.com">lwarners@oaklanduci.com</a>



## SUMMARY

The purpose of this item is to receive preliminary feedback on the design of Phase 1 and the public improvements for the proposed Macarthur Transit Village project in North Oakland. The Final Development Plan (FDP) for Phase 1 of the project would include construction of a 6-level parking structure with approximately 468 stalls and 5,200 square feet of ground-floor commercial space. The revised Preliminary Development Plan (PDP) for the project would entail changes including: increasing the amount of BART replacement parking provided, adjusting the alignment of Village Drive, shifting Internal Street to align with the pedestrian walkway, and reconfiguring the site layout.

No action will be taken at today's hearing. The recommendation to the City Council on project entitlements will occur at a future hearing in front of the full Planning Commission. Staff requests that the Design Review Committee review and comment on the design of the parking garage and site improvements shown on the project plans.

## PROJECT SITE AND SURROUNDING AREA

The project site is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West Macarthur Boulevard, and State Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West Macarthur Boulevard and 40th Street, and seven privately owned parcels. The project area includes the majority of the block on Telegraph Avenue between West Macarthur Boulevard and 40th Street; however, several parcels within this block are not included within the project site (see map on page 2). Table 1 shows the parcels within the project site. There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

Table 1: Project Site Parcels

Address	Assessor Parcel Number	Current Use	Acreage (Acres)
532 39 <sup>th</sup> Street	012-0969-053-03	BART Parking	1.63
516 Apgar Street	012-0968-055-01	BART Parking	2.07
515 Apgar Street	012-0967-049-01	BART Parking	1.12
3921 Telegraph Avenue	012-0969-002-00	Braids By Betty	0.11
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant	0.01
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market	0.06
3901 Telegraph Avenue	012-0969-004-00	Lee's Auto	0.11
3875 Telegraph Avenue	012-0968-003-01	Medical Offices	0.61
526 W. Macarthur Boulevard	012-0967-009-00	Rio Motel	0.20

544 W. Macarthur Boulevard	012-0967-010-00	Sleepy Hollow Motel	0.33
39 <sup>th</sup> Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.62
Apgar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.60
TOTAL			7.47

## BACKGROUND

The Macarthur Transit Village Project has been in development since 1993 with the involvement of the surrounding community and has been through several iterations. The PDP for the Planned Unit Development (PUD) was approved in July 2008. Phase 1 of the project is being expedited in order to receive \$37 million in State Proposition 1C grant funding, which requires project completion by December 1, 2011.

## PROJECT DESCRIPTION

The approved PDP for the project involves the demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The phased project includes five new blocks that would accommodate a total of 624 residential units (including 108 affordable units), 42,500 square feet of neighborhood-serving retail and commercial uses, 5,000 square feet of community center space, and a 400-space parking garage for BART patrons. Parking for residential units would be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A. The transit village also includes creation of two new streets: Village Drive would provide an east/west connection in between Telegraph Avenue and the BART Plaza and 40<sup>th</sup> Street, and Internal Street would provide a north/south connection from Village Drive to the southern edge of the project. Frontage Road would be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements would also be constructed. See Attachment A: Sheets A-1.01, A-1.0A, and A-1.02.

The project would involve the construction of up to five phases (labeled Blocks A-E on the attached project plans) on the project site, including three mixed-use buildings with ground floor retail spaces and residential units on upper floors, one entirely residential building, and one BART parking garage.

Increased and enhanced access to the BART station is a key component of the proposed project. Village Drive, the main pedestrian and vehicular access to the project, is envisioned as a lively pedestrian street with shops and service uses that include outdoor displays and seating areas. The existing BART plaza would be renovated, and a new public plaza would be provided immediately east of the BART plaza and fare gates. The transit village plaza would include outdoor seating, public art, landscaping, and other activity to provide a sense of arrival to the project, especially for BART patrons as they enter and exit the station. Internal Street, which provides access to a

majority of the residential units, is envisioned as a neighborhood street. Residential units would front onto Internal Street with stoops and front porches.

**Design Guidelines**

The Conditions of Approval for the project require consistency with the Macarthur Transit Village Design Guidelines. The portions of the Design Guidelines that are most relevant to the Phase 1 FDP are cited below.

**1. West Macarthur Boulevard**

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.

***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.
- 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.

**2. 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.

*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. (plah 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 forms and building materials to promote a sense of arrival at this important civic place within the City.

The design of the parking garage is generally consistent with the Design Guidelines, except where noted below. At a minimum, minor design refinements have been recommended by staff.

**KEY DESIGN ISSUES**

The proposed revisions to the approved PDP and the design of the parking garage were presented at a community meeting held on April 21, 2010. Some of the design comments made at the meeting include: questions about lighting on the garage, landscaping and lighting on Frontage Road, the use of planting on the garage walls, and the incorporation of solar panels on the garage. Below is a summary of the key design issues staff has identified related to the proposal:

*Revisions to Preliminary Development Plan*

Table 2 provides a summary of the proposed revisions to the PDP approved for the PUD. The overall project description has not changed, although the layout of the site has been refined. Village Drive has been realigned so that the street lines up with the existing 39<sup>th</sup> Street, and Internal Street has been shifted to line up with the pedestrian walkway that connects to West Macarthur Boulevard. In addition, the blocks have been redesigned by moving the location of the affordable housing (Block D), and by reconfiguring the blocks in order to reduce the massing of the buildings and to introduce an internal driveway. See Attachment B: Sheets L-1.0 and L-1.1. These modifications are in substantial conformance with the approved PDP.

Table 2: Revisions to Preliminary Development Plan

	Approved PDP	Revised PDP
<b>Parcel A</b>		
Residential Units	213	205
Retail / Commercial SF	23,500	24,150
Residential Parking Stalls	213	205
Retail / Commercial Parking	31	31
<b>Parcel B-1</b>		
Residential Units	132	76
Retail / Commercial SF	5,000	3,000
Parking Stalls	134	76
<b>Parcel B-2</b>		
Residential Units	0	71
Retail / Commercial SF	0	0
Parking Stalls	0	71
<b>Parcel C-1</b>		
Residential Units	189	87
Retail / Commercial SF	9,000	3,000
Community Center	5,000	0
Parking Stalls	189	87
<b>Parcel C-2</b>		
Residential Units	0	95
Retail / Commercial SF	0	7,150
Community Center	0	5,000
Parking Stalls	0	95
<b>Parcel D</b>		
Residential Units	90	90
Retail / Commercial SF	0	0
Parking Stalls	91	90
<b>Parcel E (BART Garage)</b>		
Residential Units	0	0
Retail / Commercial SF	5,000	5,200
Dedicated BART Parking Stalls	300	400
Permanent Shared BART Parking Stalls	0	68
<b>Other</b>		
On-Site Street Parking Stalls	44	44
Off-Site/Other Parking Stalls	150	0
<b>Total Residential</b>		
	624	624
<b>Included Affordable Units</b>		
	108	108
<b>Total Required Units</b>		
Total Retail / Commercial	42,500	42,500
Total Parking Stalls	1,152	1,167
Total Community Center	5,000	5,000
Total BART Parking	510	510

*Design of BART Parking Garage*

The Draft Transportation Demand Management (TDM) Plan for the approved PDP required an increase in the BART replacement parking garage from 300 to 400 spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage was rotated and enlarged. The FDP for the garage includes 468 parking spaces and 5,200 square feet of ground-floor commercial space on West Macarthur Boulevard and wrapping the corners of the garage on Frontage Road and Internal Street. The proposed materials for the garage are pre-cast concrete, perforated metal screens, metal panels, aluminum and glass storefront, metal awnings, and colored glass.

The south elevation, which fronts West Macarthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have pre-cast concrete columns, perforated metal screens, and orange reveal accents. See Attachment B: Sheet A3.1.

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the corner, with perforated metal screen above. The rest of this elevation has metal security screen at the base and alternating segments of pre-cast concrete and perforated metal screen above in a stepped pattern. See Attachment B: Sheet A3.1.

The north elevation, facing 40<sup>th</sup> Street, is a blank concrete shear wall with scoring lines. There is no design treatment provided on this massive blank wall, which will be located directly adjacent to the interim surface parking lot at the BART station. See Attachment B: Sheet A3.2.

The west elevation, which fronts on Frontage Road, has ground-floor commercial space wrapping the corner with perforated screen above. It also includes the vehicle entry/exit, and the stair/elevator tower. The rest of the elevation has a combination of metal security screens and colored glass at the base, and alternating segments of pre-cast concrete and perforated metal screen above in a slight variation to the pattern on the east elevation. See Attachment B: Sheet A3.2.

After comparing the proposed garage design to several other recently constructed BART garages and other parking garages in Oakland, staff recommended the incorporation of some design revisions for the parking garage to the applicant and to BART staff. Because the parking garage will be owned and maintained by BART, their primary design issues are maintenance and cost. The responses to these potential design revisions are discussed below.

*Paint*

Staff requested that the applicant consider the use of paint to help articulate the design. BART staff indicated that although other BART garages including Fruitvale, West Dublin, and Dublin/Pleasanton have been painted, BART considers painted structures very difficult to maintain over time. Some of their garages, however, have incorporated elastomeric paint, which requires much less maintenance. However, BART prefers to have the building's architecture

treatment be revised to be consistent with the base of the building shown on the west elevation that includes artistic colored glass accent panels.

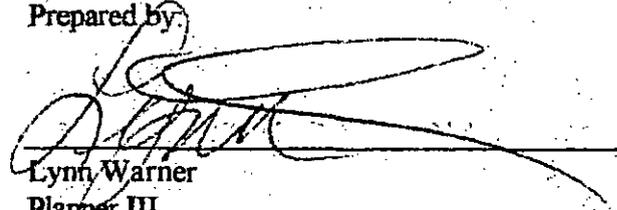
*Additional Information*

The applicant needs to provide more information for staff review regarding proposed exterior materials, lighting, and landscaping. In addition, the heights of the screening walls need to be identified in relation to the height of cars to determine the extent to which cars will be visible from the exterior of the garage.

**CONCLUSION**

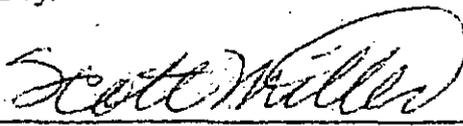
Staff recommends that the Design Review Committee take public testimony on the design of the proposal and provide direction to staff and the applicant on the key design issues identified above.

Prepared by:



Lynn Warner  
Planner III

Approved by:



**SCOTT MILLER**  
Zoning Manager

**ATTACHMENTS:**

- A. Approved PDP Project Plans
- B. Revised PDP and FDP Phase 1 Project Plans

# Mac Arthur Transit Village

MacArthur

OAKLAND, CALIFORNIA

## Development Information

Description	Existing	New
Total Lot Area (acres)	7.76	7.75
Net Total Lot Area without Streets (sf)	NA	5,88
Net Total Lot Area with BART Plaza (sf)	NA	8.2
Total Building Footprint Area (sf)	32,500	220,808
Total Floor Area Living Space (sf)	NA	750,000
Total Floor Area Resid. Parking (sf)	NA	330,000
Total Floor Area BART Parking (sf)	NA	170,000
Building Height	25 (2 stories)	50-85* (up to 8 stories)**
Number of Dwelling Units	NA	624
Number of Live-Work Units	NA	8
Density (units per gross acre)	NA	80
Density (units per net acre)	NA	110
Number of Parking Spaces	600	1024**
Total Building Open Space (sf)	NA	54,000 (87sf/unit)
Total Site Open Space (sf)	NA	72,878
Total Commercial/ Retail (sf)	NA	35,500
Total Live/Work Space (sf)	NA	7,000
Grading - Proposed Cut (cy)	NA	31,500
Grading - Proposed Fill (cy)	NA	11,170
Grading - Net Export (cy)	NA	20,330

\* Height not to exceed 8 stories and not to exceed an average of 75' for the entire development.  
 \*\* Net appropriate height to reach at high as 85' including on-street parking 44 stalls.

## Development Detail

Building A	Unit Count	Area (sf)	Parking	Net Site Area**
Residential	213 units		213	
Live/Work Units		3,000 (3 units)	3	
Retail		20,500	26	
<b>TOTAL</b>	<b>213 units</b>	<b>23,500</b>	<b>242</b>	<b>1.78 ac</b>

Building B	Unit Count	Area (sf)	Parking	Net Site Area**
Residential	132 units		132	
Live/Work Units		1,500 (2 units)	2	
Retail		3,500	3	
<b>TOTAL</b>	<b>132 units</b>	<b>5,000</b>	<b>137</b>	<b>1.03 ac</b>

Building C	Unit Count	Area (sf)	Parking	Net Site Area**
Residential	180 units		180	
Convenience/Child Care		5,000		
Live/Work Space		2,500 (3 units)		
Retail		6,500		
<b>TOTAL</b>	<b>180 units</b>	<b>14,000</b>	<b>180</b>	<b>1.33 ac</b>

Building D	Unit Count	Area (sf)	Parking	Net Site Area**
Residential	90 units	NA	90	
<b>TOTAL</b>	<b>90 units</b>		<b>90</b>	<b>0.61 ac</b>

Building E	Unit Count	Area (sf)	Parking	Net Site Area**
BART Parking		5,000		
Commercial/Retail		5,000		
<b>TOTAL</b>		<b>10,000</b>	<b>324</b>	<b>0.56 ac</b>

\*\* Area of building pad including streets

- T-01 Title Page
- T-02 Neighborhood Plan
- T-03 Context Photographs
- T-04 Site Photographs
- C-00 Existing Conditions Plan
- C-01 Preliminary Grading Plan
- C-02 Preliminary Utility Plan
- A-0-01 Pedestrian & Bike Circulation
- A-0-02 Vehicular Circulation
- A-1-01 Site Plan Street Layout Plan
- A-1-02 Open Space Plan
- A-1-03 Typical Open Space Plan
- A-1-04 Building Height Diagram
- A-3-01a Site Sections
- A-3-02a Site Sections
- A-3-02b Site Sections
- A-3-03 Edges: Telegraph Avenue
- A-3-04 Edges: 40th Street
- A-3-05 Edges: West MacArthur Boulevard
- A-3-06 Edges: BART Plaza
- A-3-07 Edges: Frontage Road/ Hwy 24
- A-3-08 Internal Residential Street
- A-3-09 Internal Residential Street
- A-3-09a Village Drive
- A-3-09b Village Drive
- A-4-01 Perspective Village Drive
- A-4-02 Perspective BART Plaza
- A-4-03 Perspective Frontage Road
- A-4-04 Perspective Internal Street
- L-00 Landscape Master Plan
- L-01 Concept BART Plaza/Village Dr
- L-02 Concept Internal Street
- L-03 Street Lighting Concept
- L-04 Existing Tree Inventory
- L-05 Planning Lighting Concept

Appendix BART Plaza Concept

June 4, 2008

Preliminary  
 Development Plan  
 Planning Commission

T-01 Title Page



PARTNERS

Developer:  
 MacArthur Transit Community Partners, LLC  
 Contact: Joe McGarry, (510) 273-2009

Architect:  
 Mc Lennan Velazquez Emick & Partners, Inc.  
 350 (near Ogden Plaza) Suite 100  
 Oakland, CA 94612  
 Contact: Chris E. Tang, (910) 297-3188

Architect for Affordable Component:  
 Van Weese Wilkins Pollack, LLP  
 18 De Boom Street  
 San Francisco, CA 94107  
 Contact: Fred Pollack, (415) 374-5350

Landscape Architect:  
 PIZA Design, Inc.  
 444 17th Street  
 Oakland, CA 94612  
 Contact: Chris Aker, (510) 466-1266

Urban Landscape and Site Architecture  
 Head Design:  
 3018 Market Street, Suite 2  
 Oakland, CA 94608  
 Contact: Walker Hood, (510) 595-5588

Civil Engineer:  
 Siedls  
 1721 Broadway, Suite 201  
 Oakland, CA 94612  
 Contact: Michael A. Kujawa, (510) 873-8806

Traffic Consultant:  
 Dowling Associates, Inc.  
 180 Grand Avenue, Suite 230  
 Oakland, CA 94612  
 Contact: Mark Bowman, (510) 839-1742

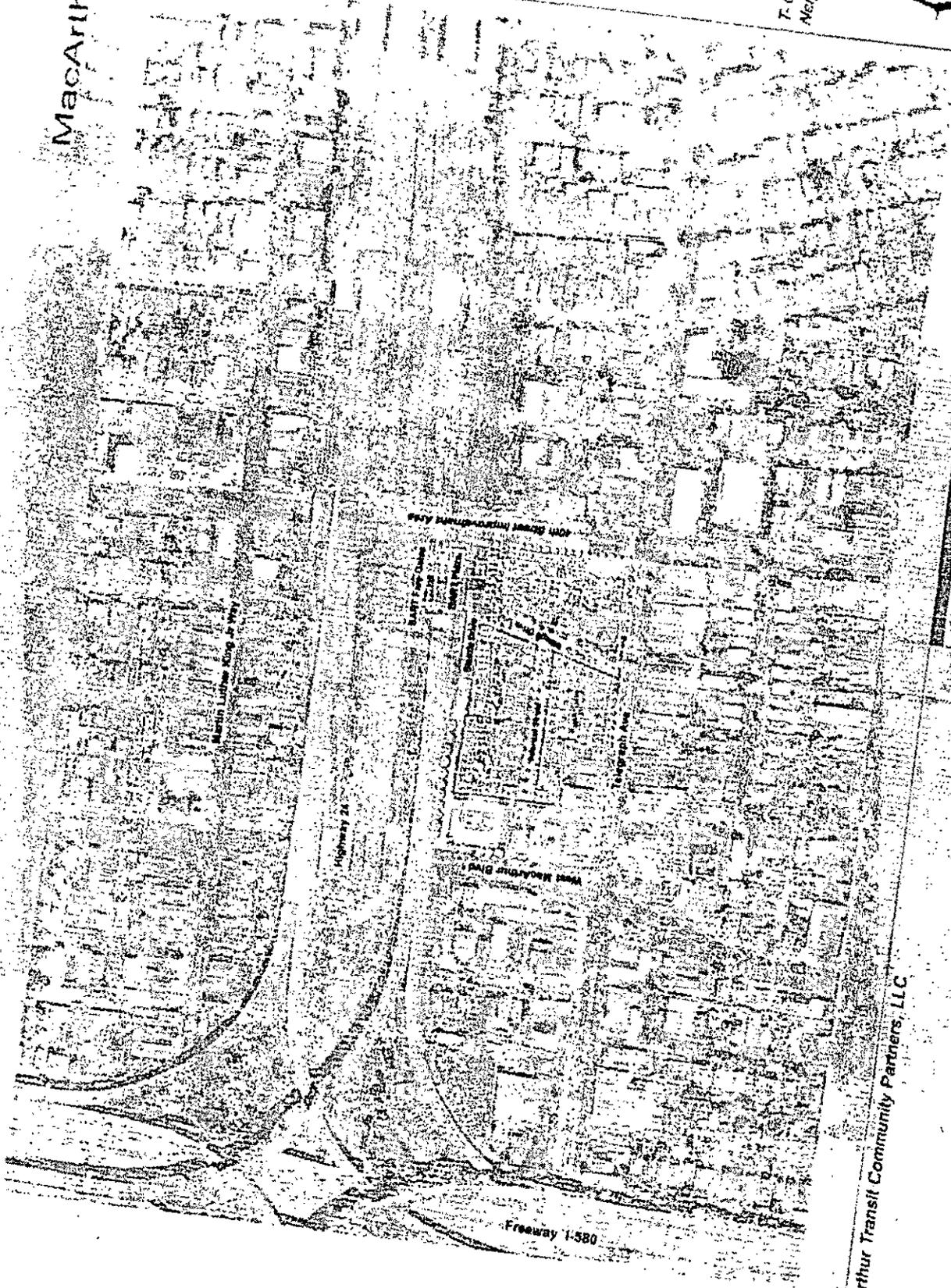
MacArthur



June 4, 2008

Public  
Development  
Planning Commission

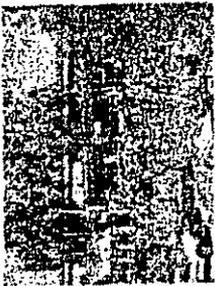
F-02  
Neighborhood Plan



MacArthur Transit Community Partners, LLC



Frontage Rd. near MacArthur Biv. looking North.



Northwest corner of BART Parking lot with BART Plaza in background.



Frontage Rd. with Shuttle Stop.



Frontage Rd. near BART Plaza.



BART Plaza with Fare Gates.



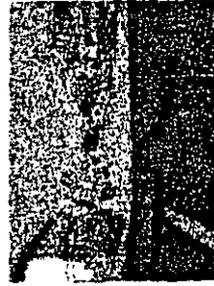
MacArthur Biv. near Frontage Rd. looking East.



Underpass of Hwy 24 on MacArthur Biv.



MacArthur Biv. looking South.



MacArthur Biv. near Frontage Rd. with Menal.



Telegraph Ave. corner with 40th St.



Telegraph Ave. looking North.



Apper St. at Telegraph Ave.



Redwood trees on Telegraph Ave.



Beula Memorial Cathedral on Telegraph Ave.



40th St. looking East.



40th St. crosswalk near BART Plaza looking North.



40th St. looking West from Telegraph Ave.



40th St. underpass/BART Plaza.



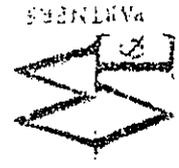
40th St. looking West.

MacArthur Biv. Station

June 4, 2004

Preliminary Development Plan Planning Commission

T-03 Photographs



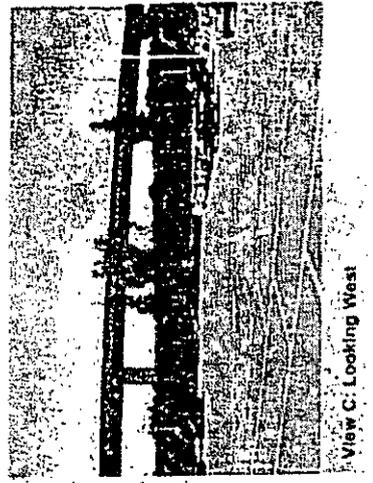
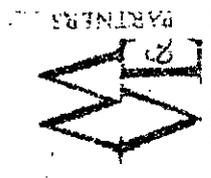
MacArthur Transit Community Partners, LLC



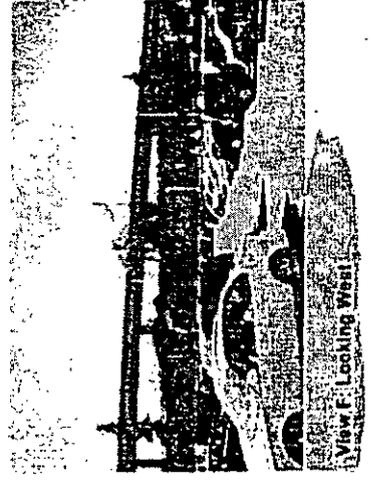
June 4, 2008

Preliminary  
Development Plan  
Planning Commission

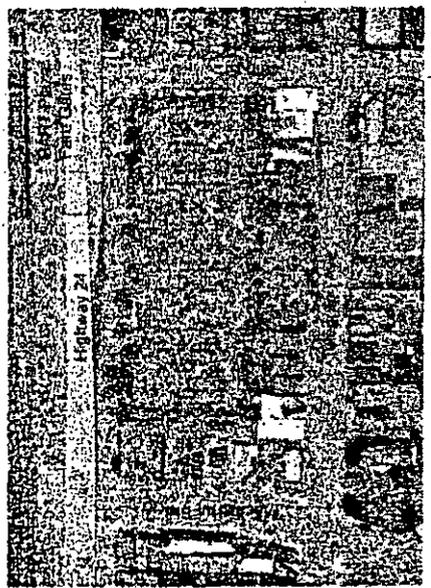
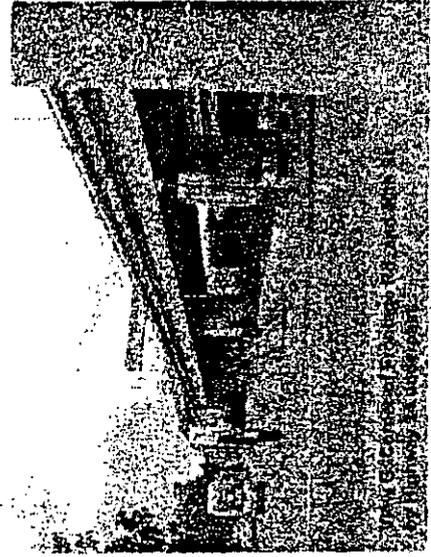
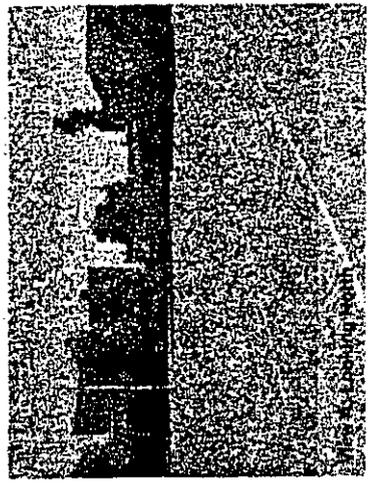
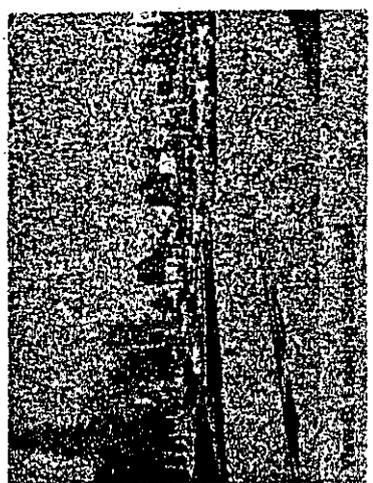
T-04  
Site Photographs



View C: Looking West



View F: Looking West



MacArthur Transit Community Partners, LLC

MacArthur



Highway 24

Highway 24

SAFT PLAZA

SAFT PLAZA

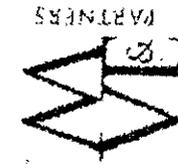
LEGEND

- 1.000' - 1.500' (Light Blue)
- 1.500' - 2.000' (Medium Blue)
- 2.000' - 2.500' (Dark Blue)
- 2.500' - 3.000' (Very Dark Blue)
- 3.000' - 3.500' (Black)
- 3.500' - 4.000' (Dark Grey)
- 4.000' - 4.500' (Medium Grey)
- 4.500' - 5.000' (Light Grey)
- 5.000' - 5.500' (White)
- 5.500' - 6.000' (Light Blue)
- 6.000' - 6.500' (Medium Blue)
- 6.500' - 7.000' (Dark Blue)
- 7.000' - 7.500' (Very Dark Blue)
- 7.500' - 8.000' (Black)
- 8.000' - 8.500' (Dark Grey)
- 8.500' - 9.000' (Medium Grey)
- 9.000' - 9.500' (Light Grey)
- 9.500' - 10.000' (White)

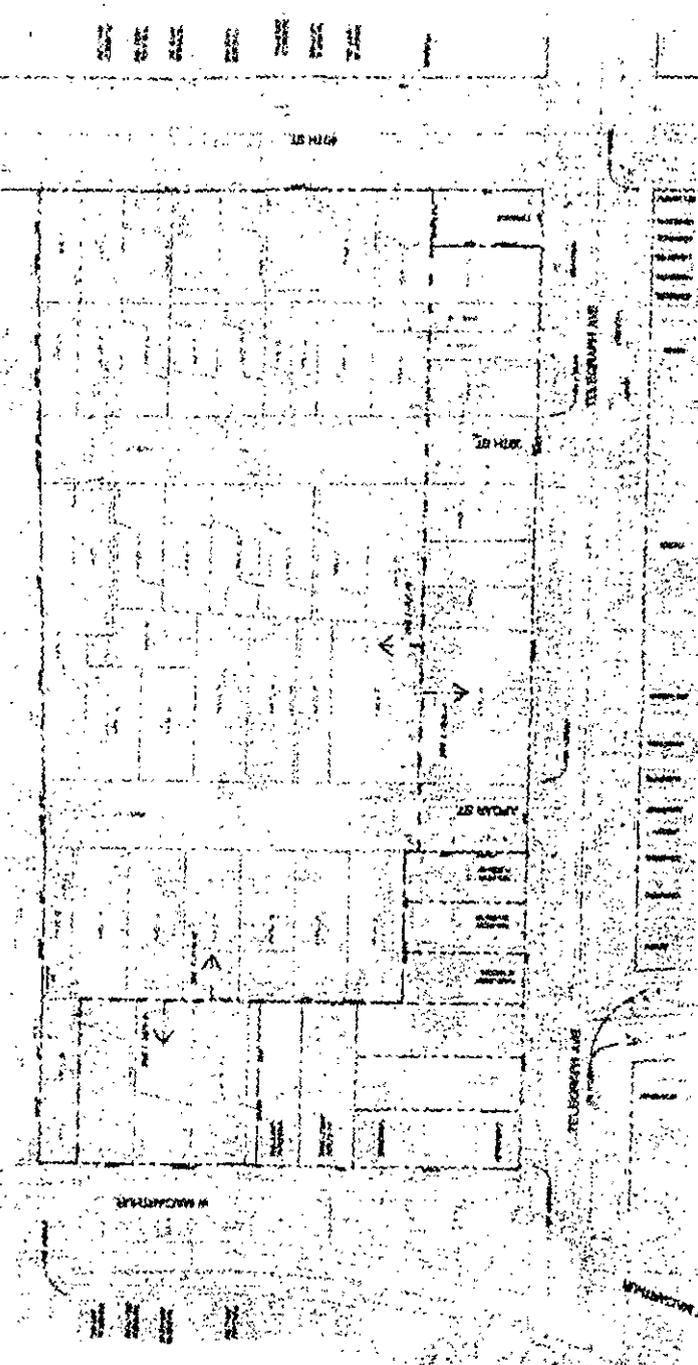
June 4, 2009

Preliminary  
Development Plan/  
Planning Commission

C-00 Existing  
Conditions Plan



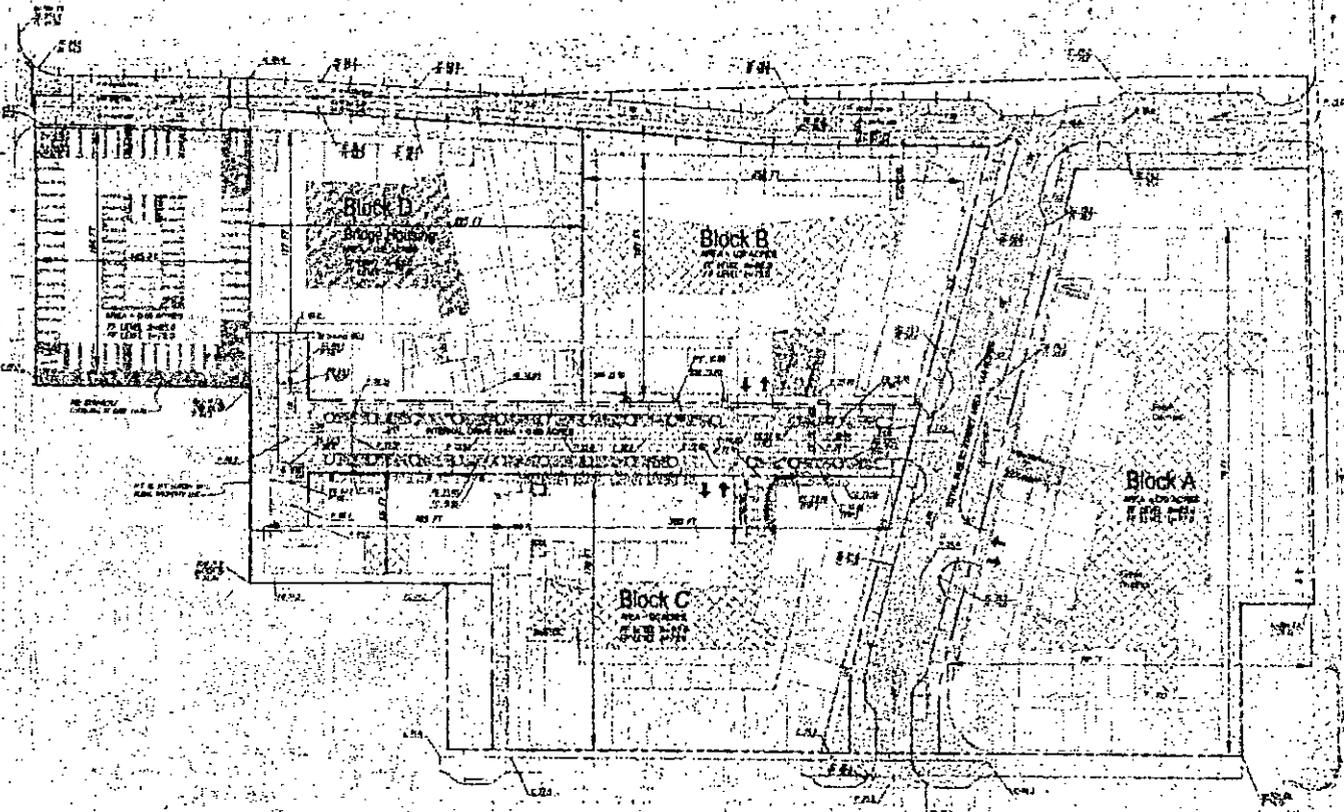
MacArthur Transit Community Partners, LLC



June 4, 2008

Preliminary  
Development Plan  
Planning Commission

C-01 Preliminary  
Grading Plan



LEGEND

- Proposed Grading
- Proposed Pavement
- Proposed Utility
- Proposed Structure
- Proposed Landmark

NOTES

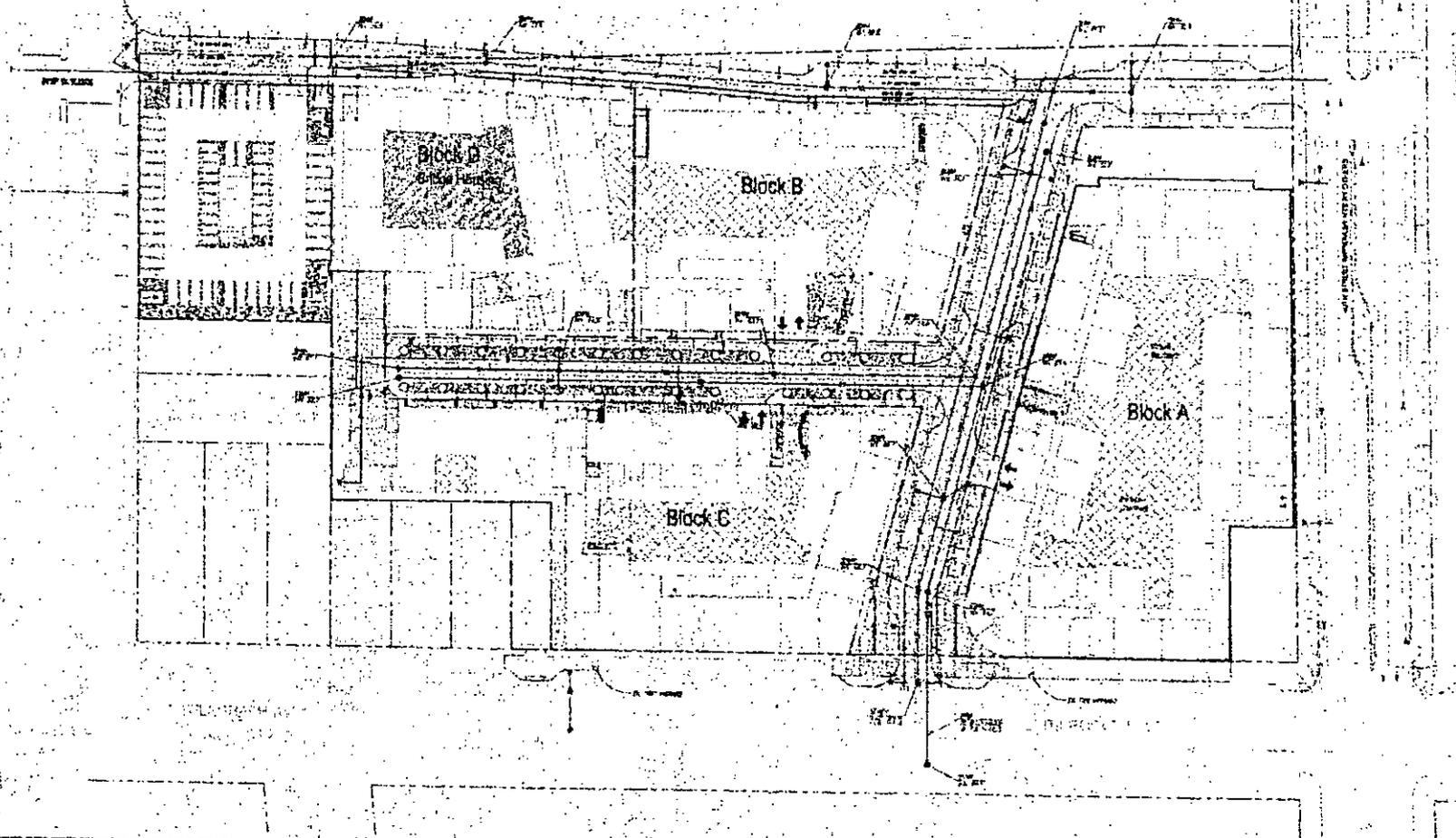
1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

MacArthur

OAKLAND, CALIFORNIA

June 4, 2003

Preliminary  
Development Plan  
Planning Commission



C-02 Preliminary  
Utility Plan

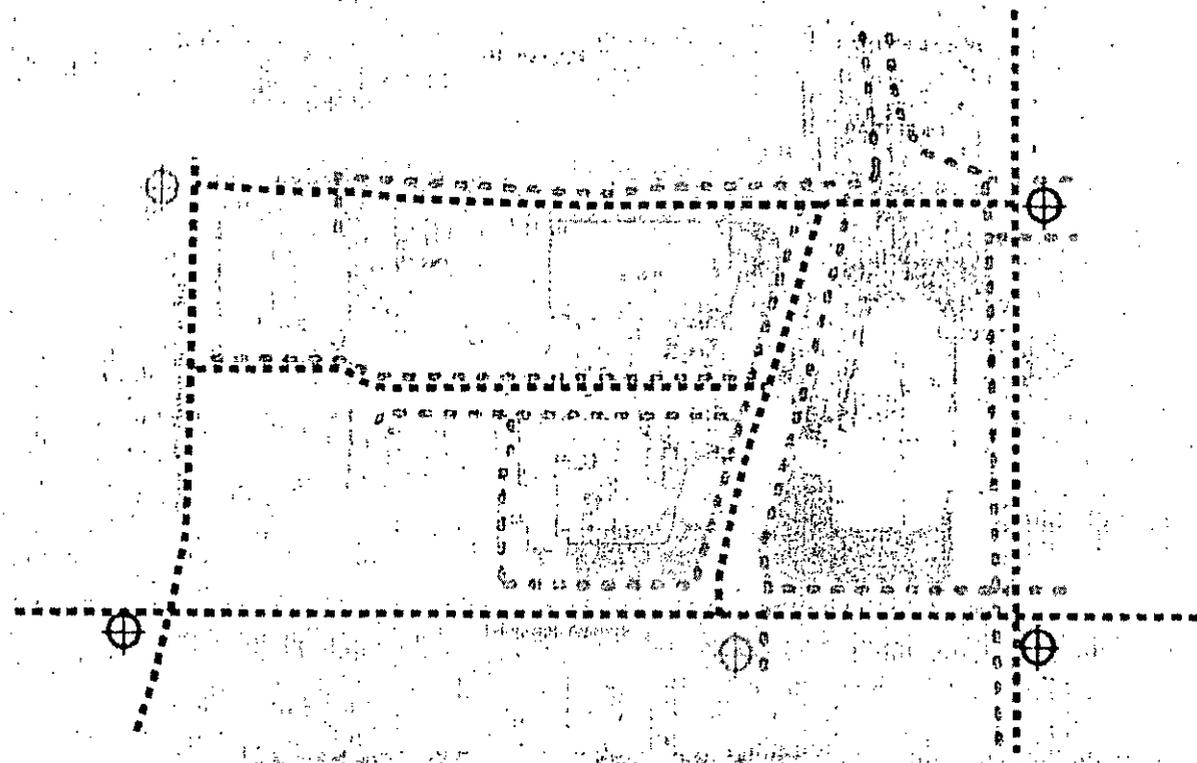


MacArthur Transit Community Partners, LLC



June 4, 2008

Preliminary  
Development Plan  
Planning Commission



- Pedestrian
- .... Bike
- ⊕ Existing Traffic Signal
- ⊙ Proposed Traffic Signal

A-0.01  
Pedestrian & Bike  
Circulation

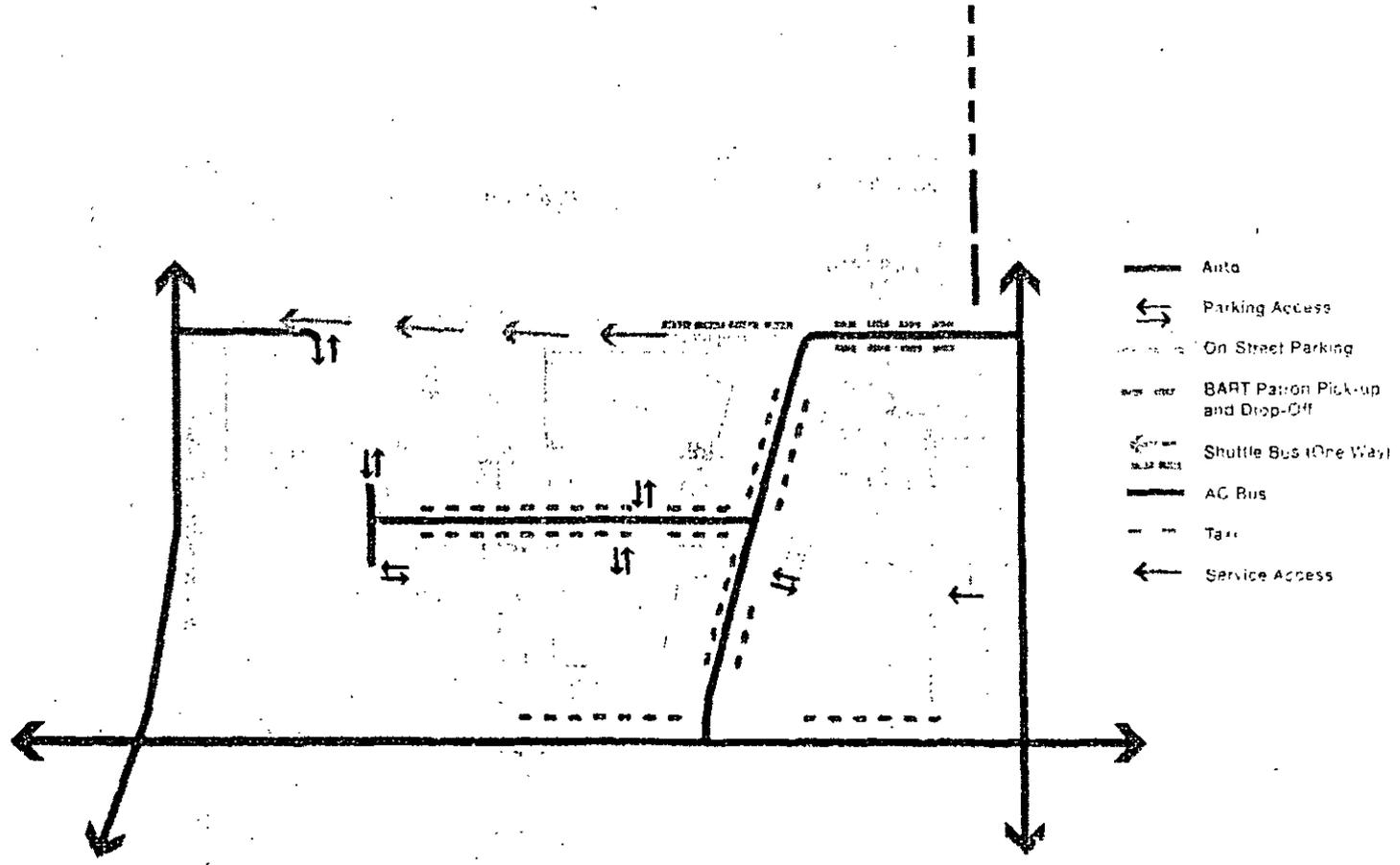


# MacArthur



June 4, 2010

Preliminary  
Development Plan  
Planning Commission



A-0.02  
Vehicular Circulation

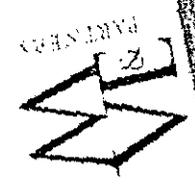


STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

April 3, 2008

Professional Engineer  
Professional No. 40888  
Exp. 01/31/2010

A-1.01  
Street Level



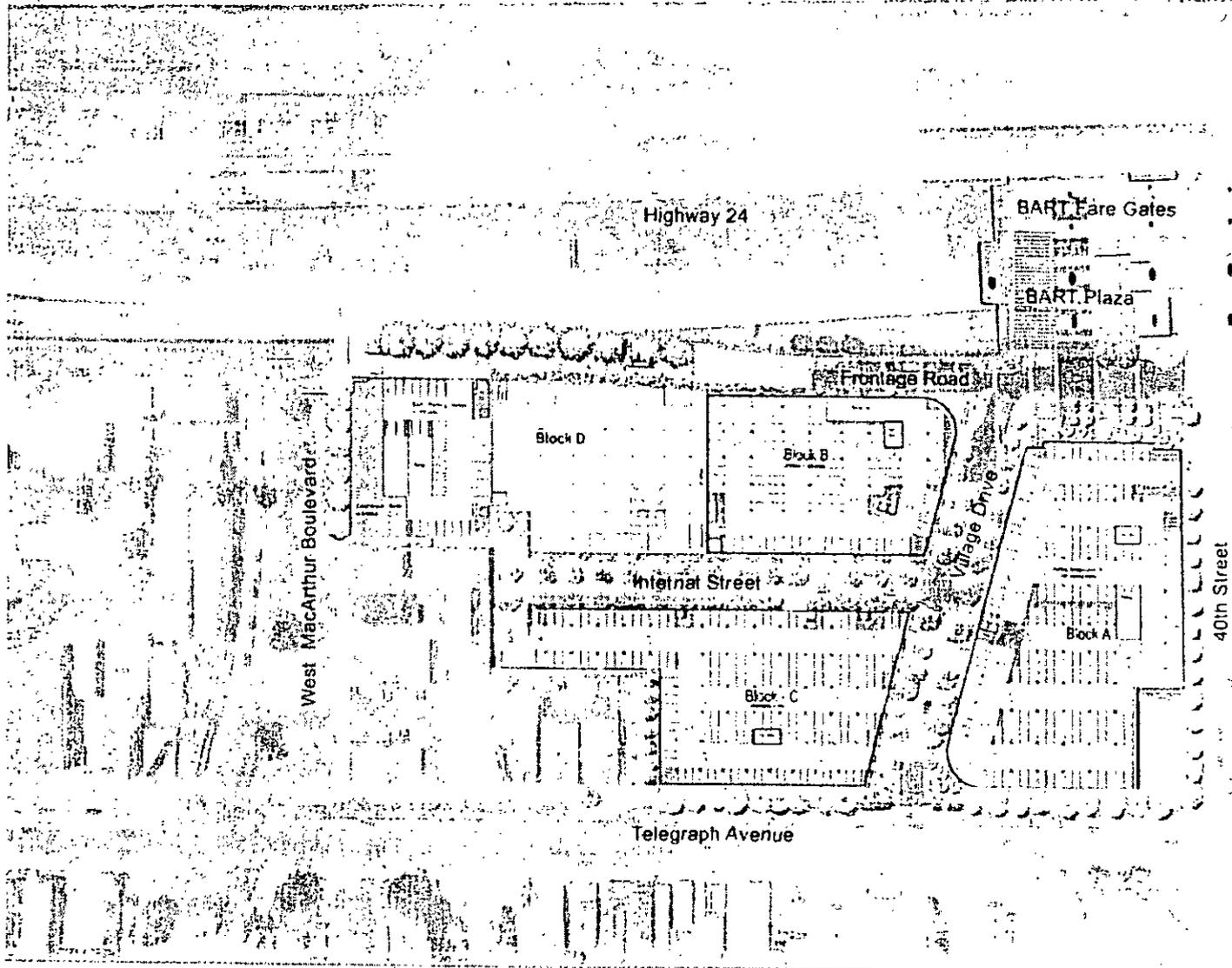
MacArthur Transit Community Partners, LLC

BART

OAKLAND CALIFORNIA

July 1, 2011

Architect  
Civil and Structural  
Engineering



A-1.0A  
Garage Level Plan



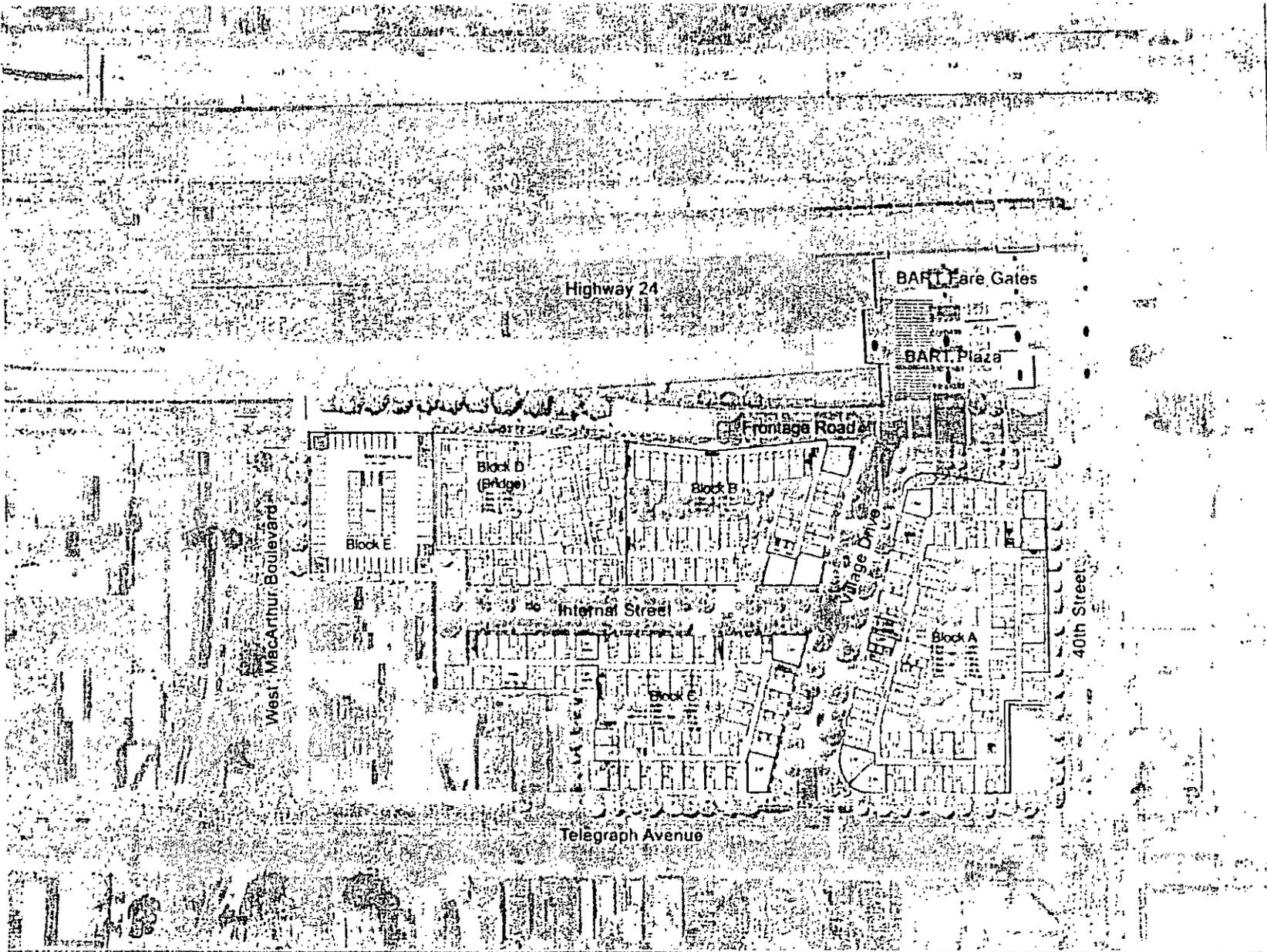
MacArthur Transit Community Partners, LLC



OAKLAND, CALIFORNIA

June 4, 2008

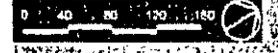
Highway  
Development Plan  
Planning Commission



A-1.02 Typical  
Upper Level Plan

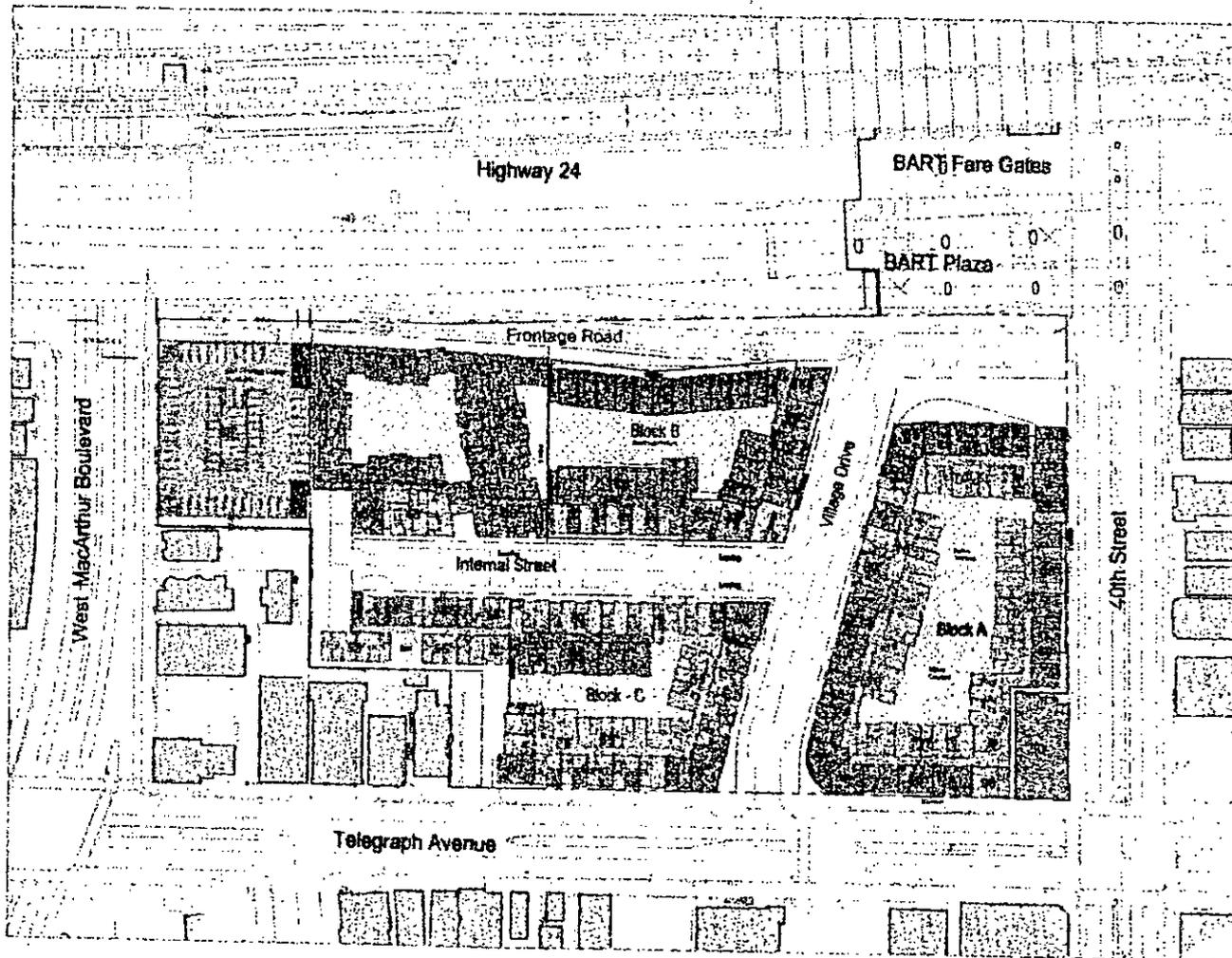


MacArthur Transit Community Partners, LLC



June 4, 2008

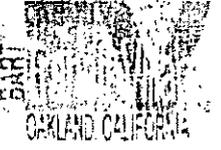
Preliminary  
Development Plan  
Planning Commission



[Symbol]	+/- 50'
[Symbol]	60'
[Symbol]	65'
[Symbol]	70'
[Symbol]	75'
[Symbol]	80'
[Symbol]	85'

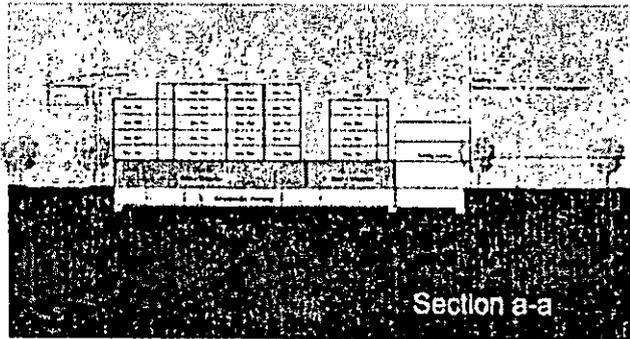
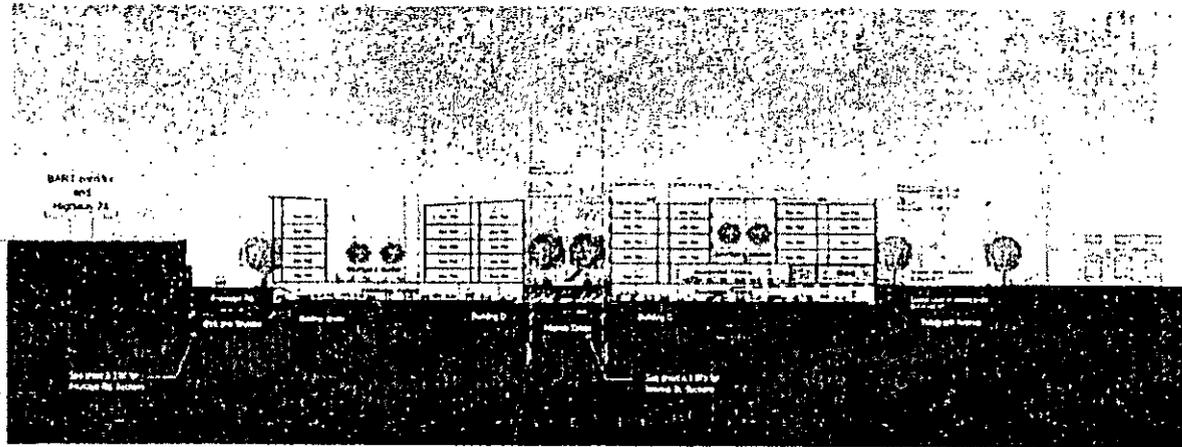
A-1.0H  
Building Height  
Diagram



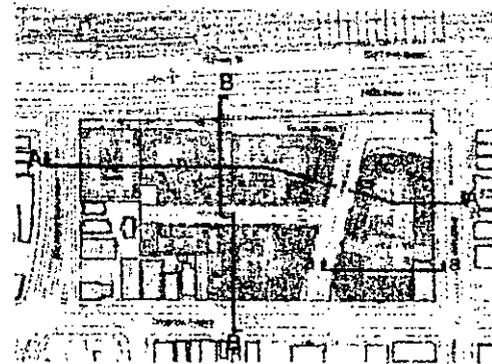


June 4, 2008

Primary  
Development Plan  
Planning Commission



Section a-a



Key Plan

A-3.01a  
Building Sections

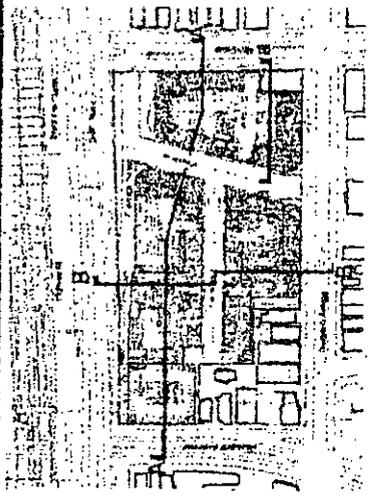
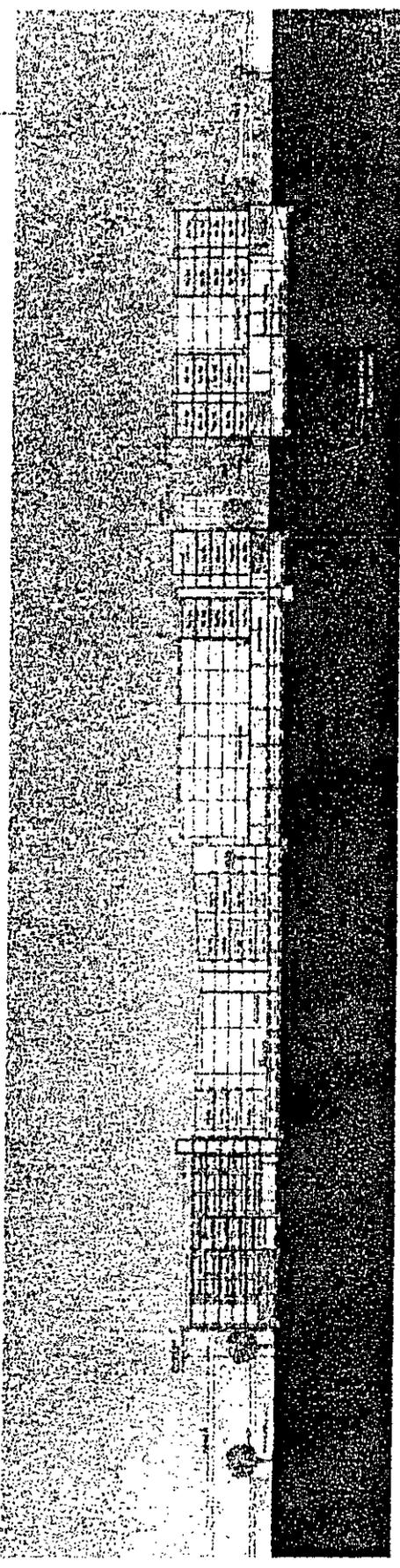


# MacArthur

Orange County

June 4, 2008

Preliminary  
Development Plan/  
Planning Commission



Key Plan

4-3-01b  
Building Sections



MacArthur Transit Community Partners, LLC



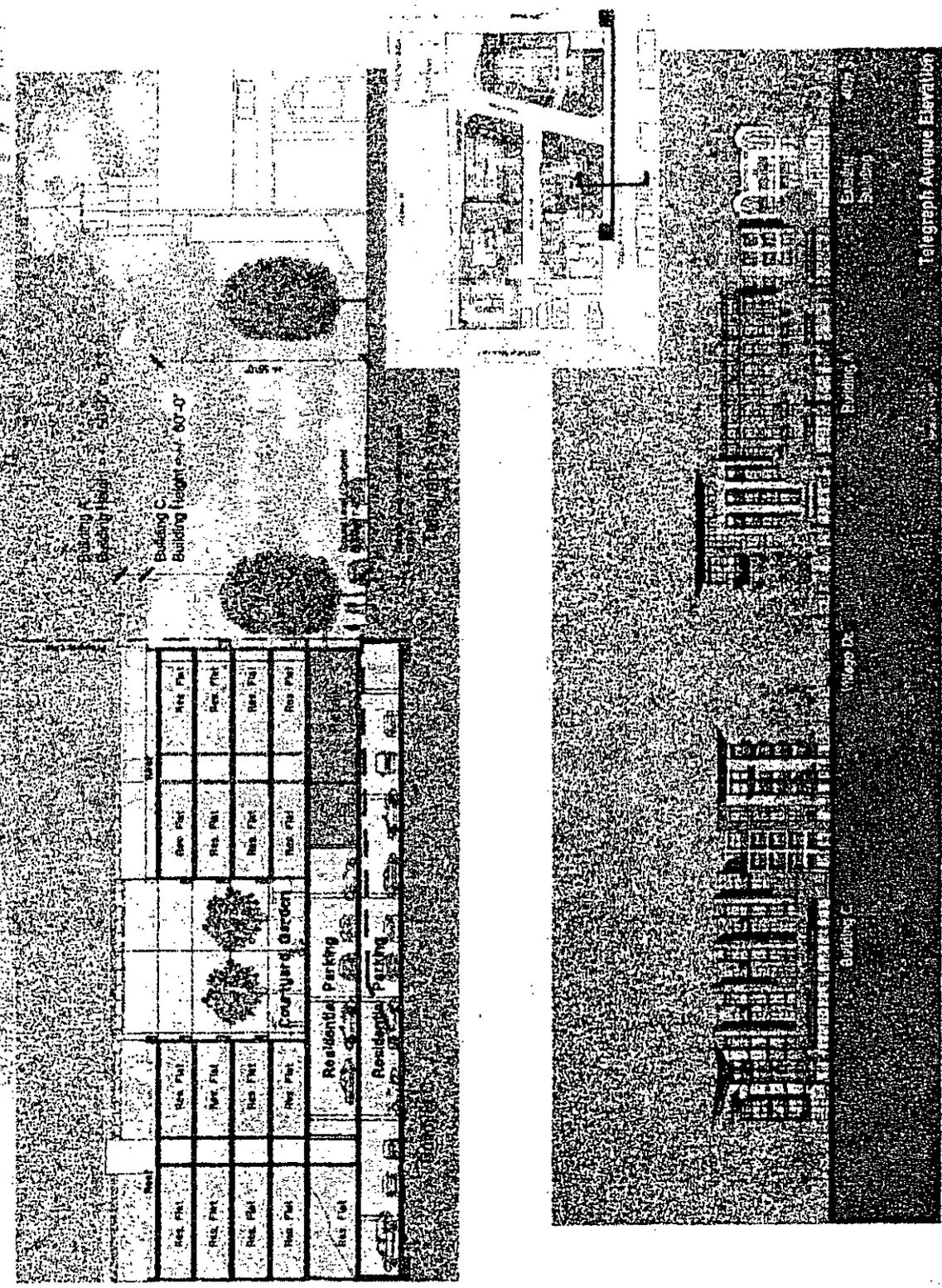
MacArthur

WALTON, CALIFORNIA

June 4, 2024

Preliminary  
Development Plan/  
Planning Commission

A-3.02  
Expos: Telegraph Ave

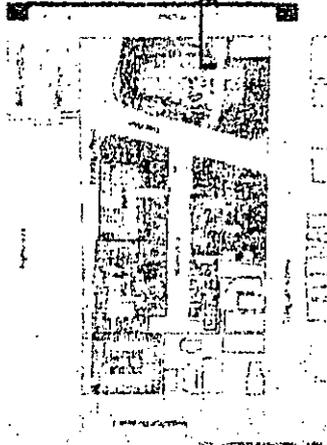
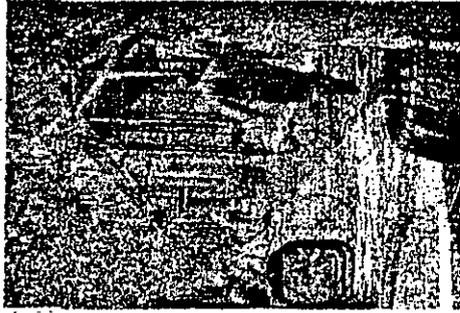
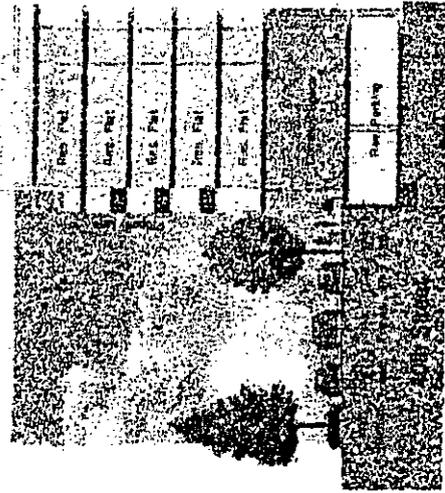


MacArthur Transit Community Partners, LLC

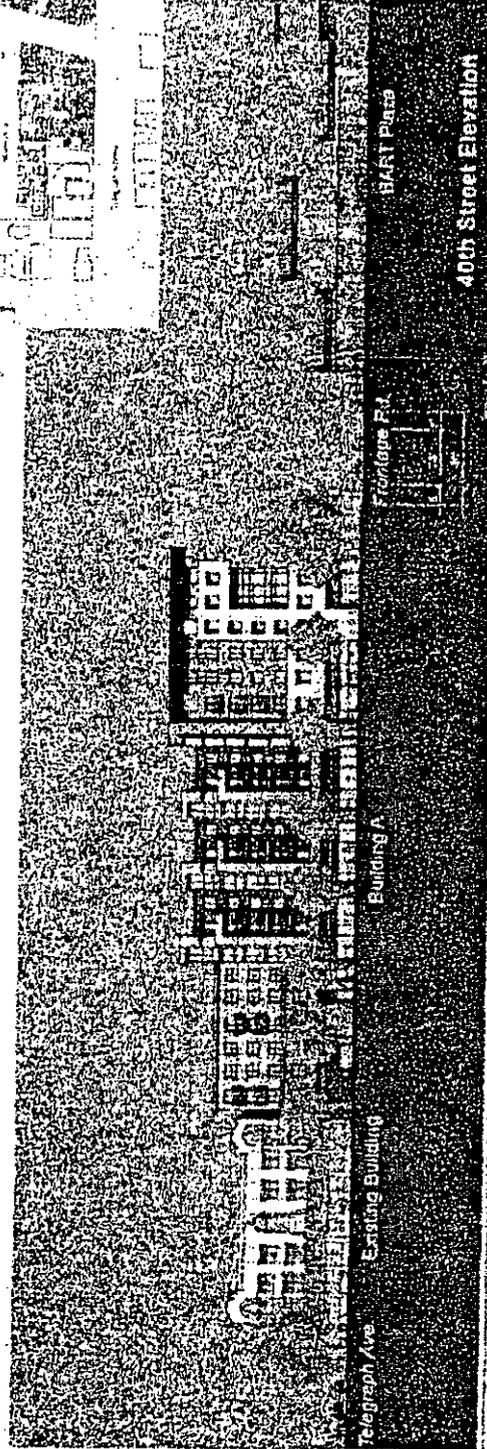
MacArthur  
177

CONING, CALIFORNIA

Building A  
Building Height +/- 60'-0" to 75'-0"



A-3.03  
Edges: 40th St.



MacArthur Transil Community Partners, LLC

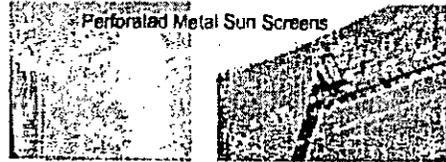


# MacArthur

OAKLAND, CALIFORNIA

June 4, 2011

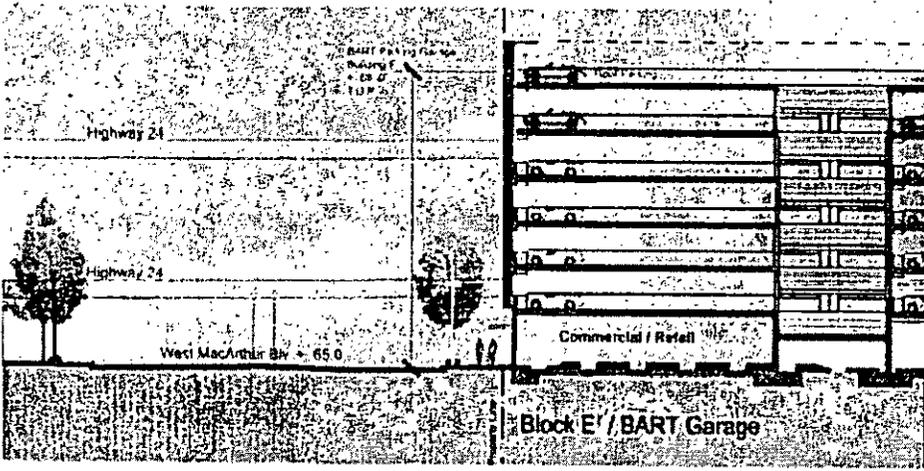
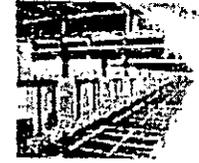
Preliminary  
Development Plan  
Planning Commission



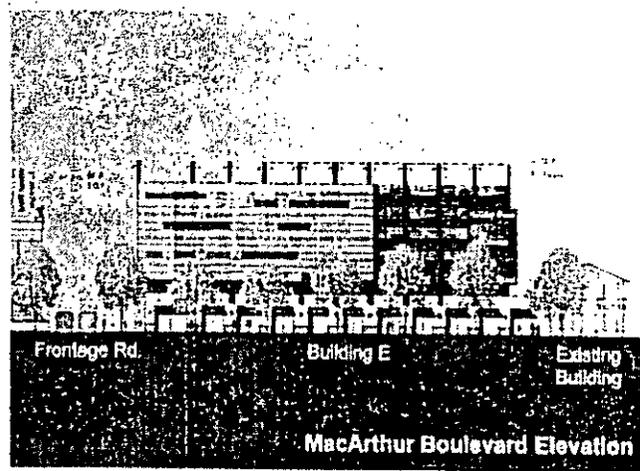
Perforated Metal Sun Screens



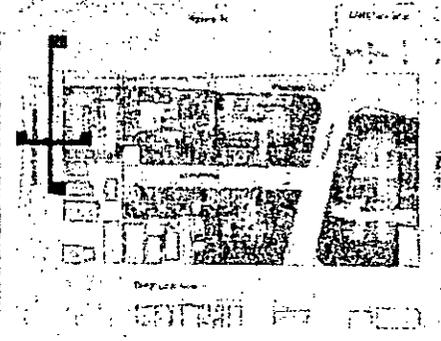
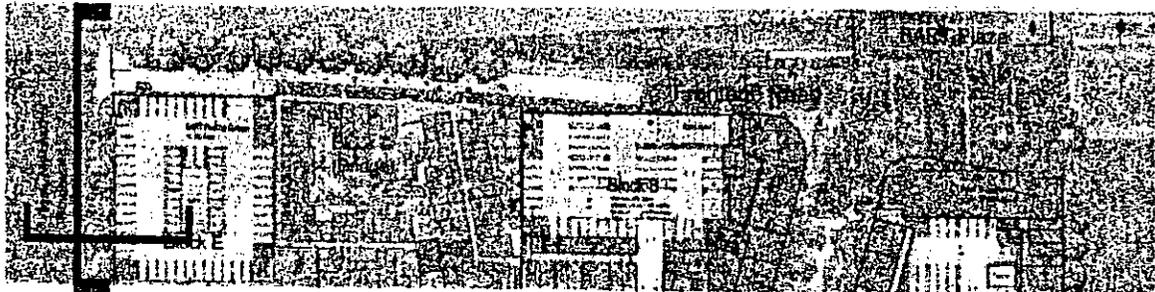
PV Solar Panels



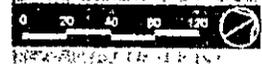
Block E / BART Garage



MacArthur Boulevard Elevation



A-3.04  
Edges: West  
MacArthur Blvd



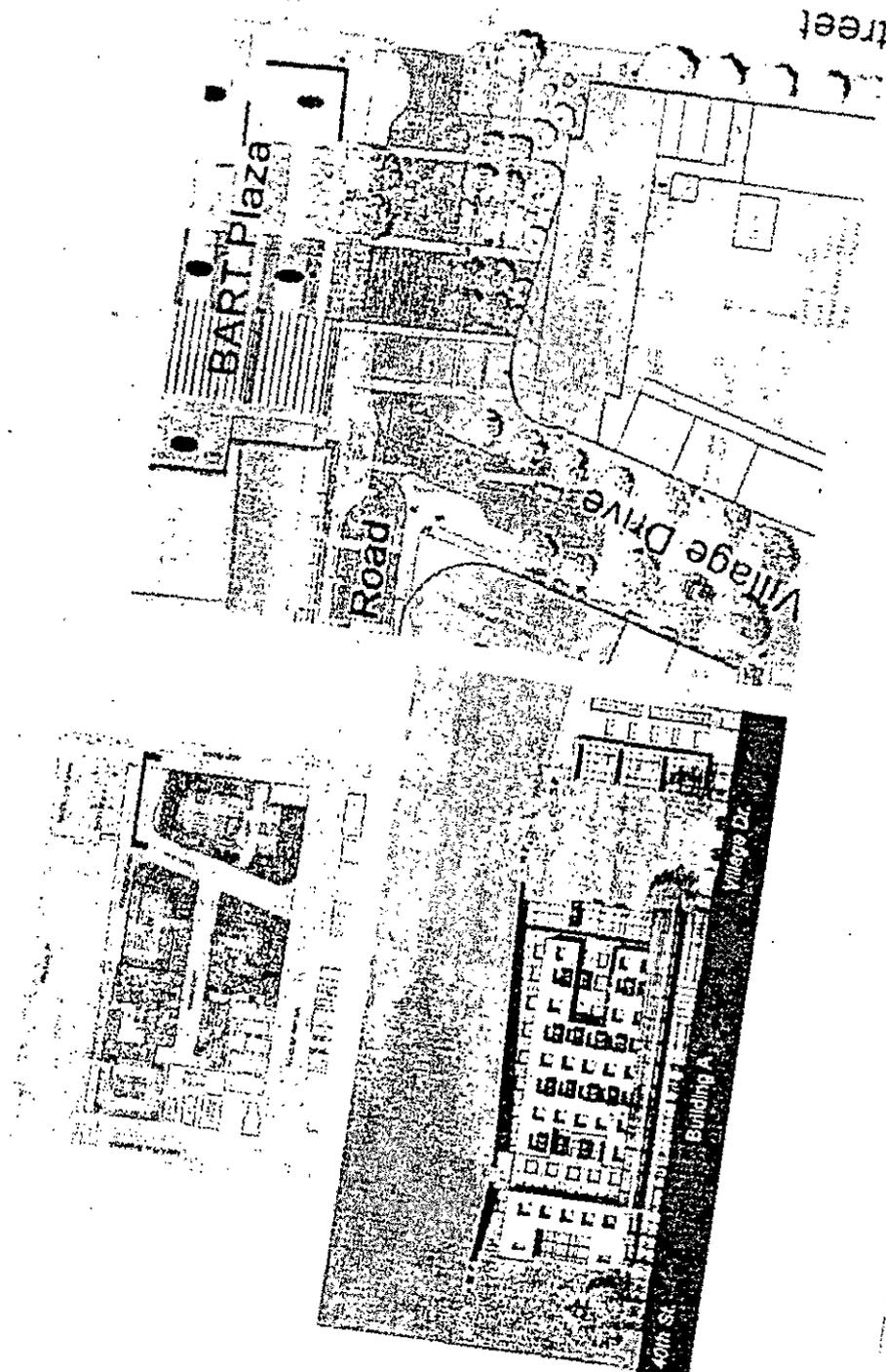
MacArthur  
100  
76

2014/08/01

08/01/2014

Project Name: [illegible]  
Project No: [illegible]  
Drawing No: [illegible]

A-3-05  
Edges: BART  
Plaza



MacArthur Transit Community Partners, LLC

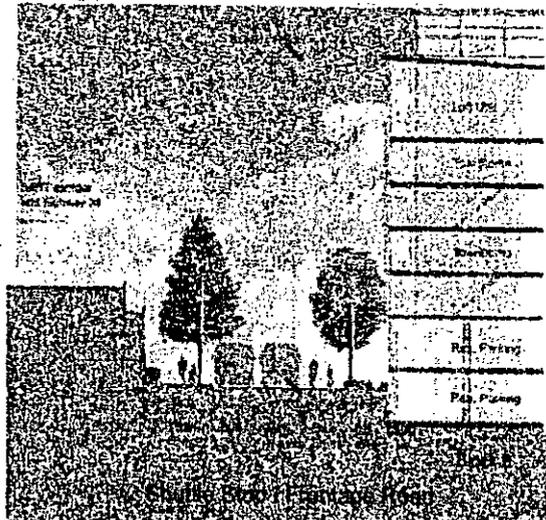
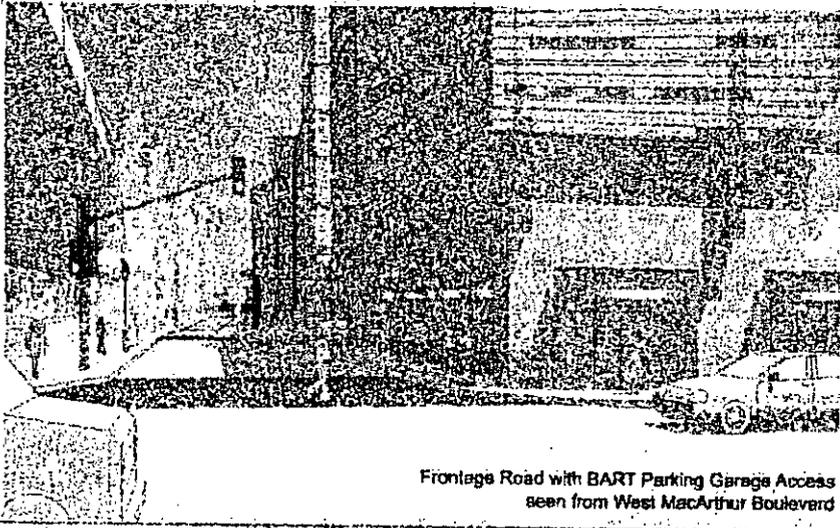
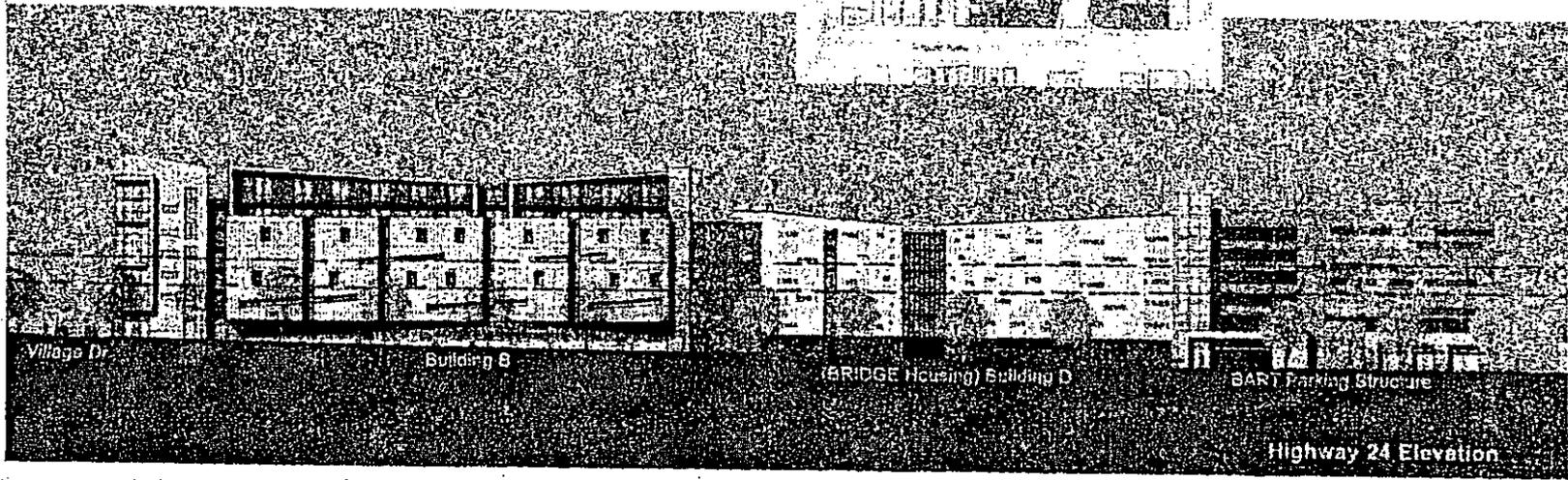
MacArthur

ORLANDO, CALIFORNIA

June 4, 2006

Preliminary  
Development Plan  
Planning Commission

Upper Deckway  
Northbound Lane



A-3.06  
Edges: Frontage  
Road / Hwy 24



MacArthur Transil Community Partners, LLC



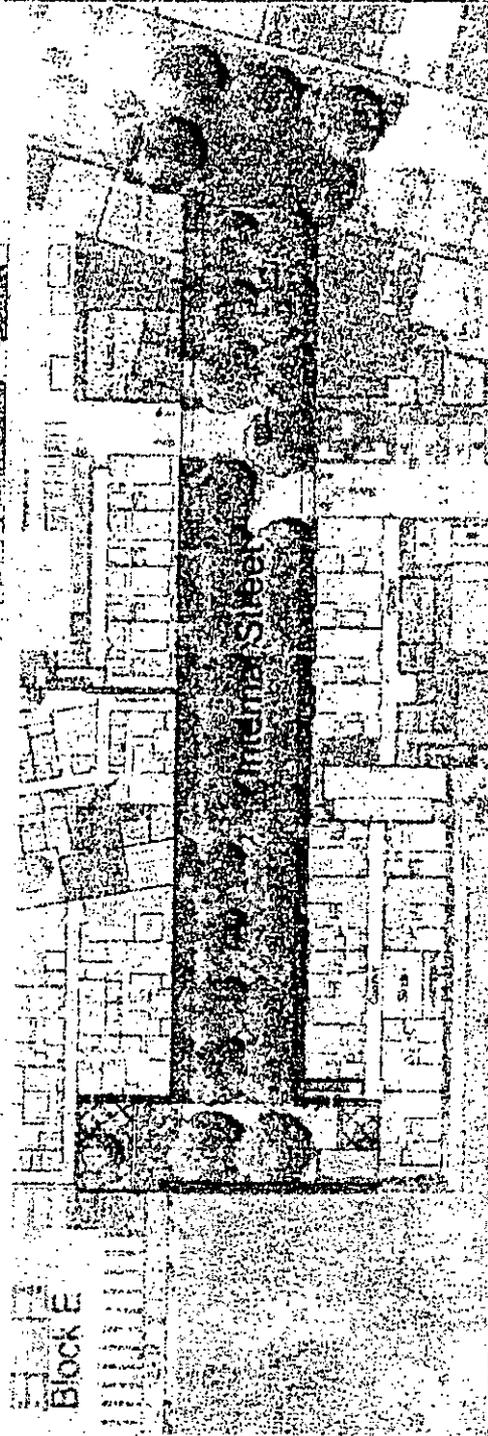
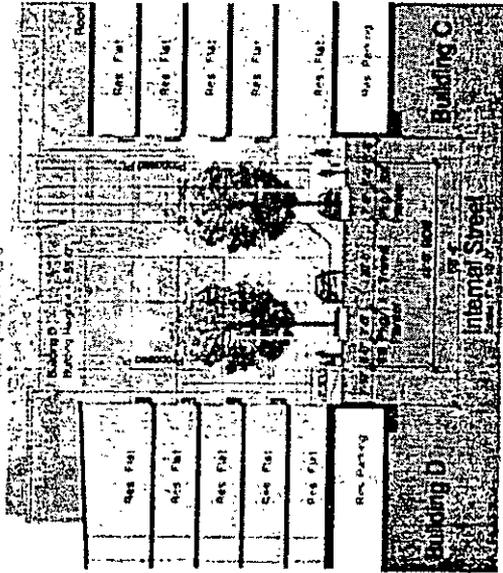
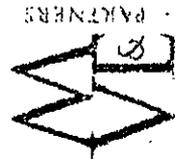
MacArthur

INTERNAL STREET

JUNE 4, 2008

Preliminary  
Development Plan  
Planning Commission

A-3.07a  
Internal Street



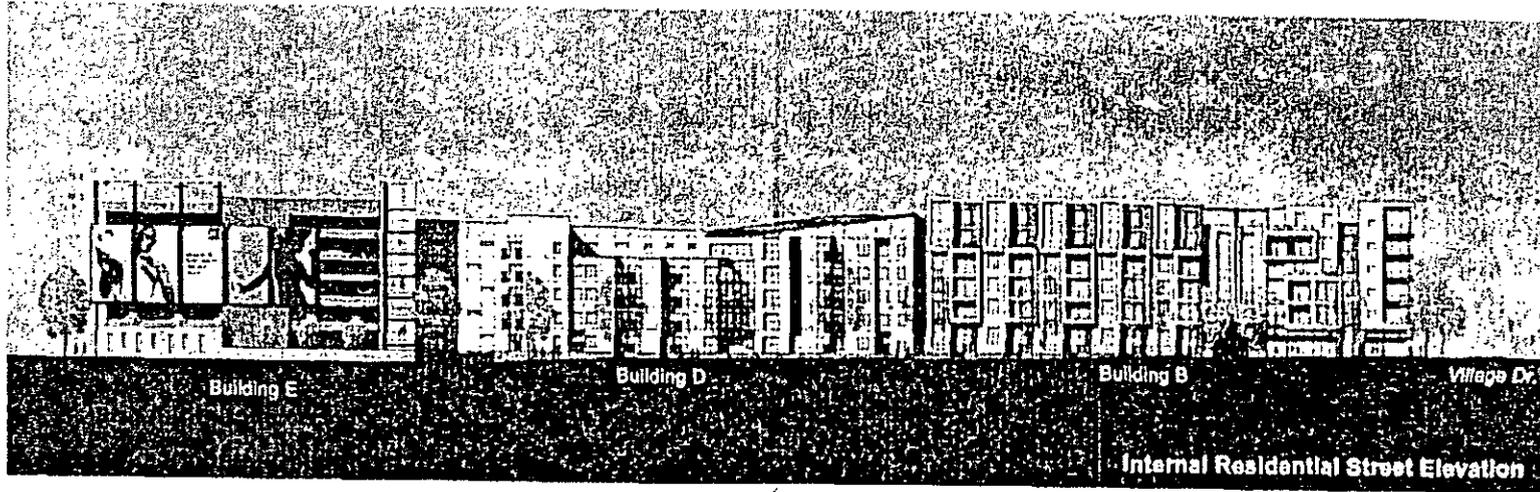
MacArthur Transil Community Partners, LLC

MacArthur

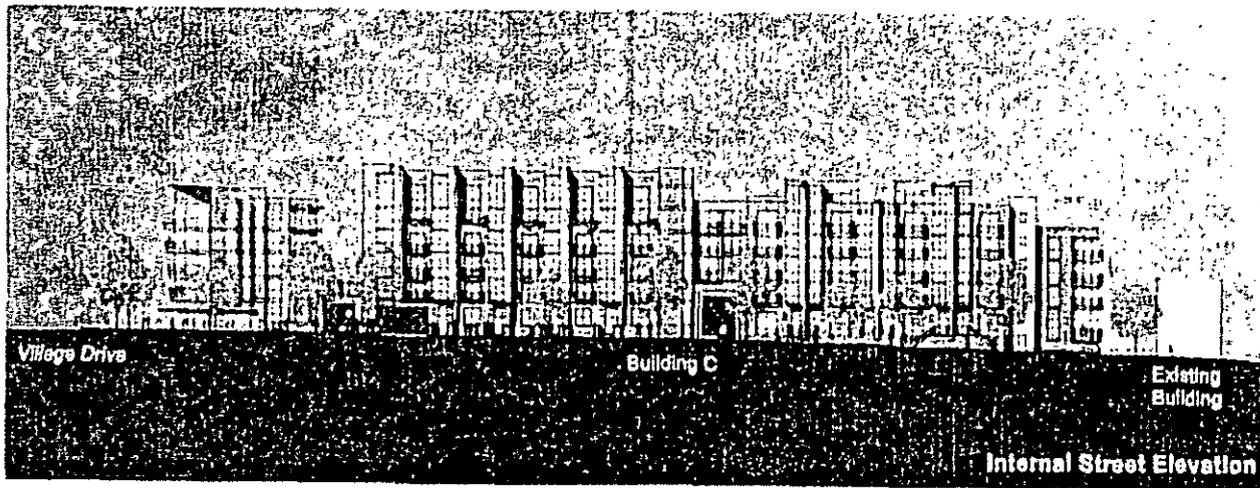
OAKLAND, CALIFORNIA

June 4, 2008

City of Oakland  
Department of Urban  
Planning & Community Development



Internal Residential Street Elevation

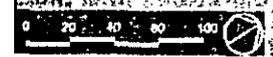


Internal Street Elevation

A-3.07b  
Internal Street



MacArthur Transit Community Partners, LLC



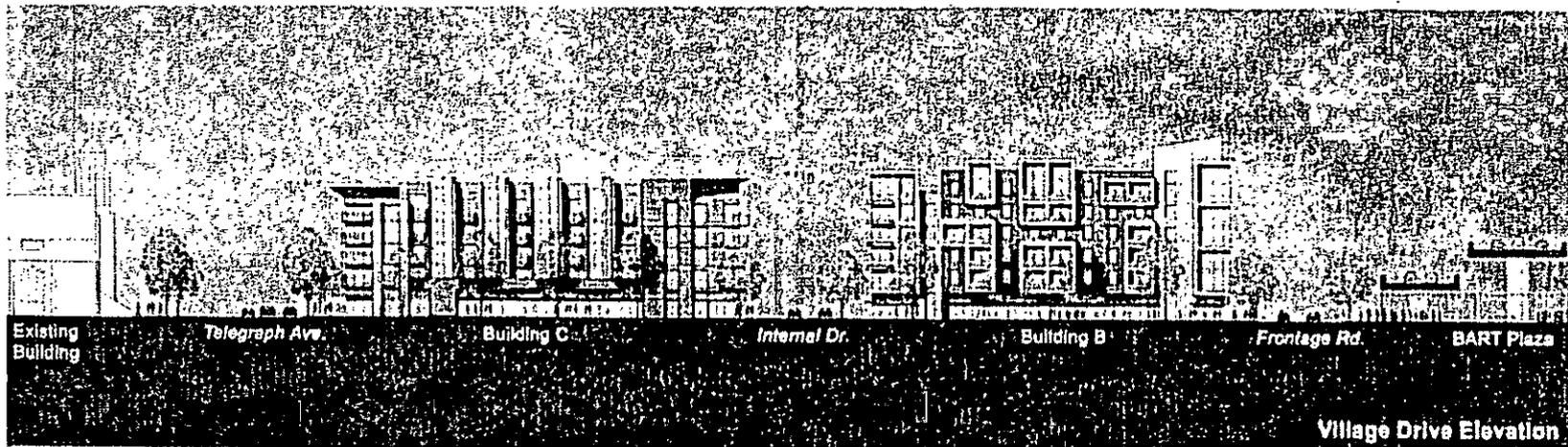
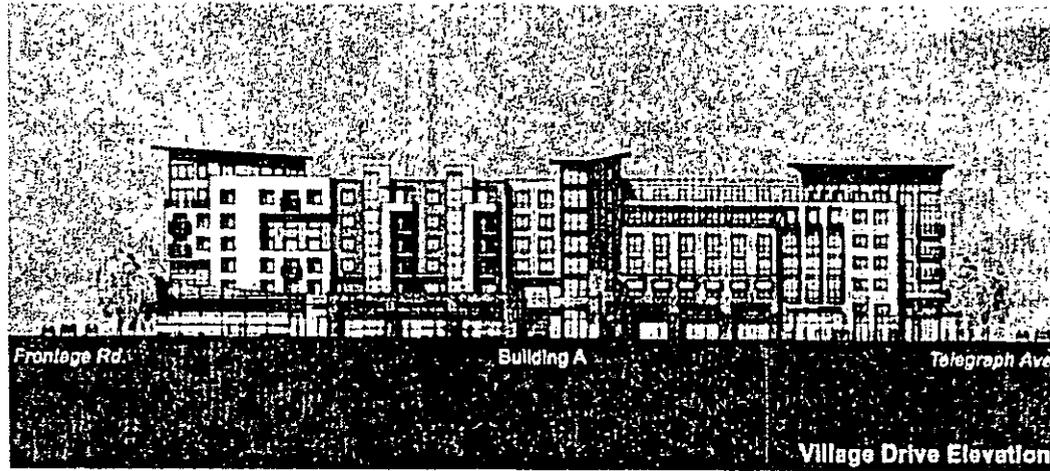


MacArthur

OAKLAND, CALIFORNIA

June 1, 2008

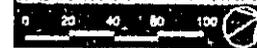
Preliminary  
Development Plan  
Planning Commission



A-3.08b  
Village Drive



MacArthur Transit Community Partners, LLC

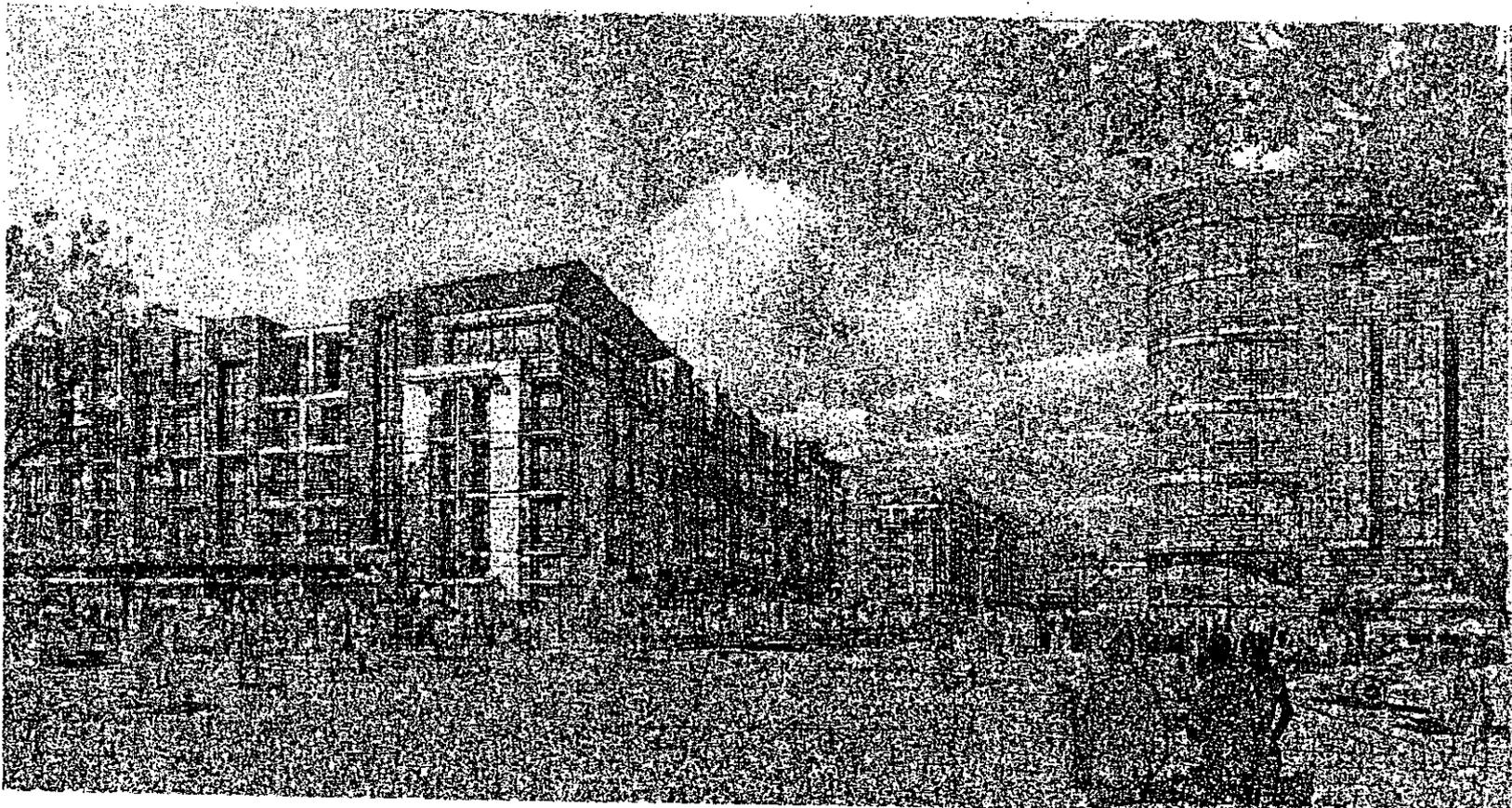


MacArthur

OAKLAND, CALIFORNIA

June 4, 2008

Preliminary  
Development Plan  
Planning Commission



A-5.01 Perspective  
Village Drive

Village Drive viewed from Telegraph Avenue



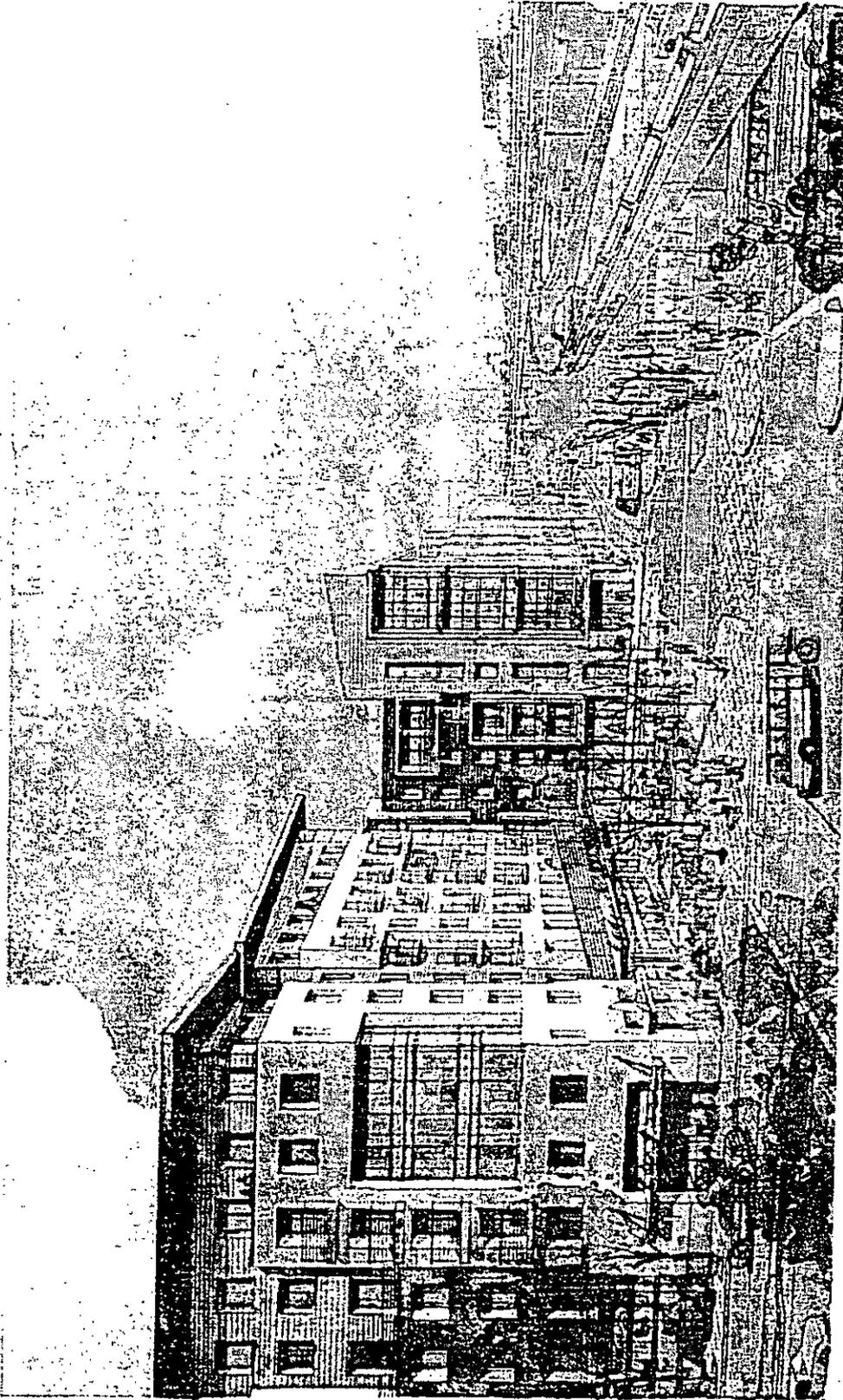


MacArthur

June 4, 2008

Preparatory  
Developmental Plan  
Planning Community  
Workshop

A-6.02 (Perspective)  
BART Plaza



View of BART Plaza

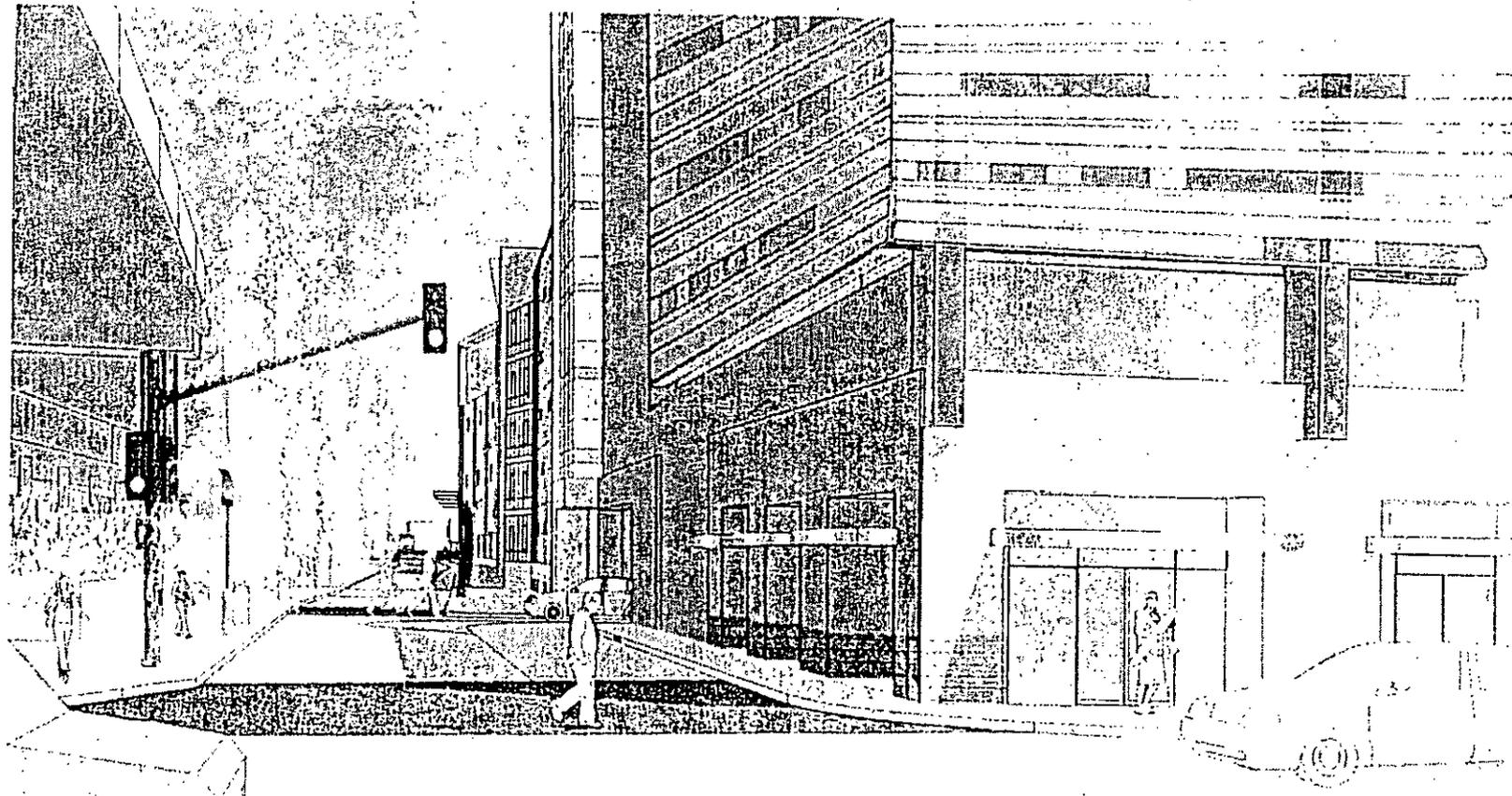
MacArthur Transit Community Partners, LLC

# MacArthur

OAKLAND, CALIFORNIA

July 17, 2003

Pre-Application  
Department of Planning  
& Land Use Division



A-6 03 Perspective  
Frontage Road



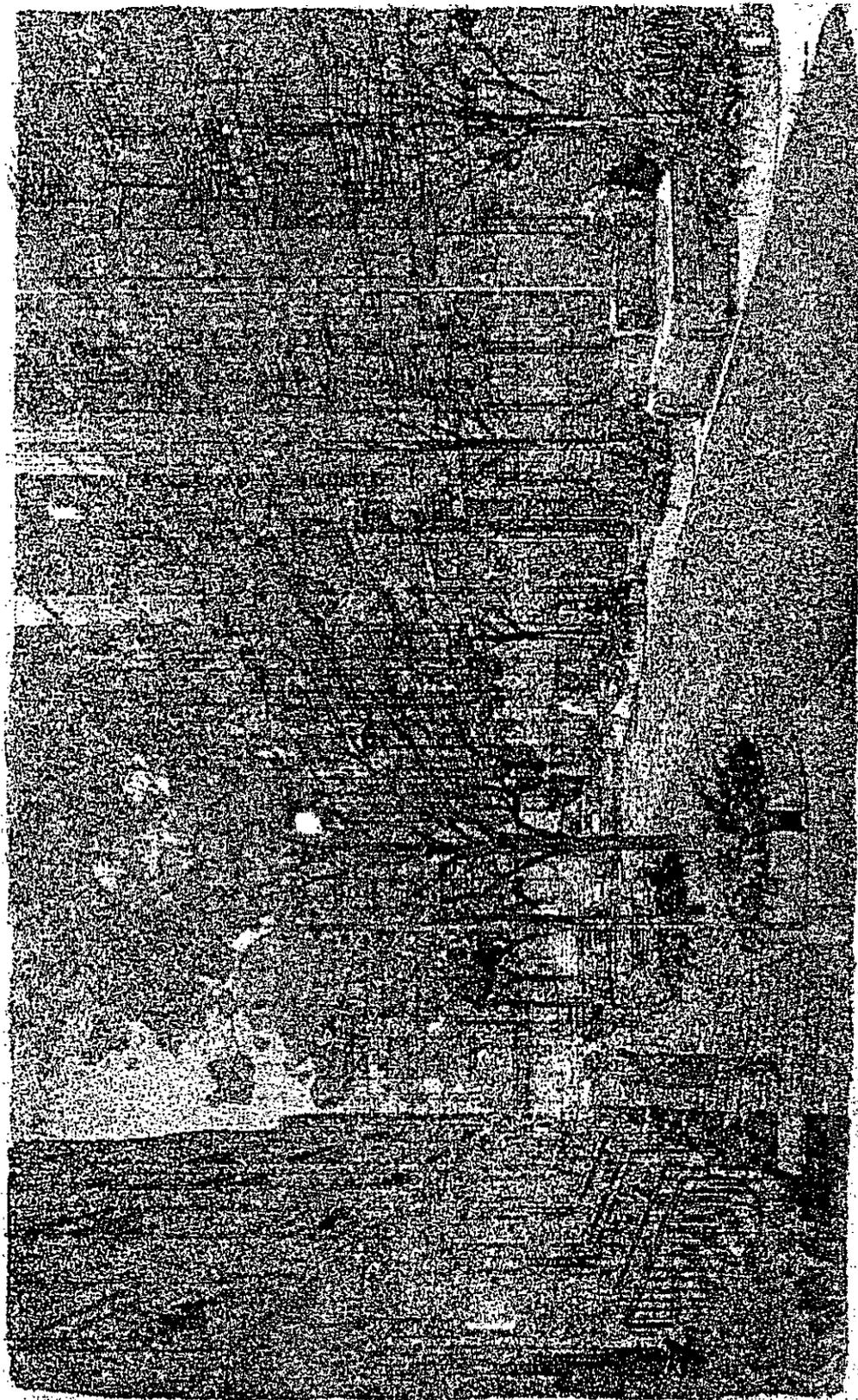
View of Frontage Road from MacArthur Boulevard

MacArthur

June 4, 2008

Preliminary  
Development Right  
Planning Commission

A-6.02 Perspective:  
Internal Street

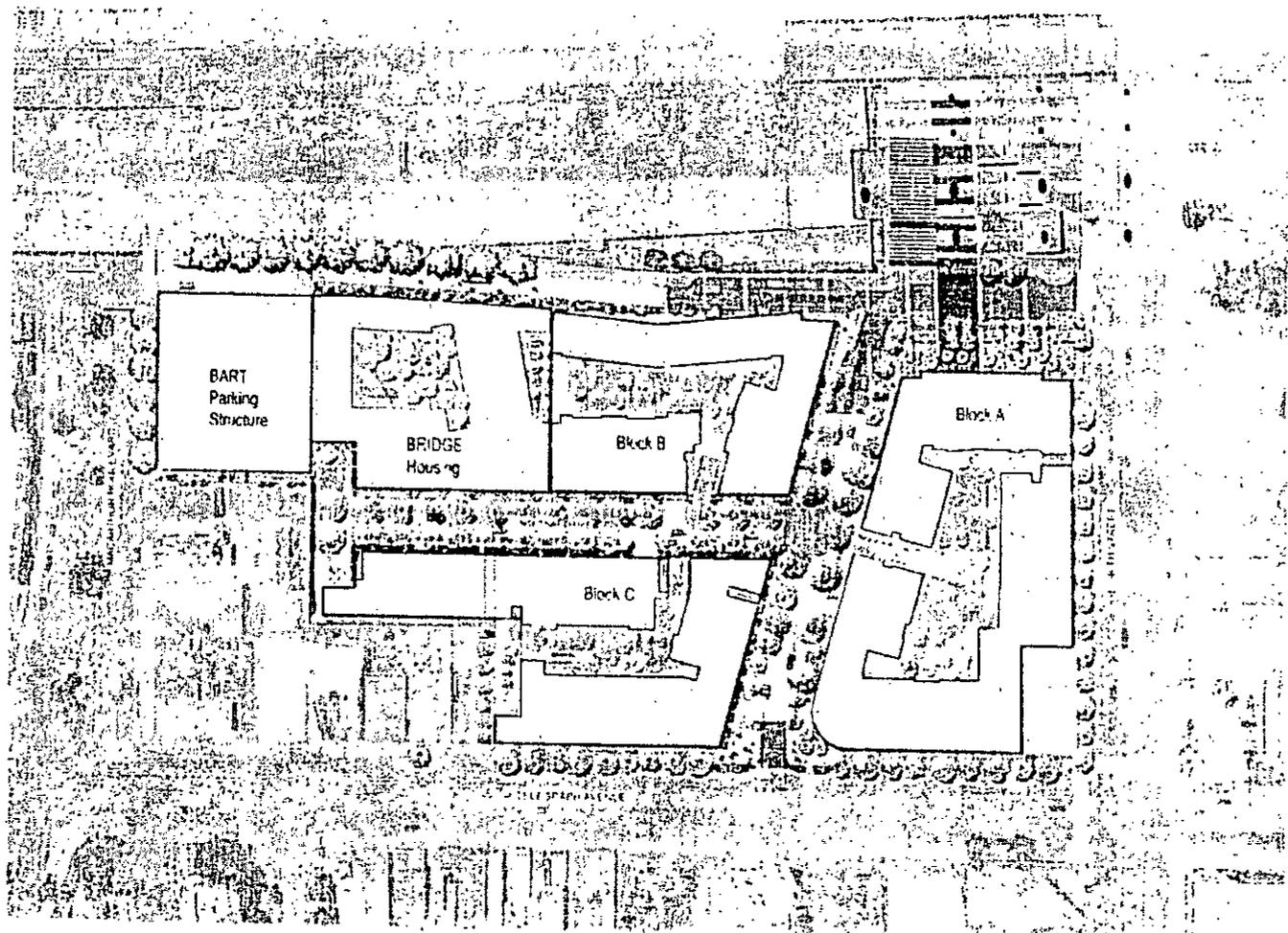


View of Internal Street Looking North

MacArthur Transit Community Partners, LLC

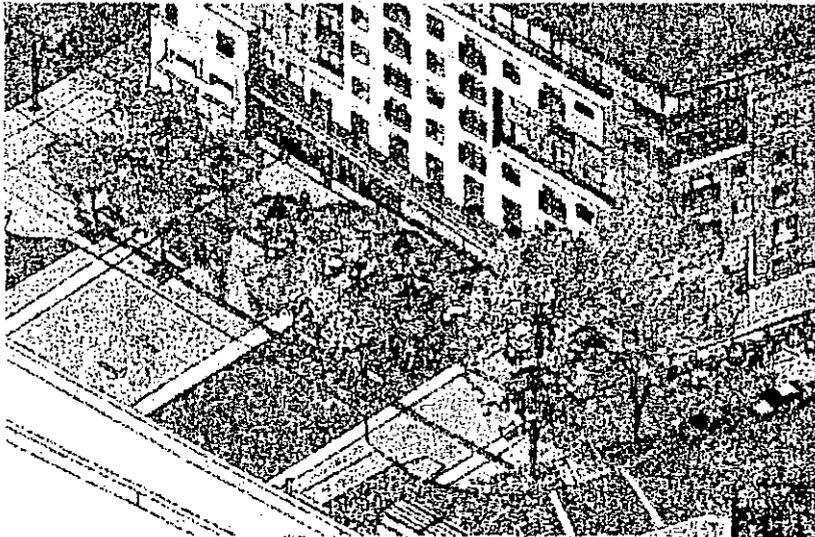
June 4, 2009

Planning,  
Development &  
Planning Commission

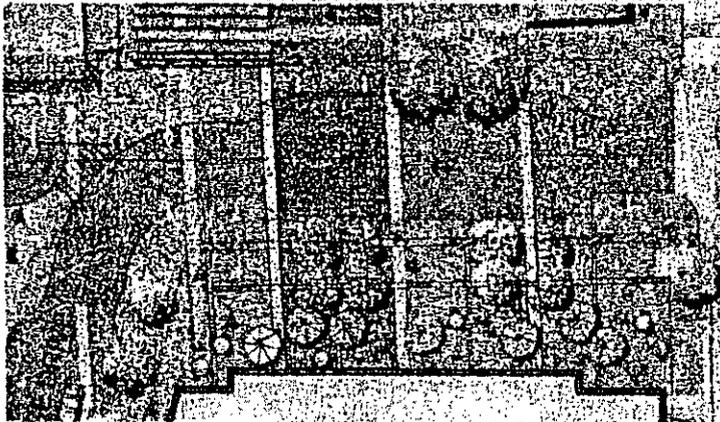


L-01  
Landscape  
Master Plan





BART PLAZA FACING EAST



Transit Plaza  
urban  
welcoming  
safe  
inviting planting



Village Drive  
urban  
commercial  
tree-line  
pedestrian friendly  
engaging



MacArthur

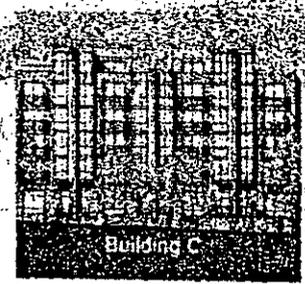
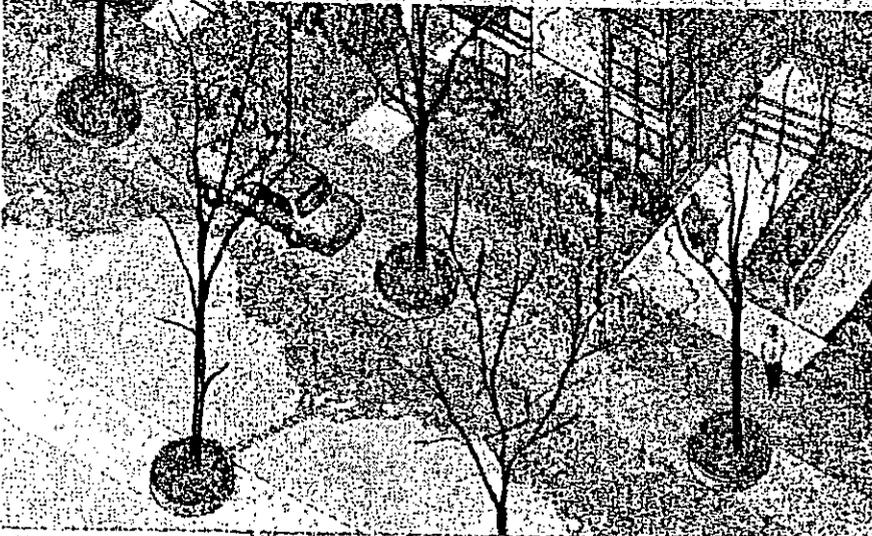
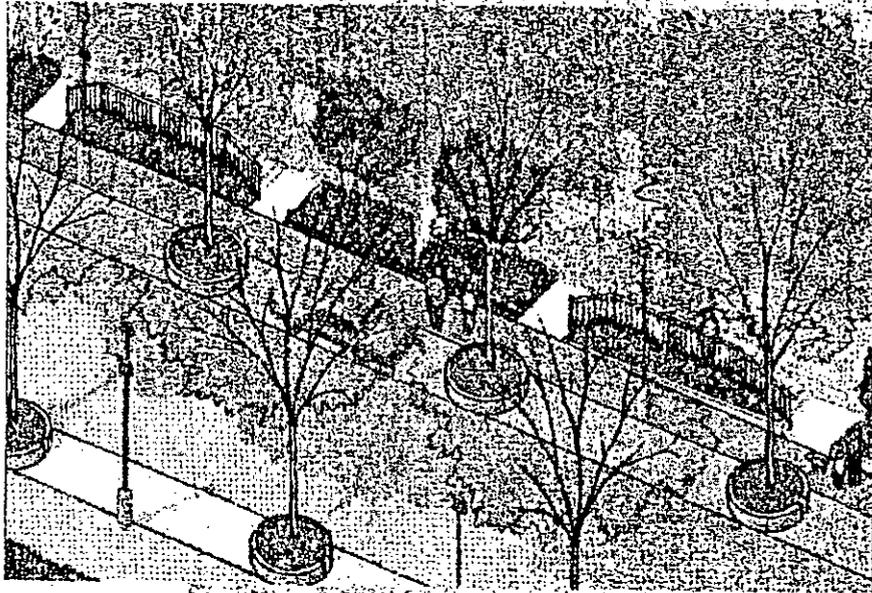
OAKLAND, CALIFORNIA

June 4, 2008

Preliminary  
Development Plan/  
Planning Commission

L-02  
Landscape  
Concept  
BART Plaza/  
Village Dr.

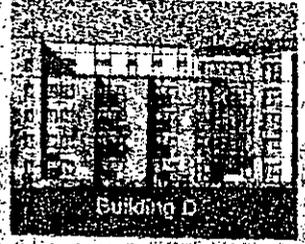




INTERNAL STREET  
FACING EAST



INTERNAL STREET  
FACING WEST



MacArthur

IRVINE, CALIFORNIA

June 4, 2008

Preliminary  
Development Plan/  
Planning Commission

Internal Street  
pedestrian scale  
friendly/ welcoming  
warm, residential



INTERNAL STREET PLAN VIEW

L-03  
Landscape  
Concepts  
Internal Street



SCALE: 1" = 20'-0"

MacArthur Transit Community Partners, LLC

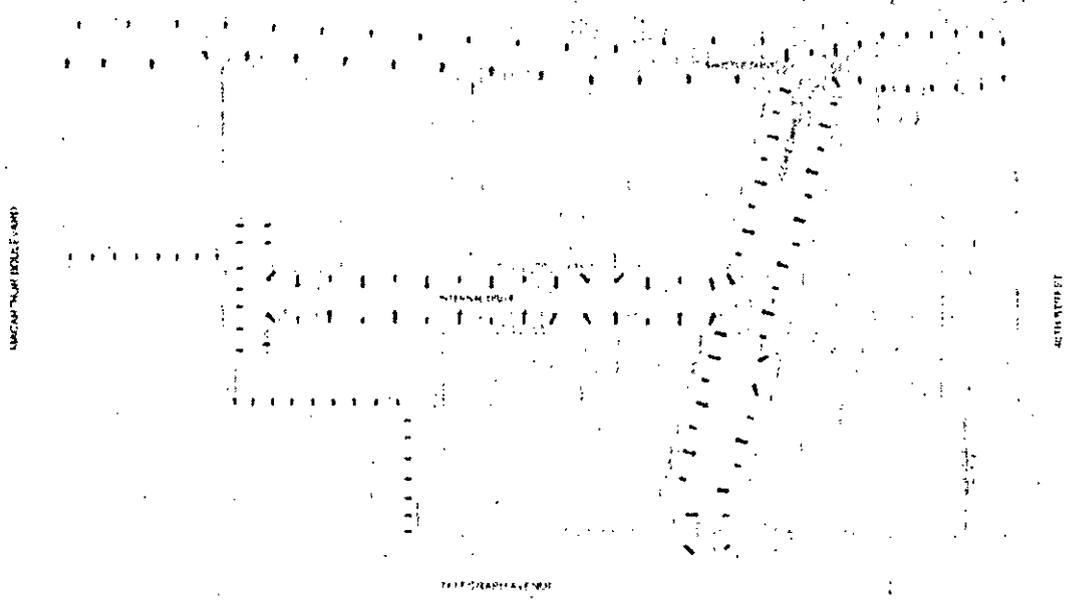


PCA design



June 4, 2009

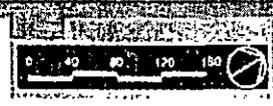
Preliminary  
Development Plan  
Planning Commission



L-04  
Street Lighting  
Concept



MacArthur Transit Community Partners, LLC



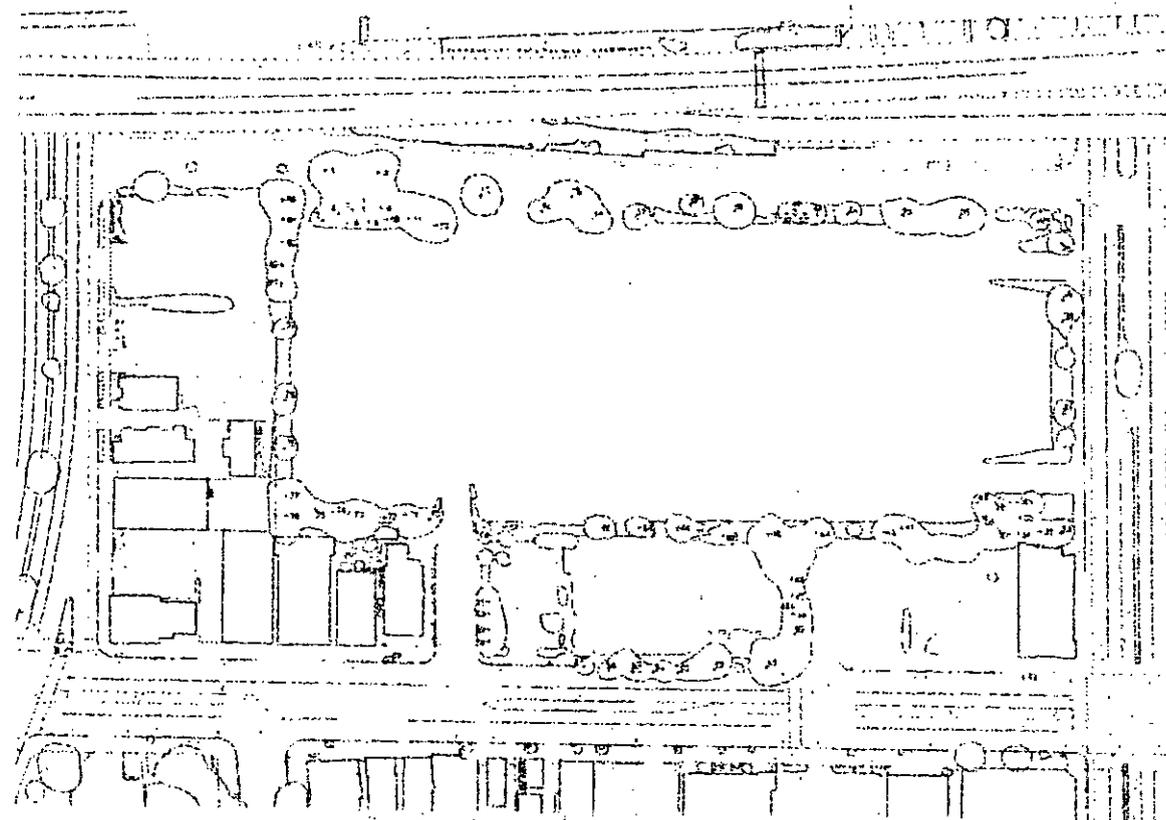
PGA design

MacArthur

MACARTHUR  
CITY CENTER  
DALLAS, TEXAS

June 4, 2008

Preliminary  
Development Plan  
Planning Commission

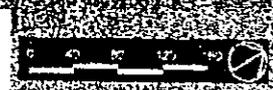


\*Tree inventory based upon field visit by PGAdesign on 9/27/07.

L-05  
Existing Tree  
Inventory



MacArthur Transit Community Partners, LLC



PGAdesign

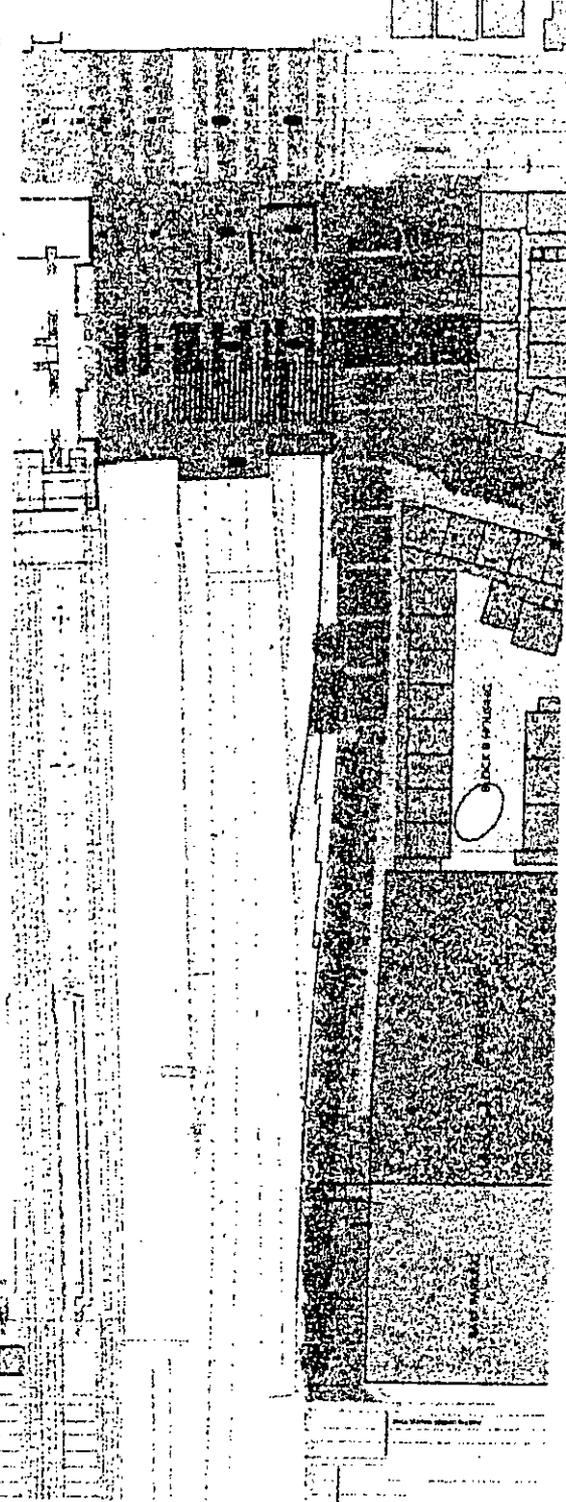


# MacArthur

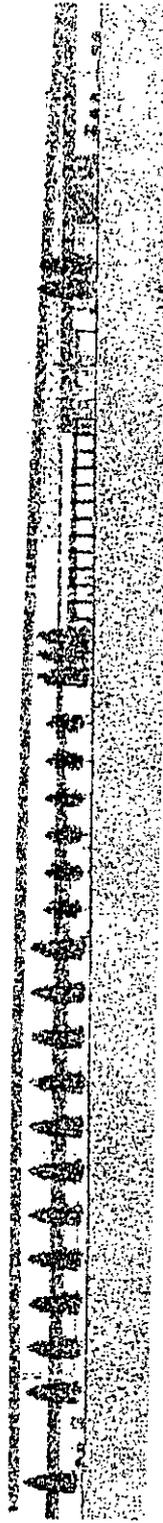
DAVING CALIFORNIA

June 4, 2003

Preliminary  
Development Plan  
Planning Commission



Site Plan  
Scale: 1" = 60'



Elevation of BART Plaza  
Scale: 1" = 48'



Section through plaza  
Scale: 1" = 48'



Perspective along edge of BART Plaza



Perspective looking out of BART Plaza

Conceptual BART Plaza  
Design

HOOD DESIGN

Conceptual BART Plaza  
Design is included for  
informational purposes only  
and not for City review.



PROJECT NAME

# MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609



## MACARTHUR BART PARKING STRUCTURE

PLANNING SUBMITTAL - APRIL 15, 2010

DATE

NO. DATE ISSUED AND REVISION BY

1 04/15/10 PLANNING SUBMITTAL SP

DATE

04/15/10

PROJECT NUMBER

0709

DRAWN TITLE

COVER SHEET

DATE NUMBER

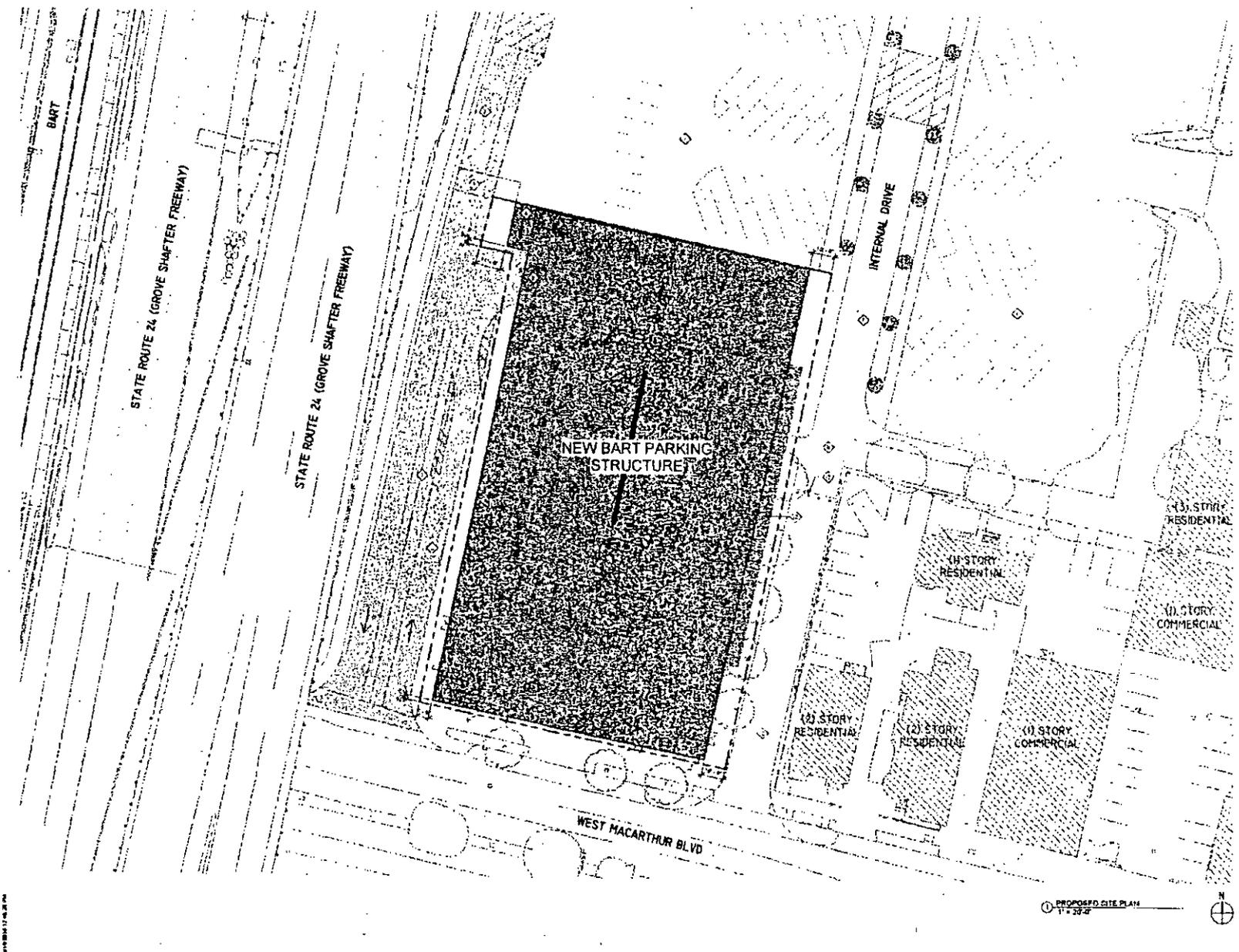
A0.0

ALL DIMENSIONS AND MATERIAL SPECIFICATIONS UNLESS OTHERWISE SPECIFIED SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIA, ASHRAE AND ASHRAE-IES. ALL DIMENSIONS SHALL BE IN METERS UNLESS OTHERWISE SPECIFIED. UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS SHALL BE IN METERS UNLESS OTHERWISE SPECIFIED.

LOWNEY ARCHITECTURE







**KEY NOTES**

- 1. EXISTING UTILITY TRENCHES
- 2. EXISTING UTILITY TRENCHES
- 3. EXISTING UTILITY TRENCHES
- 4. EXISTING UTILITY TRENCHES
- 5. EXISTING UTILITY TRENCHES
- 6. EXISTING UTILITY TRENCHES
- 7. EXISTING UTILITY TRENCHES
- 8. EXISTING UTILITY TRENCHES
- 9. EXISTING UTILITY TRENCHES
- 10. EXISTING UTILITY TRENCHES
- 11. EXISTING UTILITY TRENCHES
- 12. EXISTING UTILITY TRENCHES
- 13. EXISTING UTILITY TRENCHES
- 14. EXISTING UTILITY TRENCHES
- 15. EXISTING UTILITY TRENCHES
- 16. EXISTING UTILITY TRENCHES
- 17. EXISTING UTILITY TRENCHES
- 18. EXISTING UTILITY TRENCHES
- 19. EXISTING UTILITY TRENCHES
- 20. EXISTING UTILITY TRENCHES



**MACARTHUR BART  
PARKING  
STRUCTURE**

Oakland, CA 94609

CONTRACT NO.

DATE ISSUED MODIFICATIONS BY

PROJECT NUMBER

SHEET TITLE

DATE

DRAWN BY

PROJECT

PROJECT NUMBER

SHEET TITLE

PROPOSED SITE PLAN

DATE

**A1.1**

SCALE

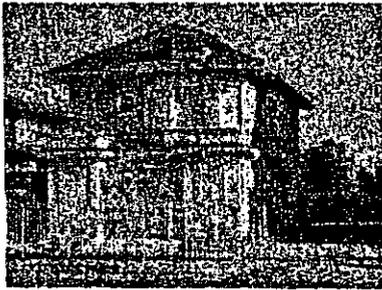
DATE

**LEGEND**

- 1. EXISTING UTILITY TRENCHES
- 2. EXISTING UTILITY TRENCHES
- 3. EXISTING UTILITY TRENCHES
- 4. EXISTING UTILITY TRENCHES
- 5. EXISTING UTILITY TRENCHES
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- 19. EXISTING UTILITY TRENCHES
- 20. EXISTING UTILITY TRENCHES

PROPOSED SITE PLAN  
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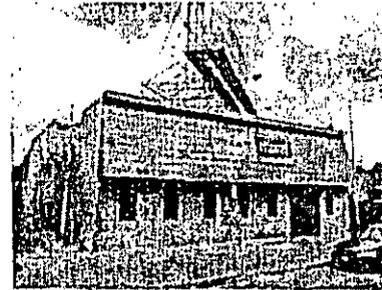




10 WEST WASHINGTON ST.



12 WEST WASHINGTON ST.



14 WEST WASHINGTON ST.



16 WEST WASHINGTON ST.



18 WEST WASHINGTON ST.



20 WEST WASHINGTON ST.



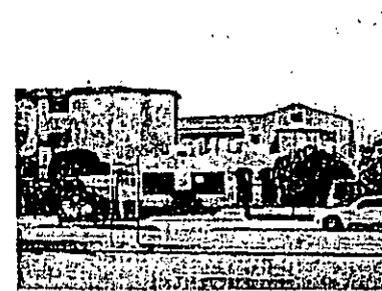
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24 WEST WASHINGTON ST. - 1ST W. SIDEWALK



26 WEST WASHINGTON ST.



28 WEST WASHINGTON ST.



30 WEST WASHINGTON ST.



32 WEST WASHINGTON ST. - 1ST W. SIDEWALK



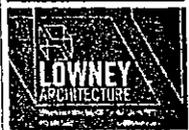
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36 WEST WASHINGTON ST. - 1ST W. SIDEWALK



38 WEST WASHINGTON ST. - 1ST W. SIDEWALK



PROJECT NAME  
**MACARTHUR BART  
PARKING  
STRUCTURE**

Oakland, CA 94609

CONTRACT NO.

PREP. DATE: 12/15/80

BY: J. B. LOWNEY

DATE: 12/15/80

PROJECT NUMBER: 80-01

SHEET TITLE: EXISTING PHOTOS

SHEET NUMBER:

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**KEY NOTES**

- ◊ CONCRETE
- ◊ METAL DECK
- ◊ JOIST GIR
- ◊ WALL/GIR



PROJECT NAME

**MACARTHUR BART  
PARKING  
STRUCTURE**

Oakland, CA 94603

CONSULTANTS

NO. DATE REVISION/REVISION BY

1 BY 11/12/12 PLANNING & DESIGN

DATE  
DRAWN BY

PART NO. SHEET NO.

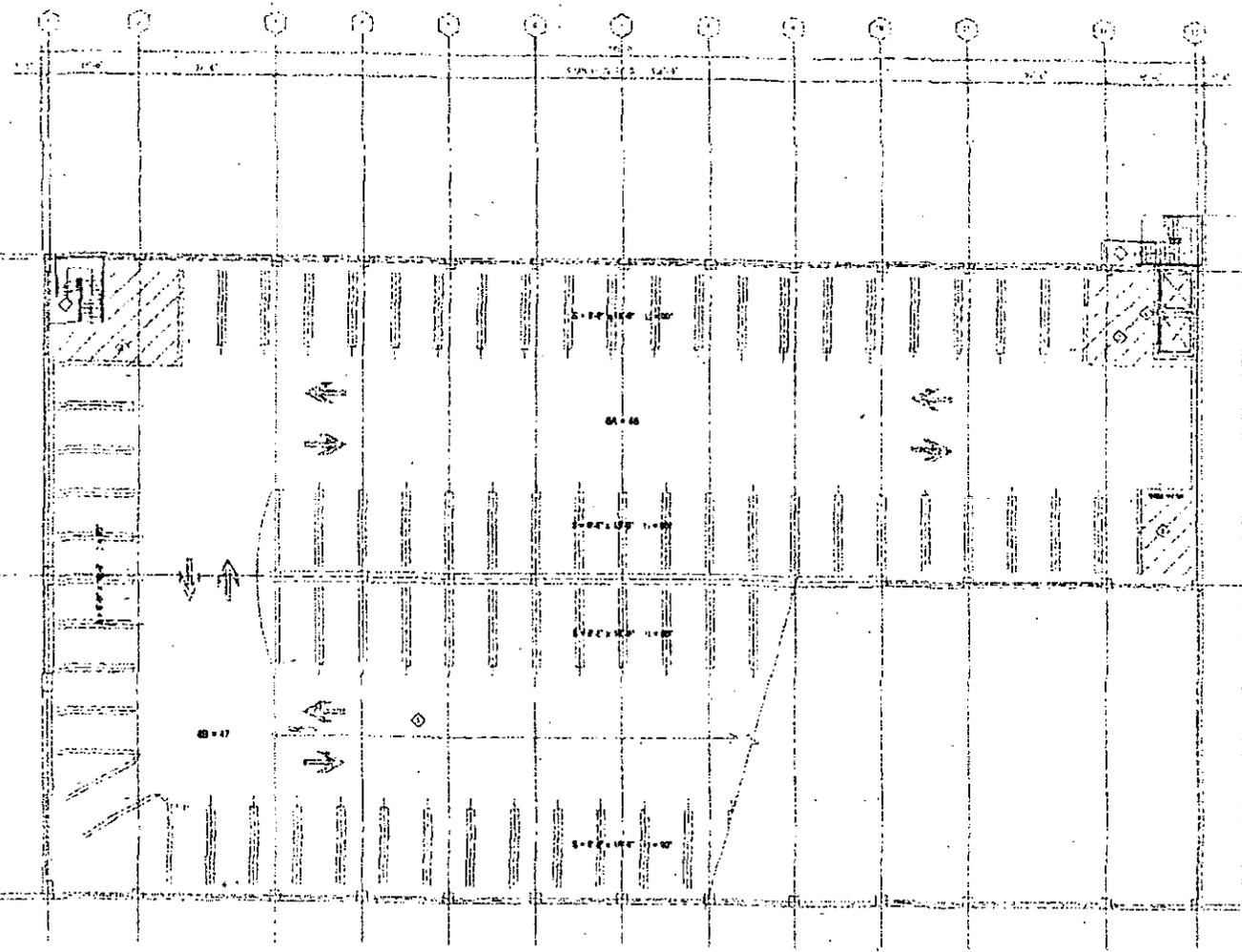
SHEET TITLE

EARTH (ROOF) LEVEL PLAN

SHEET NUMBER

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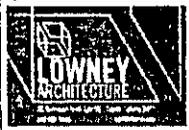
① EARTH LEVEL (ROOF) PLAN  
12/1/12

12/1/12





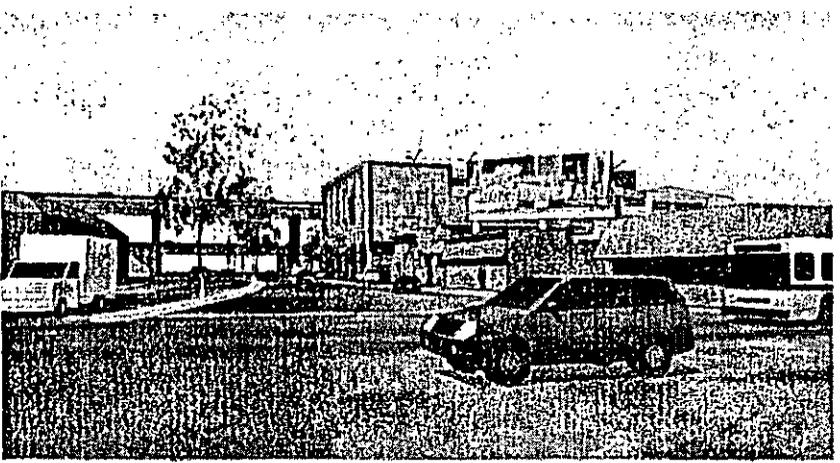




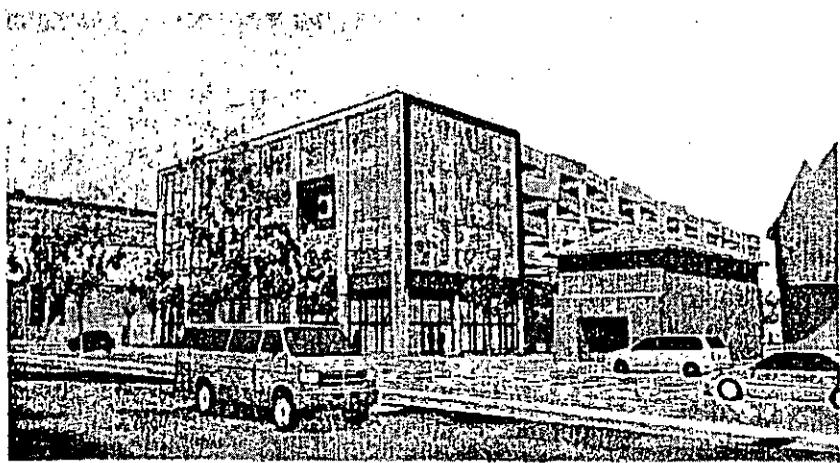
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**MACARTHUR BART  
PARKING  
STRUCTURE**

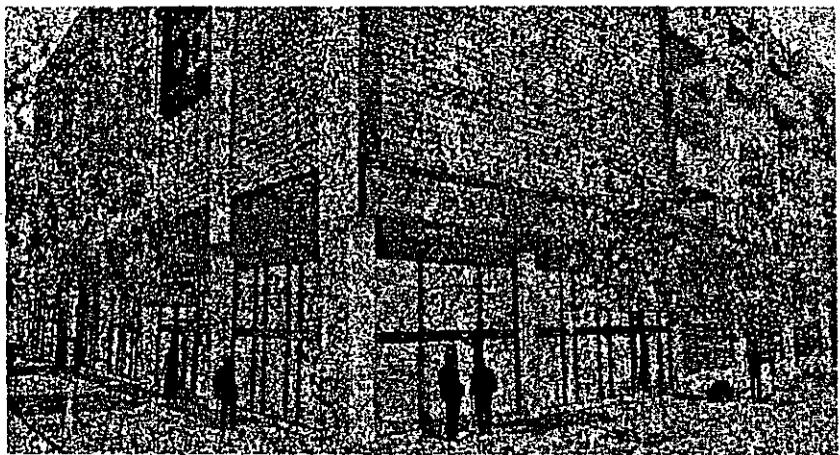
Oakland, CA 94609



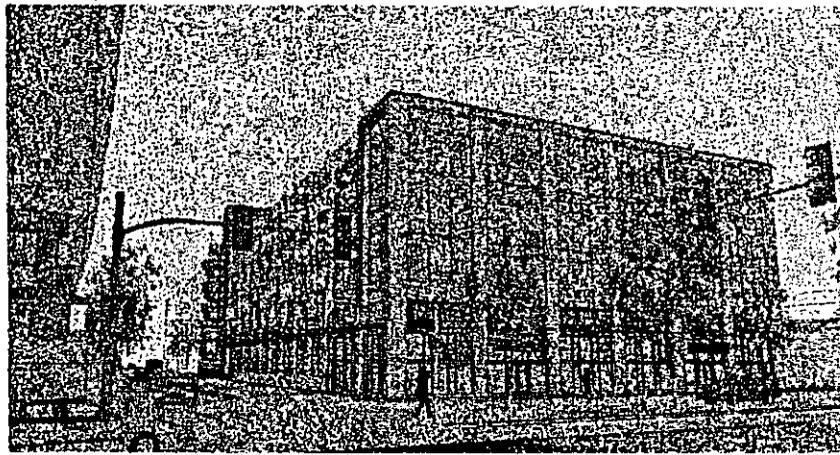
LOOKING WEST FROM INTERSECTION OF MACARTHUR BLVD AND TELEGRAPH AVE



LOOKING NORTHWEST FROM WEST MACARTHUR BLVD



GROUND FLOOR COMMERCIAL, AT SOUTHEAST CORNER OF GARAGE



LOOKING NORTHEAST FROM UNDER THE FREEWAY

NO SCALE

NO. DATE: 1/15/10

PROJECT: MACARTHUR BART PARKING STRUCTURE

DATE: 1/15/10

SCALE: 1/8" = 1'-0"

DATE: 1/15/10

**A4.0**

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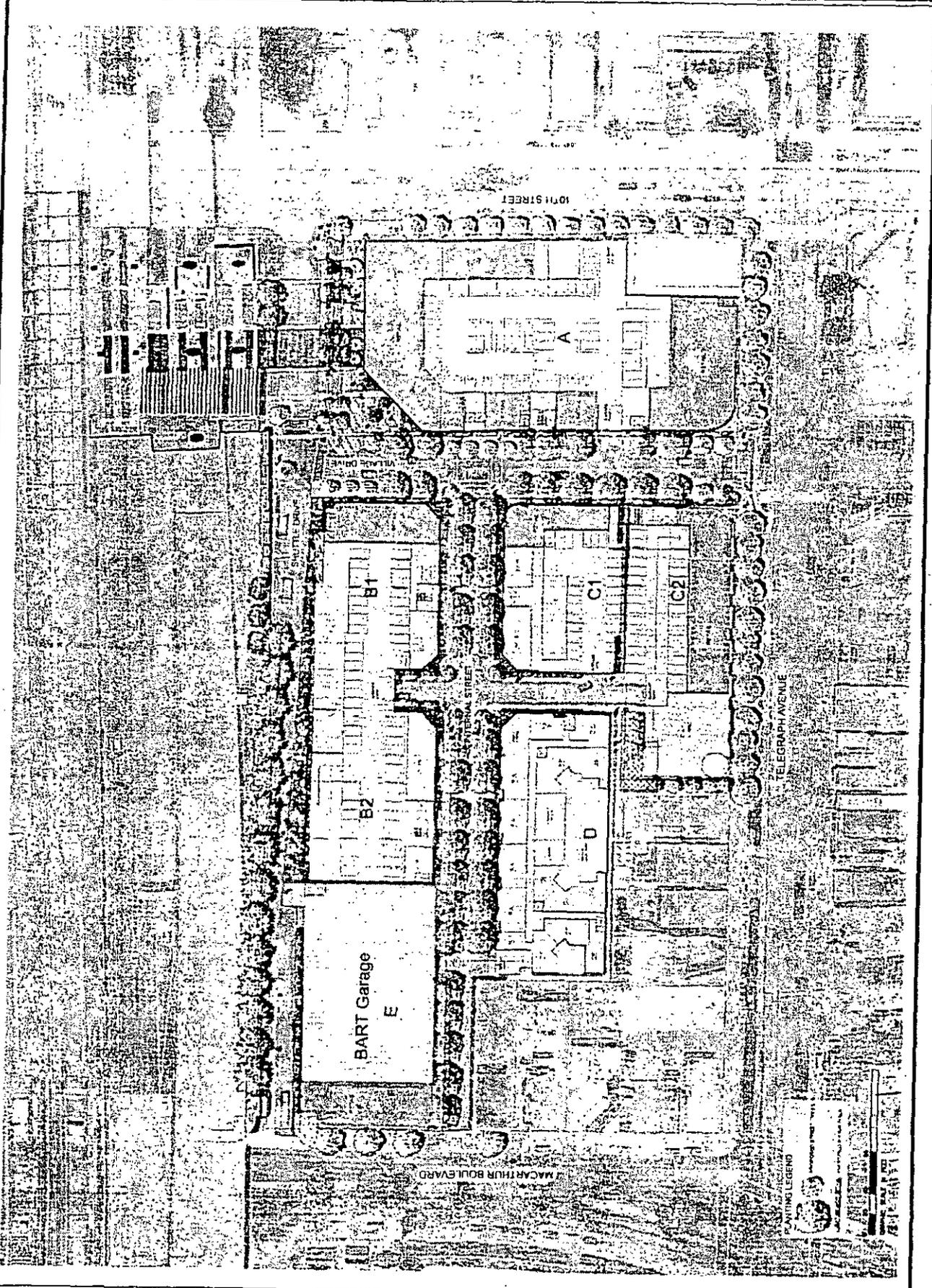


PG&A design  
 1510 45th Street  
 Oakland, CA 94609  
 510.435.1358  
 www.pgandadesign.com

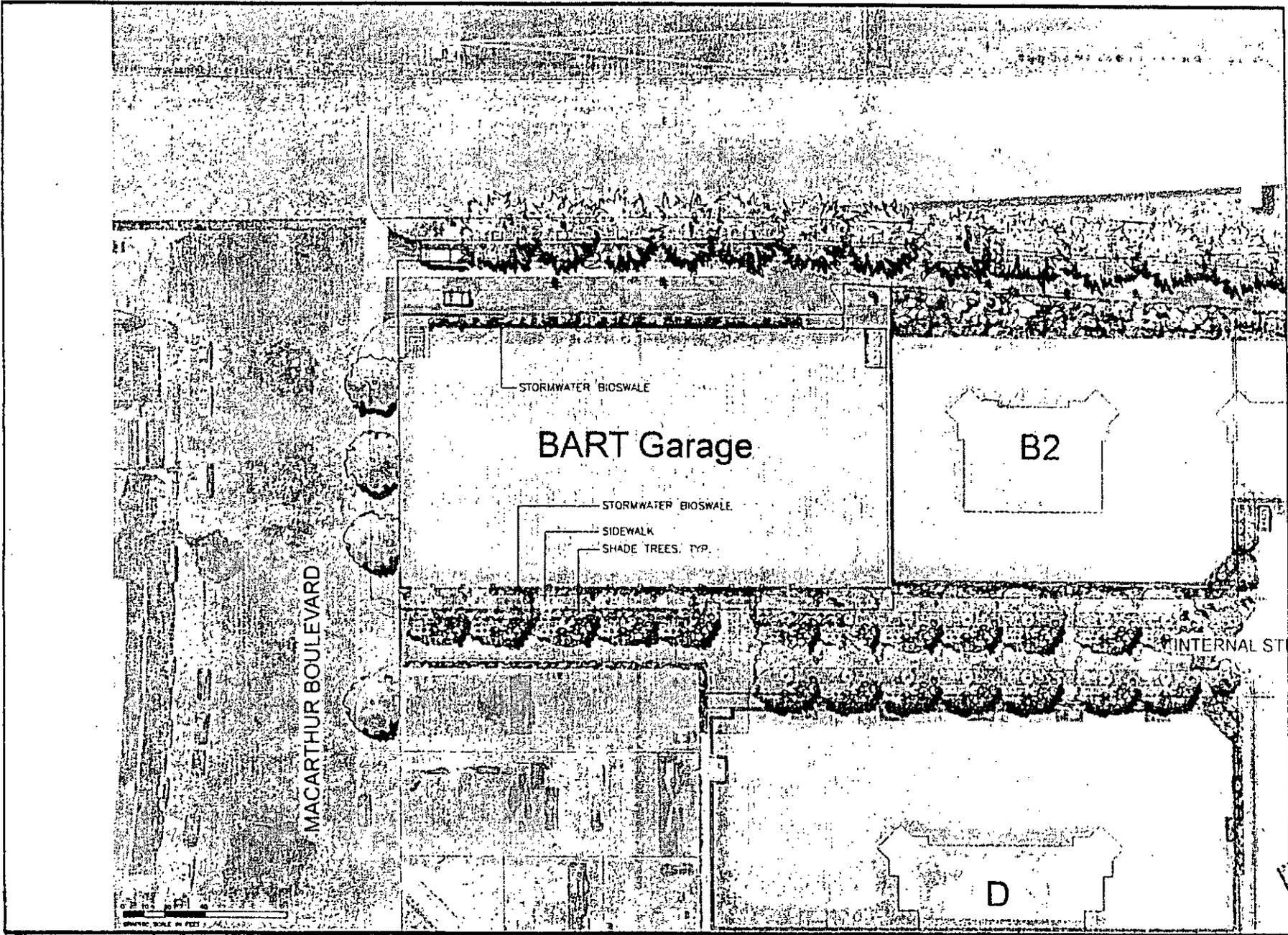
**MACARTHUR  
 BART  
 VILLAGE**

Oakland, CA 94609

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LANDSCAPE ILLUSTRATIVE PLAN	
GROUND LEVEL PLAN	
SHEET NUMBER: L-1.0	







PGA design  
 4417 STEWART AVENUE SUITE 200  
 OAKLAND, CA 94612  
 T 510 435 1345  
 F 510 435 1258  
 WWW.PGADesign.COM

PROJECT NAME  
**MACARTHUR  
 BART  
 PARKING  
 STRUCTURE**  
 Oakland, CA 94609

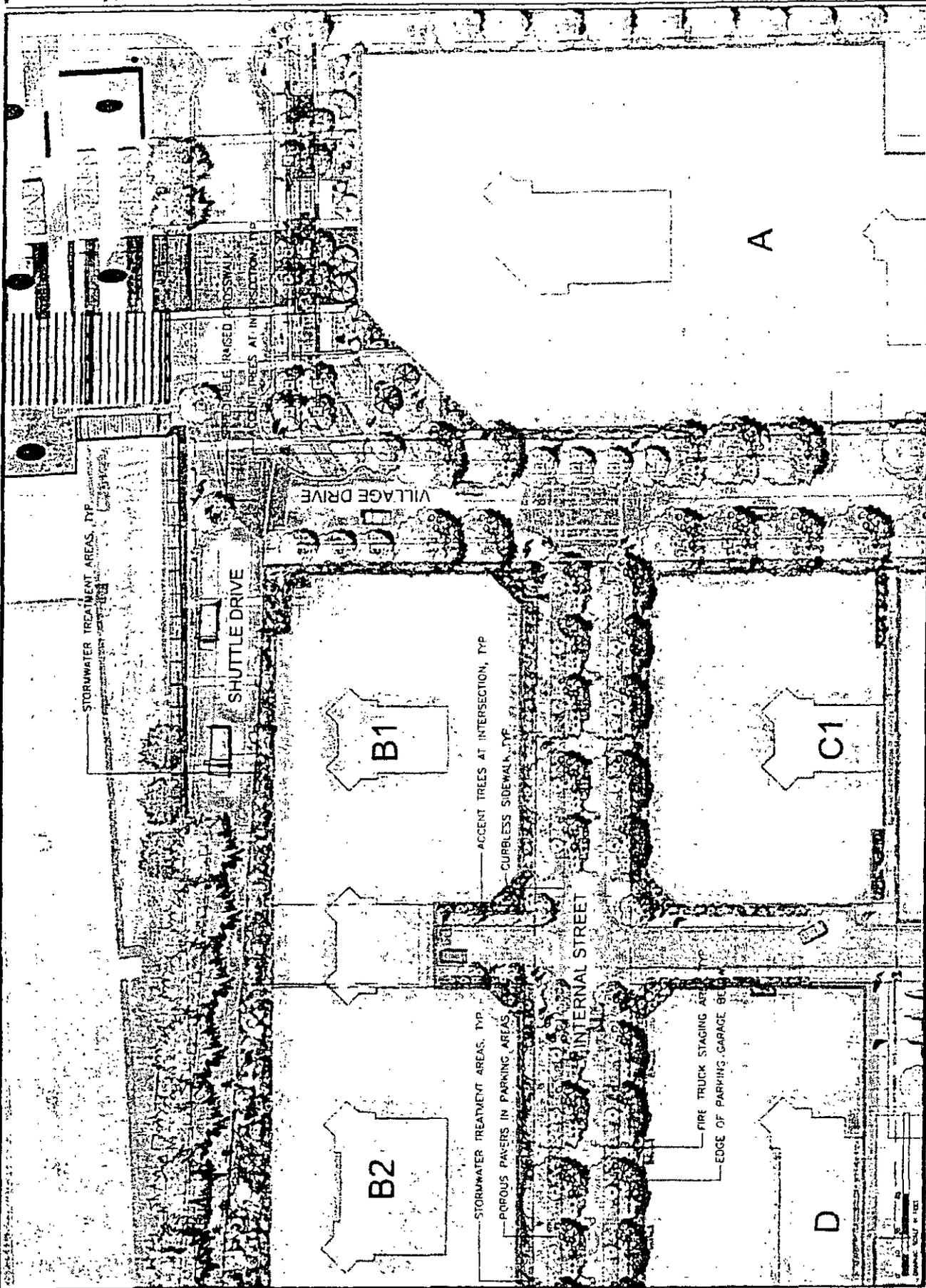
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 DRAWN BY: J. HARRIS  
 CHECKED BY: J. HARRIS  
 SCALE: AS SHOWN  
 SHEET TITLE: LANDSCAPE ILLUSTRATIVE PLAN

SHEET NUMBER  
**L-1.1**

PISA design  
 11111 15th Avenue, Suite 100  
 San Francisco, CA 94133  
 415.774.1111  
 1510 162 1154  
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MACARTHUR  
 BART  
 PARKING  
 STRUCTURE  
 Oakland, CA 94609

DATE: 11/11/11	SCALE: 1/8" = 1'-0"
DRAWN BY: [Name]	CHECKED BY: [Name]
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LANDSCAPE ARCHITECTURE PLAN	
L-1.2	

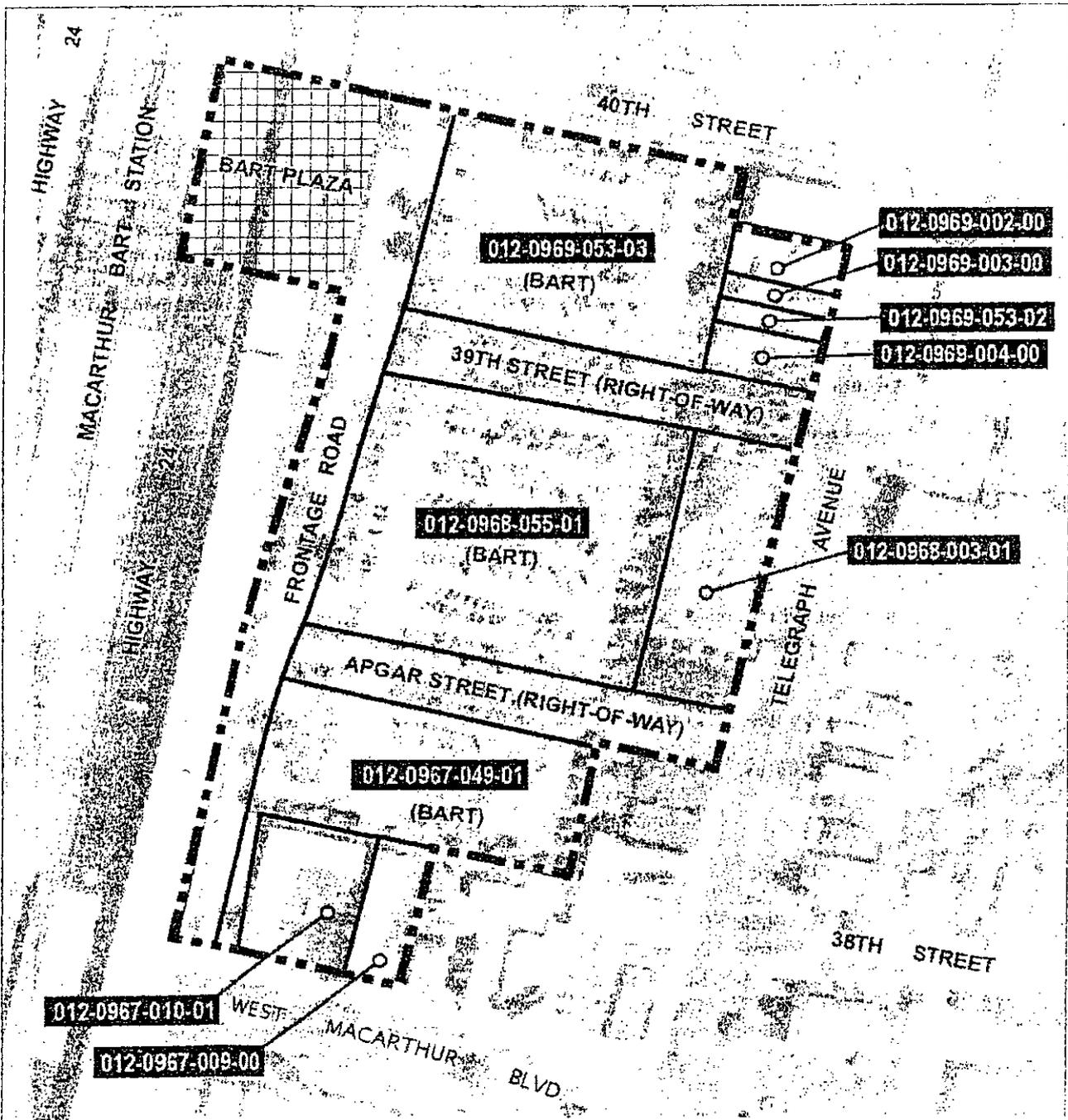


**ATTACHMENT D:**

**JUNE 4, 2008**

**PLANNING COMMISSION REPORT  
(AND ATTACHMENTS)**

<b>Location:</b>	Multiple parcels immediately adjacent to the MacArthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West MacArthur Boulevard (see map on reverse and Table 2 below)
<b>Assessors Parcel Numbers:</b>	012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 012-0969-002-00, 012-0969-003-00, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00 & 012-0967-010-00
<b>Proposal:</b>	Demolition of existing structures and construction of the MacArthur Transit Village project: 5 new buildings containing 624 residential units, 42,500 square feet of commercial space (including 7,000 square feet of live/work and flex space), 5,000 square feet of child care/community space, a 300-space replacement parking garage for BART patrons, and approximately 680 parking spaces for the residential and commercial units (residential parking provided at a 1:1 ratio, 26 commercial spaces in building A parking garage and on-street parking spaces).
<b>Applicant:</b>	MacArthur Transit Community Partners (MTCP)
<b>Contact Person</b>	Joseph McCarthy (510) 273-2009
<b>Owner:</b>	Multiple property owners
<b>Planning Permits Required:</b>	Rezone (from C-28, Commercial Shopping Zone and R-70, High Density Residential Zone to S-15, Transit-Oriented Development Zone), Zoning Text Amendment relating to S-15 Open Space Requirements, Planned Unit Development (PUD) Permit, Design Review, Conditional Use Permit (CUP) to exceed parking requirements for residential uses and to allow off-street parking to serve non-residential land uses, and Tree Removal Permits for removal of 67 protected trees.
<b>General Plan:</b>	Neighborhood Center Mixed Use
<b>Zoning:</b>	C-28 (parcels on Telegraph Avenue and West MacArthur Boulevard), R-70 (BART parking lot parcels) and S-18 Mediated Design Review Combining Zone (entire site)
<b>Environmental Determination:</b>	A Draft Environmental Impact Report (EIR) was published on January 31, 2008; Final EIR published on May 23, 2008
<b>Historic Status:</b>	No CEQA historic resources are affected by the project; none of the existing buildings on-site are considered CEQA historic resources and none of the buildings on the project site are within, or are contributors to, a historic district.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1
<b>Date Filed:</b>	October 5, 2007 (revised submittal; original submittal February 5, 2006)
<b>Status:</b>	Pending.
<b>Action to be Taken:</b>	Take public testimony and issue decisions/recommendations.
<b>Staff Recommendation:</b>	Approval subject to attached findings and conditions of approval
<b>Finality of Decision:</b>	Favorable (for approval) decisions/recommendations are automatically forwarded to the City Council for hearing and action. Unfavorable (for denial) decisions may be appealed to the City Council within ten (10) days.
<b>For Further Information:</b>	Contact the case planner, Charity Wagner, at (415) 730-6718 or by e-mail at <a href="mailto:clwagner@rrmdesign.com">clwagner@rrmdesign.com</a>



**SUMMARY**

The project applicant, MacArthur Transit Community Partners (MTCP) proposes to demolish the existing BART surface parking lots and all existing buildings within the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that would accommodate 624 residential units, 42,500 square feet of neighborhood-serving retail and commercial uses (including 7,000 square feet of live/work units) a 5,000 square feet community center use and 300-space parking garage for BART patrons. The project requires certification of the MacArthur Transit Village Final EIR and approval of rezoning, text amendment to the S-15 Zone, a planned unit development (PUD) permit, a major conditional use permit, and design review.

The purpose of this meeting is to consider the application submitted by MTCP to the City in October 5, 2007 for the project summarized above. Based on public comments, the results of numerous public meetings with the community, the Design Review Committee and the Planning Commission hearings, staff has now prepared recommended actions for the Planning Commission to review and consider. These actions are listed below:

- (1) Certification of the Final Environmental Report including the adoption of required findings under the California Environmental Quality Act and the approval of the Mitigation Monitoring and Reporting Program.
- (2) Amendment to the S-15, Transit Oriented Development Zone. This is a staff-initiated Zoning Text Amendment to modify the minimum open space requirement in the S-15 Zone.
- (3) Rezoning of the project site from Commercial Shopping (C-28), High Density Residential (R-70) and Mediated Design Review Overlay (S-18) to Transit Oriented Development (S-15).
- (4) Approval of the Planned Unit Development Permit to allow development of more than 100,000 sq.ft. at a BART station. The PUD Permit also includes approval of the Preliminary Development Plan dated May 28, 2008, and the MacArthur Transit Village Design Guidelines.
- (5) Approval of a Major Conditional Use Permit to allow the proposed project to exceed the S-15 parking requirements for residential land uses and to provide off-street parking for non-residential land uses.
- (6) Approval of Preliminary Design Review of the Preliminary Development Plan.

Staff recommends approval of the project subject to the attached findings and conditions. The Commission's approval of these items is considered to be a recommendation to the City Council; if approved, the decisions/recommendations of the Planning Commission would be automatically forwarded to the City Council and Redevelopment Agency for hearing and action. These actions are currently scheduled for review by the CED Committee on June 24, 2008 and it is expected that the City Council will hold public hearings to consider the items on July 1, 2008 (first reading of ordinance) and July 15, 2008 (second reading of ordinance).

**BACKGROUND**

Since 1993, the City has been working with BART and the MacArthur BART Citizens Planning Committee ("CPC"), comprised of community residents and representatives of neighborhood organizations, in a planning process for the development of the MacArthur Transit Village. After the previously selected project developer, Creative Housing Associates, failed to perform under their Exclusive Negotiating Agreement ("ENA") with the Agency in 2003, the Agency and BART selected a new development team for this project in April 2004 through a competitive Request for Proposals

process. This development team, MacArthur Transit Community Partners, LLC (MTCP), is a limited liability company that consists of a partnership between McGrath Properties (formerly known as Aegis Equity Partners) and BUILD (BRIDGE Urban Infill Land Development, LLC).

The MacArthur BART Citizen's Planning Committee (CPC) was created to assist the City and BART in the development of the MacArthur BART station. The CPC is made up of community members that live in the neighborhood surrounding the BART Station. Since being chosen in April 2004, MacArthur Transit Community Partners (MTCP) has met regularly with the MacArthur BART CPC to discuss and receive comments on the development.

In early February 2006, MTCP submitted a development application to construct a mixed-use transit village including residential and commercial development with the majority of residential units located within two 20-to 22-story towers. Upon review of the application, it was determined that an Environmental Impact Report (EIR) was required. The City issued a Notice of Preparation (NOP) on February 16, 2006, for preparation of an EIR for the project including the tower development. As a result of community input, changes in market conditions and construction feasibility, MTCP re-submitted their development application in 2007 showing removal of the towers within the project. Upon review of the revised application materials, the City issued a revised NOP on June 13, 2007. Following is a partial list of both public meetings and community meetings since MTCP was selected by the Redevelopment Agency in 2004.

- November 15, 2004, MacArthur BART Citizen's Planning Committee
- May 18, 2005, MacArthur BART Citizen's Planning Committee
- November 9, 2005, MacArthur BART Citizen's Planning Committee
- February 16, 2006, Mosswood Park Neighbors
- February 22, 2006, MacArthur BART Citizen's Planning Committee
- March 15, 2006, Planning Commission EIR Scoping Meeting
- September 26, 2006, 38th Street Neighbors
- October 5, 2006, MacArthur BART Citizen's Planning Committee
- September 11, 2007, Mosswood Park Neighbors
- September 12, 2007, Beebe Memorial Church Members
- November 1, 2007, MacArthur/Broadway/San Pablo Redevelopment Project Area Committee
- November 5, 2007, 38th Street Neighbors
- November 12, 2007, West Street Watch
- December 12, 2007: Design Review Committee (review and comment on PDP)
- February 7, 2008, MacArthur BART Citizen's Planning Committee
- March 5, 2008, Planning Commission Meeting to take comments on Draft EIR
- April 17, 2008, Bicycle and Pedestrian Advisory Committee
- April 30, 2008, Planning Commission Workshop on community concerns

At the Planning Commission work shop on April 30, 2008, staff provided a brief overview of the requested project approval key community concerns (see Attachment B for the April 30, 2008 workshop staff report); the project sponsor gave a detailed overview of the project and walked the Commission through the project plans and vision for the project; and following presentations from staff and the project sponsor, six individuals provided public testimony. The majority of the public speakers were in favor of the proposed project, but several speakers expressed concerns with regard to proposed reduction in BART parking. In addition to parking, which was the most discussed topic at the workshop, the Commission and public speakers raised the following discussion topics:

- Support for increased density of residential development
- Support for increased bike access and bike parking
- Support for project expressed on behalf of Greenbelt Alliance
- Support for a strategy to encourage occupancy of ground floor commercial space at the existing building of 40<sup>th</sup> and Telegraph
- Appreciation of height adjacent to existing building at 40<sup>th</sup> and Telegraph and overall height of retail spaces
- Support for increased accessibility beyond bikes and pedestrians (i.e., increased Emery-Go-Round services)
- Concern regarding congestion of vehicles and bike safety at the intersection of West MacArthur, Frontage Road and BART Garage
- Concern for adequate parking to support proposed commercial uses, and existing commercial uses
- Concern of perceived success for transit villages

**PROPERTY DESCRIPTION**

The project site is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40th Street, and seven privately owned parcels. The project area includes the majority of the block on Telegraph Avenue between West MacArthur Boulevard and 40th Street; however, several parcels within this block are not included within the project site (see map on page 2). Table 1 shows the parcels within the project site.

Table 1: Project Site Parcels

Address	Assessor Parcel Number	Current Use	Acreage (Acres)
532 39 <sup>th</sup> Street	012-0969-053-03	BART Parking	1.61
516 Apgar Street	012-0968-055-01	BART Parking	2.07
515 Apgar Street	012-0967-049-01	BART Parking	1.12
3921 Telegraph Avenue	012-0969-002-00	Braids By Betty	0.15
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant	0.06
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market	0.06
3901 Telegraph Avenue	012-0969-004-00	Lee's Auto	0.11
3875 Telegraph Avenue	012-0968-003-01	Medical Offices	0.61
526 W. MacArthur Boulevard	012-0967-009-00	Hotel	0.20
544 W. MacArthur Boulevard	012-0967-010-00	Hotel	0.17
39 <sup>th</sup> Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.62
Apgar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.60
Total Acres			7.38

There are a variety of land uses surrounding the site. Beebee Memorial Cathedral, commercial, and residential uses are located east across Telegraph Avenue from the project site. To the north of the project site, across 40th Street, are residential and commercial uses. Residential and commercial uses also extend further north of the project site along Telegraph Avenue. State Route 24, and the BART tracks, are located immediately west of the project site. A residential neighborhood that includes a mix of densities is located further west. The State Route 24/Interstate 580 interchange is located southwest of the project site. Commercial uses are located to the south of the project site, across West MacArthur Boulevard.

**PROJECT DESCRIPTION**

The proposed project would involve demolition of the existing structures and the construction of five buildings (labeled A-E on the project drawings, see Exhibit F) on the project site, including three mixed-use buildings with ground floor retail spaces and residential units on upper floors, one entirely residential building and one parking garage. The proposed project also includes construction of two new streets (Village Drive, a new public street and Internal Street, a new private street) and maintenance of the Frontage Road within the project area. Village Drive and Internal Street would provide access to new structures within the project, and increased access to the BART station.

Increased and enhanced access to the BART station is a key component of the proposed project. Village Drive, the main pedestrian and vehicular access to the project, is envisioned as a lively pedestrian street with shops and service uses that include outdoor displays and seating areas. The project also includes a new public plaza immediately east of the BART plaza and fare gates. The transit village plaza would include outdoor seating, landscaping, and other activity to provide a sense of arrival to the project, especially for BART patrons as they enter and exit the station. Internal Street, which provides access to a majority of the residential units, is envisioned as a neighborhood street. Residential units would front onto Internal Street with stoops and front porches.

Table 2 and the text below provide a summary of the proposed buildings and uses within the project. The project drawings for the proposal are attached to this report (see Exhibit F).

**Table 2: Summary of Proposed Development**

Building	Residential Units/Affordable Units	Live/Work Units	Retail SF <sup>a</sup>	Community SF	Building Height (Feet)	Number of Stories	Parking Spaces
A	213/7	3	23,500	--	50-85	4/6	242
B	132/5	2	5,000	--	55-80	6	134
C	189/6	3	9,000	5,000	55-70	5/6	189
D	90/90	--	--	--	45-65	5	91
E	--	--	5,000	--	68	6	324
Total	624/108	8	42,500 <sup>1</sup>	5,000	--	--	980 <sup>2</sup>

<sup>1</sup> Retail area shown in table includes square footage of live/work units.

<sup>2</sup> Parking shown in table does not include the proposed on-street parking spaces.

**Building A.** Building A ranges in height from a four- to six-story building and is located in the northeast corner of the project site with frontage on 40th Street, Telegraph Avenue, and Village Drive. Building A is a mixed-use building with 23,500 square feet of commercial space located on the ground floor and 213 for-sale market-rate condominiums, and 7 for-sale below-market rate condominiums on the upper floors. Of the 23,500 square feet of commercial space, 3,000 square feet, would be "flex spaces" on Village Drive and 3,000 square feet of "flex space" on 40th Street. Flex spaces may be occupied by live/work

units, retail uses and/or community space for residents (i.e., gym or recreation room) in the buildings in which the flex space is located. Parking for Building A is provided in a two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking at the street level is wrapped by commercial area so the parking is not visible from the street. Access to the condominium units is provided by internal courtyards and vehicular access to the parking garage under Building A is provided by a driveway on Village Drive.

**Building B.** Building B is a six-story building located along the western edge of project site, south of Village Drive and adjacent to the shuttle access road with building frontage on Village Drive, Entry Drive and the proposed north/south internal street. Building B is a mixed-use building with 3,500 square feet of commercial space and 1,500 square feet of "flex space" on the ground floor, 132 for-sale market-rate condominiums and 5 below-market rate for-sale condominium units located throughout on all floors. Residential condominium units would be located on the upper floors of Building B and on the ground floor adjacent to the internal street. Parking for Building B is provided in a two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from Village Drive or Internal Street. The street level parking area is visible from Frontage Road, but will be screened by landscaping. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Front entrances with stoops and small porches are envisioned along the internal street frontage of Building B. Vehicular access to the parking garage under Building B is provided by a driveway on the internal street.

**Building C.** Building C is a five- and six-story building located along the eastern edge of the project site at the southwest corner of Telegraph Avenue and Village Drive. Building C is a mixed-use building with 6,500 square feet of commercial space and 2,500 square feet of "flex space" on the ground floor, 189 market rate condominiums and 5 below-market rate residential condominium units on the upper floors. Building C also includes 5,000 square feet of community-serving space located on the ground floor. The 5,000 square feet of community space is accompanied by a 2,000 square foot outdoor play area as the applicant is currently considering that a private childcare provider may occupy the community space. Residential condominium units would be located on the upper floors of Building C and on the ground floor adjacent to the internal street. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Parking for Building C is provided in a two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street. Vehicular access to the parking garage under Building C is provided by two driveways on the internal street.

**Building D.** Building D is a five-story building (with a below-podium parking garage) located along the western edge of the project site (directly south of Building B) with building frontage on the internal street and the Frontage Road. Building D is an entirely residential building with 90 for-rent, below-market-rate (affordable) apartment units. Building D would include a community room with a kitchen and shared laundry facilities for use by apartment tenants. Parking for Building D is provided in a single-level, below-grade parking garage. Access to the apartment units would be provided via internal courtyards and vehicular access to the parking garage under Building D is provided by a driveway on the internal street.

**Building E.** Building E is a six-story parking garage located at the southwest corner of the project site with frontage on West MacArthur Boulevard and Entry Drive. The garage would accommodate 300 parking spaces for BART patrons and the ground floor would include 5,000 square feet of commercial space. The commercial space would front onto West MacArthur Boulevard. Pedestrian access to Building E would be located on West MacArthur Boulevard, Entry Drive and the internal street. Vehicular access to the Building E would be provided by a two-way driveway on Entry Road which vehicles would access via West MacArthur Boulevard.

**Site Access and Circulation.** Several circulation improvements are proposed for the project site. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and an internal north/south street off of Village Drive. New sidewalks, bicycle paths, and streetscape improvements would be constructed.

*Frontage Road.* The existing Frontage Road would be replaced, but remain in the same location as the existing Frontage Road, which is parallel to State Route 24, it extends from 40th Street to West MacArthur Boulevard. Frontage Road is a public street. Frontage Road is a two-way road for the segments between 40th Street and Village Drive and between West MacArthur Boulevard and the Parking Garage driveway. South of the Frontage Road/Village Drive intersection, and before the Parking Garage, vehicular access would be limited to emergency vehicle access, southbound shuttle operators, and building services. The majority of traffic at this section of Frontage Road would be shuttles traveling southbound between 40th Street and West MacArthur Boulevard. Additionally, the intersection of Frontage Road and West MacArthur Boulevard provides access to and from the Parking Garage (Building E) and vehicles can also access Frontage Road at the Village Drive intersection to exit onto 40th Street. Sidewalks would be provided along the west side of Frontage Road and bicycle lanes would be included on Frontage Road.

*Village Drive.* Village Drive would be a two-way, two-lane road between Telegraph Avenue and the Frontage Road. Village Drive would be a public street. It is anticipated that Village Drive would be open to vehicular traffic and pedestrian, as well as patrons who use kiss-and-ride. On-street parking and kiss-and-ride loading and unloading areas would be provided on Village Drive. Village Drive also includes large sidewalks because it is envisioned as the main pedestrian connection through the project site. Ground floor commercial and live-work units in Buildings A, B and C would be oriented to face Village Drive with pedestrian-scale retail uses with outdoor seating areas and retail displays at the transit village plaza (across from the BART plaza) and on Telegraph Avenue.

*Internal Street.* An internal two-way street is proposed south of Village Drive. The internal street would provide vehicular access to Buildings B, C, and D. Internal Street would be a private street. The internal street is not a through street; a turn-around area is provided at the terminus of the street. On-street parking and sidewalks are proposed for both sides of the internal street at the southern edge of the project site. The internal street is envisioned as a residential street (no commercial space would front onto the internal street). Residential unit entrances (including stoops and small porches) would face onto the internal street. The primary pedestrian access to the internal street would be from Village Drive, but a pedestrian pathway located along the east elevation of the parking garage (Building E) would allow also pedestrians and bicyclists to access the internal street from West MacArthur Boulevard.

*Parking.* Parking for residential units would be provided at a 1 space per 1 unit ratio within each of the mixed-use and residential buildings. The S-15 zone requires only ½ space per unit and a CUP is required to exceed this amount. Approximately 30 parking spaces for commercial uses would be provided within the parking garage in Building A. The S-15 zone does not include specific parking ratios for commercial uses. Parking would be permitted on Village Drive and Internal Street and this street parking would be metered. Approximately 45 on-street parking would be available on the project site. Parking for BART patrons would be provided in the BART parking garage (Building E).

## APPLICABLE POLICY DOCUMENT ANALYSIS

### General Plan Analysis

The site is located in the Neighborhood Center Mixed Use land use designation of the Oakland General Plan. According to the General Plan, the intent and desired character of the NCMU designation is the following:

**Intent:** The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural or entertainment uses.

**Desired Character and Uses:** Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial.

The site is also designated as a "Transit-Oriented Development District" in the General Plan. Below is a description of the Transit-Oriented District designation:

Transit Oriented Districts (TODs) are designated to take advantage of the opportunities presented by Oakland's eight region-serving BART stations and one location – Eastmont Town Center – served by multiple AC Transit lines. Many of these station locations, and the areas surrounding them, offer significant opportunities for compact, mixed-use types of development that include housing, business and other services. This strategy supports city and regional goals to foster sustainable development linking transit with higher density housing types downtown stations, for example, offer expansion opportunities for office, business, and housing development. Because each location offers unique possibilities, the TODs are discussed individually in the Transportation and Transit-Oriented Development section of the Policy Framework. Easy pedestrian, bicycle, and transit access, as well as a strong identity created through careful design and a mix of activity will be part of each transit-oriented district.

The Transportation and Transit-Oriented Development section includes the following description of the MacArthur BART Transit-Oriented District:

MacArthur BART is uniquely situated as the central hub and transfer point of the BART system, with trains arriving and departing to destinations around the Bay Area. Four major arterials that support local traffic and commerce are adjacent to the station – Telegraph Avenue, MacArthur Boulevard, 40<sup>th</sup> Street, and Martin Luther King Junior Way. As the central hub, MacArthur BART has been proposed as a Maximum Access Station, a designation that must complement the type and density of uses in the surrounding development area, now characterized by mixed housing types and neighborhood-serving retail uses. Proposals to open up the Station entrance on the Martin Luther King Jr. Way side of the site are also being explored by BART and citizens concerned about providing safe and convenient access for Martin Luther King Jr. Way businesses and residents. New development around the station should capitalize on its maximum access potential to create business and residential revitalization, enhance the safety of the neighborhood, provide secure parking, improve station access, and encourage pedestrian activity and the use of public transportation.

The project is consistent with the density provisions of the NCMU General Plan land use designation. The maximum residential density allowed under this designation is 125 units per gross acre.<sup>1</sup> At a total acreage of 7.38 acres (not including the BART plaza), the General Plan would allow a maximum of 923 residential units on the site. The proposal includes 624 residential units (85 du/gross acre). Staff has also reviewed the project for consistency with relevant policies in the Land Use and Transportation Element of the General Plan. Staff believes that the proposed project is consistent with the applicable policies of the General Plan. A General Plan Amendment is not required. Please refer to Table IV.B-I of MacArthur Transit Village Draft EIR (pages 108 to 122) for a discussion about the proposed project, which will transform the existing BART surface parking lot into a mixed-use transit village neighborhood, and its relationship with these key policies. The DEIR discussion is incorporated herein by reference.

**Zoning Analysis**

The site is located in two different base zoning districts with one overlay zone covering the entire site. The BART parking lot parcels are located in the R-70 High Density Residential Zone and parcels fronting on Telegraph Avenue and West MacArthur Boulevard are located in the C-28 Commercial Shopping Zone. The entire site is located in the S-18 Mediated Design Review Combining Zone. The proposed density and mix of commercial and residential uses within the transit village is not consistent with the existing R-70 and C-28 Zones. The applicant proposes to rezone the entire site to the S-15 Transit Oriented Development Zone. The S-15 Zone is consistent with the General Plan designation (Neighborhood Center Mixed Use). A map depicting existing and proposed zoning is included in this report as Exhibit E.

The intent of the S-15 zone is the following:

[T]o create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit District (BART) stations, AC Transit Centers and other transportation nodes. (OPC Sec. 17.100.010)

Staff believes the proposed rezoning best serves the public interest by meeting the following objectives of the zoning regulations:

- A. **To promote the achievement of the proposals of the Oakland Comprehensive Plan (Section 17.07.030A).** The proposed rezoning will facilitate implementation of the proposal for a mixed use transit-oriented development which furthers the objectives of the General Plan (formerly the Comprehensive Plan). The proposed project is a transit-oriented development adjacent to a BART station. The current zoning designations are designed for more traditional commercial and residential developments; therefore, the City finds the rezoning of the project site to S-15, Transit Oriented Development zone would best serve the public interest for redevelopment of the project site because the S-15 zone provides development regulations specific to creation and implementation of TOD projects.

<sup>1</sup> The General Plan specifies residential density as "principal units per gross acre." Gross acreage includes all land in the neighborhood, including streets and parks.

The S-15 zone is consistent with the Neighborhood Center Mixed Use General Plan land use designation.

- B. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space (Section 17.07.030D). The proposed rezoning provides for residential and commercial mixed use development immediately adjacent to the existing MacArthur BART Station. The project includes both for-sale and for-rent affordable housing with a variety of unit types including studio units, 1-bedroom, 2-bedroom and 3-bedroom units to augment the city's supply of multi-family affordable housing. The project is designed to maintain adequate provision sunlight and air, and usable open space consistent with urban development standards by providing open space areas consistent with the proposed S-15 open space requirements which are consistent with the S-17 open space requirements. Open space within the project will include open air courtyards and the plaza adjacent to Building A. Additionally, a setback of 5 feet is proposed between the upper floors of the new and existing building at the corner of Telegraph Avenue and 40<sup>th</sup> Street.
- C. To achieve excellence and originality of design in all future developments and to preserve the natural beauty of Oakland's setting (Section 17.07.030G). The proposal exhibits design excellence and originality through the efficient use of space, variety in architecture styles (to be further defined with Final Development Plans) and commitment to sustainable design through participation the LEED ND Pilot Program.

Staff also believes that the proposed text amendment to reduce open space standards in the S-15 zone best serves the public interest. The reduction in required open space would further the goals of TOD by increasing design flexibility for open space by removing the separate group and open space standard, and encourage increased density. The amendment would make the S-15 open space requirements consistent with the open space requirement currently applied to residential projects in the City's Downtown Open Space Combining (S-17) Zone. The amendment would apply to all properties in the City zoned S-15, and there two other areas of the City zoned S-15: parcels around Fruitvale BART Station and parcels around West Oakland BART station. The proposed project, and other properties zoned S-15, are located in walking distance to parks in the neighborhood. Additionally, surveys of other cities standards for open space in TOD, and mixed-use zones demonstrated that other agencies have similar standards. For these reasons, the text amendment to reduce open space requirements in the S-15 to be consistent with the S-17 zone, would promote the objectives of the General Plan to encourage TOD development near transit stations and therefore best serve the public interest.

#### Redevelopment Plan Analysis

The project site is located within the Broadway/MacArthur/San Pablo Redevelopment Project Area. The land use designations in the Broadway/MacArthur/San Pablo Redevelopment Plan correspond to the land use designations contained in the General Plan. The project is consistent with the General Plan designation, and is therefore consistent with the Redevelopment Plan designation. The proposed project will further the Redevelopment Agency's achievement of the following goals and objectives of the Broadway/MacArthur/ San Pablo Redevelopment Plan and its Five Year Implementation Plan:

- The MacArthur Transit Village Project will increase the stock of ownership housing and will provide affordable rental housing units in the Broadway/MacArthur/San Pablo Redevelopment Project Area;
- Development on the BART surface parking lot at the MacArthur BART Station will contribute to the Agency's goals to concentrate infill development on underutilized properties within the Broadway/MacArthur/San Pablo Redevelopment Project Area;

- The public improvements that will be included as part of the MacArthur Transit Village Project will improve access to BART and to the other public transportation providers that serve the BART station from the surrounding community; and
- The MacArthur Transit Village Project, once developed, will enhance residential and commercial property values adjacent to the MacArthur BART Station, and will encourage efforts to alleviate economic and physical blight conditions in the area, including high business vacancy rates, vacant lots, and abandoned buildings, by enhancing the development potential and overall economic viability of neighboring properties.

## ENVIRONMENTAL DETERMINATION

An Environmental Impact Report has been prepared for this project, and prior to action on the requested approvals, action must be taken to certify the Final EIR as an adequate environmental analysis of the project. The Draft EIR was published on January 31, 2008 and the 45-day public comment period ended on March 17, 2008. A total of 24 comment letters were received during the comment period: six were from governmental agencies, one was from a community organization, and 17 were from individuals. Oral and written comments on the Draft EIR were also received at the Planning Commission public hearing on March 5, 2008. The Response to Comments Document (which together with the Draft EIR make up the Final EIR) was published on May 23, 2008 includes written responses to all comments received. A summary of the analysis included and the impacts identified in the Draft EIR was previously provided to the Planning Commission in the report for the Draft EIR hearing on March 5, 2008 (see Attachment A). Detailed CEQA-related findings are contained in Exhibit A.

## KEY ISSUES

The Planning Commission conducted a public hearing/workshop to discuss the proposed project on April 30, 2008. Six individuals presented public testimony on the merits of the proposal and the Commission provided direction to staff and the applicant on the key areas of community concern. The focus of the following key issues discussion is based on outstanding items that were not addressed or resolved at the April 30<sup>th</sup> meeting and items for which the Planning Commission requested additional information. The Commission may wish to review the April 30 workshop staff report (see Attachment B) for more detailed discussion of the community concerns.

### Parking & TDM Program

The proposed project includes a parking reduction from 600 to 300 BART patron parking spaces. Members of the community have voiced concern with regard to the parking reduction and the amount of parking proposed for residents, visitors and commercial patrons of the project. The majority of comments that staff has received relate to concerns about the reduction of BART parking. Residents of the area have observed that under existing conditions (600 spaces) BART patron parking spills over into neighborhood streets and the amount of parking proposed will not be adequate to meet the parking demand of BART patrons.

At the Planning Commission workshop on April 30<sup>th</sup>, a few members of the Commission also expressed concern with respect the proposed parking arrangements for the project. Staff understands the concerns expressed from both the community and the Planning Commission, and has worked with the project sponsor to create a parking program for the proposed project that is both sensitive to the surrounding neighborhood and BART riders, as well as progressive and forward thinking for a transit village development. Key elements of the program are described below.

**RPP Program**

With regard to overflow of BART patrons parking within the surrounding neighborhood, the project sponsor has committed to fund \$150,000 towards initiating a Residential Permit Parking Program for an area ¼ mile around the station. If approved, the RPP Program would limit street parking to two hours for non-residents of the RPP Program area. However, it is difficult to ensure implementation of an RPP Program because the program requires a petition signed by 51 percent of the resident population in the proposed RPP area and is subject to City Council approval. Should the RPP Program be the desire of the resident population and the City Council, the project applicant has committed to funding the initial costs of an RPP Program (up to \$150,000) as part of the Conditions of Approval (see Condition No. 21).

**TDM Program**

The project sponsor is required to prepare and maintain a Traffic Demand Management (TDM) Program. The TDM Program is intended to serve two purposes: 1) fulfill CEQA mitigation measure requirements by providing implementation strategies to reduce vehicle trips from the project and 2) address planning concerns related to displaced BART parkers. The draft TDM Program, dated May 27, 2008, is included in this report as Exhibit C-2 and a summary of the recommended strategies are provided below.

There are currently 600 parking spaces within the surface parking lot at the BART station. In addition to these 600 parking spaces, recent surveys confirmed that approximately 200 BART patrons currently park in the neighborhood within ¼ mile radius around the station. As such, it is estimated that the parking space demand for the BART station is 800 spaces. The proposed project provides 300 BART parking spaces within the BART garage, and previous analysis indicates that approximately 51% who currently drive to BART would switch to another mode of transit rather than drive to another BART station or drive directly to their end destination. With a demand of 800 parking spaces, and an anticipated 50% of drivers that would switch to an alternate mode of transportation, there is a net demand of about 400 parking spaces and the proposed BART replacement garage will provide 300 spaces. To make-up for a potential shortfall of 100 spaces, the TDM Program recommends that the project provide an additional 210 parking spaces to make up for the gap of riders that would not switch travel modes. The 210 parking spaces would be provided by adding another level of parking to the BART garage (this additional level would be below grade), providing a parking attendant at the BART garage and/or securing 50 parking spaces within off-site parking lots within ¼ mile of the project site, or other alternative mechanisms as detailed in the TDM Program.

The TDM Program also includes the following measures to reduce vehicle trips from the project, which would in turn reduce the demand for parking at the site:

- Unbundle 10% of the parking for all market-rate residential units within project (for all phases, not just Building A)
- Unbundle parking for the affordable housing component, if feasible
- Offer lease back parking options for the project residents; the program will be managed by the HOA or entity approved by the HOA and will offer available parking to BART patrons, other than project residents, and commercial tenants
- Provide car share spaces in BART garage and within the proposed project
- Provide a marketing coordinator to distribute materials about transit programs to residents as part of the "move-in" packets
- Fund a one-time marketing campaign to educate neighborhood residents about alternative modes of transportation currently available to access BART station

- Facilitate discussions with BART, AC Transit and Emery-Go-Round to explore the potential for an additional shuttle stop or other transit service along 40<sup>th</sup> Street between the Emeryville Border and Telegraph Avenue
- Offer discounted transit passes to project residents
- Provide secure bike parking and bike repair area for residents
- Phase construction of parking within the project

The TDM Program also requires the project sponsor to submit a TDM monitoring plan at the beginning of each construction phase. The monitoring plan will gauge the effectiveness of the strategies and recommend modifications to improve the effectiveness of the program, including the option to increase the percentage of un-bundled parking and/or reduce on-site parking in future project phases if the demand for parking is decreased by the nature and location of the project as a transit village. Additionally, Condition No. 35 will ensure that the project sponsor coordinates with BART on the construction of the BART parking.

#### Design Guidelines

As mentioned at previous meetings with the Planning Commission and the Design Review Committee, the Preliminary Development Plan (PDP) does not include approval of architectural plans or elevations for future buildings. The PDP sets the stage for the project's overall site planning, building bulk, mass and height. Detailed building elevations will be reviewed and approved by the Design Review Committee and Planning Commission as part of the Final Development Plans (FDPs). To ensure that the FDPs are consistent with the vision for the project, staff has worked with the project sponsor to prepare the MacArthur Transit Village Design Guidelines (see Exhibit C-3).

The MacArthur Transit Village Design Guidelines include design principles and design guidelines. The design guidelines are divided into five sections: Site Planning; Architectural Design including sub sections for Height, Bulk and Scale and Architectural Treatments; Public Space Improvements; Transit Plaza Design; and Sustainable Design.

The Design Guidelines are incorporated into the project through the Conditions of Approval as a design review requirement for future approvals (see Condition No. 25). Prior to approval of any Final Development Plans for the project, the Commission will need to make findings to determine that the FDP is consistent with the S-15 Zoning District, approved Preliminary Development Plan, and MacArthur Transit Village Design Guidelines.

The Design Guidelines emphasize architectural variability, encourage building form and style based on adjoining street frontages and uses, address street walls and their relationship to the pedestrian environment, support a variety of building heights in the project, promote sustainable design and specify the use of high quality materials. The Design Guidelines are intended to allow future architects to be able to apply different building technology and materials and provide for a wide variety of architectural treatments within the 15 year development time frame.

#### FDP Staging and Project Phasing

Development of the proposed project is anticipated in five phases over the course of 15 year time frame. As per the regulations of a Planned Unit Development Permit (PUD), the Commission has the authority to approve staging of Final Development Plans. Staff has worked with the project applicant to develop an FDP Staging Plan and Project Construction Phasing Plan for purposes of the PUD. However, it should be noted that staff and the project sponsor are currently negotiating terms and conditions for a Development Agreement (DA) and the DA may modify the project phasing plan. It is anticipated that the

DA negotiations will be completed in the early summer, and the DA will be brought to the Commission for consideration and recommendation to the Council in late summer. The DA would then be considered by the City Council together with the Redevelopment Agency's consideration of the Owner Participation Agreement between the Redevelopment Agency and the project sponsor. The FDP Staging and Project Phasing Plan shown in Table 3 below, and is incorporated into the project as Condition of Approval No. 2; however, the DA phasing plan will eventually supersede this condition.

Table 3: Summary of Proposed Development

FDP Stage	Description	FDP Submittal Date	Commence Construction Date
1	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.	Within 1 year from the date of this approval	2 years from date of Stage 1 FDP approval
2	Construction of Building D, consisting of a minimum of 90 below market rate rental units.	Within 3 years from the date of this approval	2 years from date of Stage 2 FDP approval
3	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.	Within 4 years from the date of this approval	2 years from date of Stage 3 FDP approval
4	Construction of Building B, consisting of up to 150 ownership residential units and 5,500 square feet of commercial space.	Within 8 years from the date of this approval	2 years from date of Stage 4 FDP approval
5	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.	Within 10 years from the date of this approval	2 years from date of Stage 5 FDP approval

Notes:

- 1) 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.
- 2) 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.

Increased Density

At the April 30<sup>th</sup> Planning Commission workshop, there was some discussion of increasing the density of the project. With 624 units, the proposed project density is 85 per gross acre the project is under the maximum density prescribed by the Neighborhood Center Mixed Use General Plan land use designation of 125 per gross acre.

Staff has considered the concept of allowing the project to increase density as future phases of the project are developed and market conditions change, and has determined that the appropriate mechanism would be to modify the PDP should the project sponsor wish to increase density of the project. The project sponsor feels the proposed Preliminary Development Plan (624 units) is the best and most realistic option under current market conditions. The EIR for the project analyzed the development to include up to 675 units. To facilitate opportunities to increase density in the future, staff has included a Condition of Approval to allow the FDPs to include up to 675 units (vs. 624 proposed in the PDP) without modifying the PDP.

It should also be noted that the EIR did consider "planning project alternatives" within the Alternatives Chapter, which included options for development of a tower within the project and increased commercial development. The analysis of the planning project alternatives was included to provide the City and the project applicant with an analysis of the project impacts that may result through implementation of these alternative project designs. The detailed analysis of the Tower Alternative and the Increased Commercial Alternative would facilitate modifying the PDP, if requested, which, in turn, would require public noticing and a hearing before the Planning Commission.

Any additional dwelling units beyond 675 would require a modification to the PDP (see Condition No. 1). This is not to say that staff would not support increased density at the site, but there is concern that a major increase would warrant public review and community input and a modification to the PDP would be an appropriate mechanism to assure that staff, the Commission and the community have input on modifications requested by the project sponsor.

#### Parcel Acquisition

The project sponsor does not currently own or have site control of the all parcels within the project. The project sponsor is currently in the process of negotiating acquisition of the privately owned parcels with the assistance of the Redevelopment Agency. It is not currently anticipated that the use of eminent domain will be required to achieve site control. If the project sponsor and Agency are not successful in acquiring all parcels with the project, the project area may be decreased and Final Development Plans would be submitted showing the modified site area.

The project area also includes existing right-of-way of a portions of 39<sup>th</sup> Street and Apgar Street, which are developed as part of the BART surface parking lot (see map on page 2 of this report). Though the right-of-way is not currently utilized, staff cannot find evidence that the right-of-way has been officially abandoned. This right-of-way will be abandoned as part of the subdivision map processing for the proposed project.

#### LEED ND and Sustainable Design

The MacArthur Transit Village has been chosen to participate in the LEED ND Pilot Program. The LEED ND Pilot Program was created by the U.S. Green Building Council (USGBC), the Congress for New Urbanism, and the National Resources Defense Council to test national standards for sustainable neighborhood developments. Unlike other U.S. Green Building Council (USGBC) LEED programs, LEED ND places significant emphasis on the design elements that bring buildings together into a neighborhood focusing on pedestrian experience and encouraging social interaction. LEED ND credits are broken up into four categories: (1) Smart Location and Linkage (SLL), (2) Neighborhood Pattern and Design (NPD), (3) Green Construction and Technology, and (4) Innovation and Design Process. LEED certification provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable, development. LEED provides four levels of LEED ND certification dependent on the total credits awarded to project: LEED-ND Certified: 40-49 points, LEED-ND Silver: 50-59 points, LEED-ND Gold: 60-79 points, and LEED-ND Platinum: 80-106 points.

The project sponsor has indicated that their preliminary evaluation rating, based on the credits they assume will be received, would score 78 points on the LEED ND rating scale and be recognized as a LEED ND-Gold project. Staff applauds the project sponsor for participating in the LEED ND Pilot Program, and as part of the MacArthur Transit Village Design Guidelines, the project is encouraged to pursue the accreditation for Platinum certification.

**Grant Applications**

The development team applied to the State Department of Housing and Community Development (HCD) for Proposition 1C Housing TOD and Infill program funds to assist with the infrastructure and affordable housing financing of the project. The project received the highest point score of all of the TOD program applications in the entire Bay Area and also scored well under the Infill program. As a result, the project has qualified for consideration of funding under both programs and will be notified by the State in June regarding potential funding awards.

**Development Agreement**

As previously mentioned within the discussion on FDP Staging and Project Phasing, the project sponsor and staff are continuing negotiations on a Development Agreement for this project. Staff anticipates that the DA will be brought to the Commission for consideration and recommendation to the Council in late summer. The DA would then be considered by the City Council together with the Redevelopment Agency's consideration of the Owner Participation Agreement between the Redevelopment Agency and the project sponsor.

Community benefits proposed by the project sponsor as part of the DA include: underpass improvements at West MacArthur and Highway 24 including lighting, street furniture and sidewalk improvements in effort to improve pedestrian connections from Martin Luther King Jr. Way to the BART station; and greenscape improvements on West MacArthur between the project boundary and Telegraph Avenue. It should also be noted that as part of the project term sheet previously negotiated with the Redevelopment Agency, the project includes the following benefits: development of affordable housing (17% of the total unit count); compliance with the Agency's Small/Local Business Enterprise, Local Employment, Apprenticeship, Prevailing Wage, First Source Hiring and Living Wage Programs; execution of a Project Labor Agreement; and payment of initial costs for implementation of a Residential Permit Parking (RPP) Program.

**Project Sponsor Review of Proposed Conditions of Approval**

City staff has discussed the proposed Conditions of Approval with the project applicant and the applicant generally agrees with all the conditions except one, Condition No. 40, Roof Top Gardens/Green Roofs. The text of this condition is included below for easy reference.

**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.

The project sponsor has indicated that they do not want to incorporate green roofs or rooftop gardens as they are concerned about increased liability, associated costs, and the ability to obtain insurance for the condominiums. They are particularly concerned about elements that would introduce water to the roof and result in leaking. As a result, the project sponsor requests that this condition be deleted.

Staff has included this condition as we believe it is appropriate to further the City's commitment to green and sustainable building practices particularly given the amount of City and State money that is anticipated to subsidize the project. If it is determined feasible, the implementation of this condition also has the potential to increase open space areas available to project residents. Staff appreciates and understands the project sponsor's concerns, but also anticipates that the market conditions/expectations and the technology associated with the installation of green roofs and rooftop gardens is likely to advance over the next several years. Considering these factors together with the project build-out schedule of 15 years with the first residential building be anticipated in three to four years, staff believes that it is appropriate to request the project sponsor to study the feasibility of incorporating green roofs or rooftop gardens into the project as part of each FDP that will be considered in the future. Recognizing that there are challenges associated with the installation of green roofs or rooftop gardens, the proposed condition only requires the project sponsor to provide green roofs and/or roof top gardens if they are determined to be feasible at the time that subsequent FDPs are being considered (excluding Stage 1 which is the BART Parking Garage). Staff recommends the condition be maintained for these reasons: 1) If feasible, activating roof tops within the project would potentially increase the sustainability and open space amenities of the project; and 2) The FDP Staging Plan extends the life of the PDP for 15 years, and technology related to green roofs and roof top gardens is expected to evolve during this period.

#### REQUESTED APPROVALS

This project, like many major projects in Oakland, will be processed through two phases of project approvals. This first phase of approvals includes the EIR, Rezone to S-15, Text Amendment relating to S-15 Open Space Requirement, Planned Unit Development (PUD) with Preliminary Development Plan (PDP), Conditional Use Permit (CUP) to exceed residential parking requirements and to allow off-street parking for non-residential land uses, Design Review and Tree Removals. The second phase of approvals would include the Final Development Plans and Vesting Tract Maps.

#### Certification of the MacArthur Transit Village EIR

The Planning Commission is asked to certify the EIR for the MacArthur Transit Village Project. Certification does not imply endorsement of the proposed project, nor that the permit application(s) for the project will be approved. Rather, in certifying the EIR, the Commission must generally find that:

- The discussion in the EIR represents a good faith effort to disclose all the City reasonably can regarding the physical impacts which may result from the project;
- There is an adequate consideration and evaluation of measures and changes to the project that would eliminate or lessen the potentially significant physical impacts associated with the project;
- The process for considering the EIR complied with all applicable provisions of CEQA and the Municipal Code; and
- The significant environmental issues raised in the comments received about the Draft EIR were adequately responded to in the Final EIR.

Specific findings required by CEQA to certify the EIR and to apply it to approval of the project are found in Exhibit A. Included in these findings are specific statements pertaining to the completeness of analysis and procedure under CEQA Guideline Section 15090, a rejection alternatives to the project due to infeasibility and statements of overriding consideration in compliance with CEQA Guideline Section 15093 for those significant impacts that were found to be unavoidable and could not be mitigated to a less-than-significant level. In reviewing these findings, the Planning Commission must determine that the CEQA alternatives to the project were deemed infeasible and that all significant impacts have been substantially decreased to a less-than-significant level through mitigation measures or conditions of approval. For those impacts that cannot be mitigated to a less-than-significant level (traffic), the Commission must find that other legal, social, technological and other benefits of the project outweigh these impacts.

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit A can be made and supported by substantial evidence in the record of the project. The Financial Feasibility Study included in this report as Attachment D represents a part of the evidence relied upon to make the findings.

#### Text Amendment to S-15, Transit Oriented Development Zone

The Planning Commission is asked to recommend approval by City Council for a text amendment to modify the minimum open space requirement in the S-15 Zone. The Zoning Text Amendment would reduce the minimum open space requirements in the S-15 Zone from 180 square feet per unit (150 sq. ft. group open space and 30 sq. ft. private open space) to 75 sq. ft. of open space, which would make it consistent with the open space requirement for residential projects in the City's Downtown Open Space Combining (S-17) Zone. The proposed modification of the text related to open space requirements in the S-15 zone is included in this report as Exhibit D.

The text amendment is a staff-initiated action. Staff's intent with this proposal is to reduce open space to further the goals of TOD by increasing design flexibility for open space by removing the separate group and open space standard, decreasing the overall requirement for open space to be consistent with what is required in the S-17 zone, and encourage increased density. The text amendment would apply to all properties zoned S-15. Currently, there are only two areas of the City that are zoned S-15: parcels adjacent to Fruitvale BART station and parcels adjacent to West Oakland BART station. Staff has surveyed other cities to determine how open space requirements are regulated in high density, TOD, and mixed-use zones within other agencies. The Cities of San Francisco, Berkeley and Emeryville apply a 40 to 80 square foot per unit requirement on new residential development in mixed-use, TOD and high-density zones. The proposed text amendment is intended to reduce the S-15 Zone requirements for open space to be consistent with the City's current standard for open space in downtown residential projects.

The Preliminary Development Plans show that the project would provide approximately 60,000 square feet of group open space (approximately 95 sq. ft. per unit) within court yards and the open space plaza. The project's open space would increase as the plans are more defined with the size and location of balconies.

Staff Recommendation: Staff believes that the proposed text amendment to reduce the open space requirement for residential projects in the City's Transit Oriented Development Zone so as to be consistent with the City's standard for residential projects in the Downtown (in the S-17 Zone) is appropriate; and therefore, recommends that the Planning Commission forward a recommendation for approval of the text amendment to the City Council.

#### Rezone from C-28/S-18 and R-70/S-18 to S-15

The Planning Commission is asked to recommend approval by City Council for rezoning of the project area from the current zoning designations to the City's Transit Oriented Development Zone (S-15). The

parcels that are currently developed with BART surface parking are zoned R-70, Residential High Density and the other parcels in the project area (with frontage on Telegraph and West MacArthur) are currently zoned C-28, Commercial Shopping Zone. Additionally, all of the parcels in the project area are currently located in the S-i8, Mediated Design Review Overlay Zone. As part of the project, all parcels would be rezoned S-15, Transit-Oriented Development (TOD) Zone.

The project includes rezoning to the S-15 Zone because the current zoning would not allow the density or mix of land uses proposed project; the S-15 Zone is a "best fit" zone for the existing General Plan Land Use Designation of Neighborhood Center Mixed Use; the proposed project is a TOD project immediately adjacent to a BART station, and proposed zoning of S-15 is intended for TOD projects. The proposed project is consistent with the development standards of the S-15 Zone, with the exception of maximum permitted height and minimum required open space. As described within this report, the project includes a text amendment to modify the open space requirements in the S-15 Zone and a PUD bonus to permit an increase in the permitted building height

Staff Recommendation: Staff believes that the rezoning of the project area from the current zones to the S-15, Transit Oriented Development Zone is appropriate for the reasons above mentioned; and therefore, recommends that the Planning Commission forward a recommendation for approval of the rezoning to the City Council.

#### Planned Unit Development Permit/Preliminary Development Plan

The Planning Commission is asked to recommend approval of a Planned Unit Development Permit (PUD) for the proposed project. PUD approval is requested because provisions of the S-15 Zone (Sections 17.97.030 and 17.97.200) require approval of a PUD to allow development involving a BART station and for projects of more than 100,000 sq. ft. The purpose of the PUD is to ensure orderly development and establish a vision for development of large projects. The PUD provisions require submittal of a Preliminary Development Plan (PDP). The PDP includes the proposal for site layout and design including circulation patterns, conceptual landscape designs and proposed building bulk, mass and height. The PDP does not represent final building design and architectural details for the proposed project; the Design Review Committee and Planning Commission consider these details as part of the Final Development Plan.

The MacArthur Transit Village PDP was reviewed and discussed at the Planning Commission workshop on April 30, 2008 and is included in this report as Exhibit F. The PDP includes site plans, elevations, floor plans, and landscaping plans for the proposed project as described on pages four to seven of this report. Prior to implementation of the proposed project, the applicant would be required to return to the Commission with Final Development Plans (FDP) that are consistent with the site layout, design and bulk, mass and height shown in the PDP package. Additionally, FDPs for the proposed project would be required to be consistent with the MacArthur Transit Village Design Guidelines, which are incorporated into the Conditions of Approval.

As previously mentioned, the proposed project complies with the development standards of the S-15 Zone, except for standards related to building height and minimum open space (see above for discussion of text amendment related to open space). The maximum building height in the S-15 Zone is 45 feet, or 55 feet provided one-foot of setback is provided for each one foot in height over 45 feet. As a bonus of establishing a PUD, the PUD provisions (Section 17.122.100 G) allow large projects to waive or modify the maximum building height to encourage integrated site design. Buildings within the proposed project range in height from 50 to 85 feet (see sheet A-1.0H of Exhibit F for a building height diagram) and are consistent with the bonus provisions of the PUD regulations.

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit B can be made and supported by substantial evidence in the record of the project. Therefore, staff recommends the Commission forward a positive recommendation to the City Council for approval of the PUD, subject to the attached Conditions of Approval.

#### **Major Conditional Use Permit Related to Parking**

The Planning Commission is asked to approve a Major Conditional Use Permit (CUP) related to parking within the project area. The S-15 Zone requires ½ parking space per unit and the proposed project includes 1 parking space per unit. Provisions of the parking code (Section 17.166.290 (5)) require a CUP to provide parking in excess of the S-15 Zone requirements.

Additionally, the S-15 does not require parking for commercial uses (Section 17.166.080) and the parking regulations (Section 17.166.290 (2)) requires a CUP to provide off-street parking for non-residential land uses. The proposed project includes approximately 25 off-street parking spaces within the parking garage in Building A. The proposed project requires a Major Conditional Use Permit to exceed the S-15 parking requirements for residential land uses and to provide off-street parking for non-residential land uses.

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit B can be made and supported by substantial evidence in the record of the project. The proposed parking ratio of 1 space per unit is appropriate at this location given that some of the units are family units (3 bedroom) and because of the opportunity to share the parking with the general public (including BART patrons). Additionally, the proposed project includes a TDM Program (described in detail within the key issues discussion of this report) to promote additional parking at the project site, both for BART riders and residents and visitors of the project. With the reduction in BART parking, and potential opportunity to share parking with the general public as outlined in the TDM Program, permitting an increase in parking for uses in the project is appropriate. Therefore, staff recommends the Commission forward a positive recommendation to the City Council for approval of the CUP, subject to the attached Conditions of Approval.

#### **Preliminary Design Review**

The Planning Commission is asked to approve Preliminary Design Review for the PDP package. This approval is limited to the building siting and bulk, mass and height of proposed structures. Detailed building design and architectural review would be considered with Final Development Plans. The Design Review Committee reviewed the proposed PDP package at their meeting on December 12, 2007 and they stated overall support for the preliminary development plans and felt that the conceptual project plans are moving in the right direction (the December 12, 2007 Design Review staff report is included in this report as Attachment C). As stated above, staff has worked with the project sponsor to prepare the MacArthur Transit Village Design Guidelines, which are incorporated into the Conditions of Approval, and would be a tool for staff to use to ensure that the FDP is consistent with the vision and design concepts of the PDP package.

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit B can be made and supported by substantial evidence in the record of the project. Therefore, staff recommends the Commission forward a positive recommendation to the City Council for approval of the Preliminary Design Review, subject to the attached Conditions of Approval.

#### **CONCLUSION AND STAFF RECOMMENDATION**

Staff recommends that the Planning Commission:

1) Open the public hearing, take public testimony on the proposed plan, recommended actions and other submitted information and reports; then close the hearing, deliberate on the matter and;

2) Then take the following actions:

- *Certify* the Environmental Impact Report and adopt the CEQA-related Findings (contained in Exhibit A).
- *Recommend Approval* to the City Council for the proposed amendment to the S-15 Zone related to minimum open space (contained in Exhibit D).
- *Recommend Approval* to the City Council for the proposed rezoning of the project area from the C-28/S-18 and R-70/S-18 Zones to the S-15 Zone (contained in Exhibit E).
- *Recommend Approval* to the City Council for the Planned Unit Development Permit, Major Conditional Use Permit and Preliminary Design Review, adopt the associated Findings (contained in Exhibit B), and subject the project to the Conditions of Approval and MMRP (contained in Exhibit C).

Prepared by:

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Charity Wagner  
Contract Planner

Approved by:

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GARY PATTON  
Deputy Director of Planning and Zoning

Approved for forwarding to the  
Planning Commission:

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Dan Lindheim  
Director Community & Economic Development Agency

**EXHIBITS:**

Exhibit A: CEQA Findings

Exhibit B: Discretionary Permit Findings

Exhibit C: Conditions of Approval

Exhibit C-1: Mitigation Monitoring and Reporting Program (MMRP)

Exhibit C-2: MacArthur Transit Village TDM Program

- Exhibit C-3: MacArthur Transit Village Design Guidelines
- Exhibit C-4: Illustrative Map showing ¼ mile radius around project site for possible RPP program
- Exhibit D: Language of Text Amendment Regarding Open Space in the S-15 Zone
- Exhibit E: Map depicting rezoning of site to S-15 Zone
- Exhibit F: Preliminary Development Plan, dated received 28, 2008

**ATTACHMENTS:**

- Attachment A: March 5, 2008 Planning Commission Staff Report for hearing on Draft EIR
- Attachment B: April 30, 2008 Planning Commission Staff Report for Workshop on Project
- Attachment C: December 12, 2007 Design Review Committee Staff Report
- Attachment D: MacArthur Transh Village Financial Feasibility Study
- Attachment E: Project Correspondence received since April 30<sup>th</sup> Workshop

**NOTE:** The Final EIR (includes Draft EIR and Response to Comments Document) was previously provided to the Commission under separate cover.

<b>Location:</b>	Multiple parcels immediately adjacent to the MacArthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West MacArthur Boulevard
<b>Assessors Parcel Numbers:</b>	012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 012-0969-002-00, 012-0969-003-00, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00 & 012-0967-010-00
<b>Proposal:</b>	Construct the MacArthur Transit Village project: 5 new buildings containing up to 675 residential units, 44,000 square feet of commercial space (including live/work and flex space), 5,000 square feet for community serving use, a 300-space parking garage for BART patrons, and approximately 680 parking spaces for the residential and commercial units (residential parking provided at a 1:1 ratio).
<b>Applicant:</b>	MacArthur Transit Community Partners (MTCP)
<b>Contact Person</b>	Joseph McCarthy (510) 273-2009
<b>Owner:</b>	Multiple property owners
<b>Case File Number:</b>	ER06-0004
<b>Planning Permits Required:</b>	Rezoning (from C-28/S-18 and R-70/S-18 to S-15); Planned Unit Development (PUD) Permit; Vesting Tentative Tract Map; Design Review; Conditional Use Permit; Development Agreement and Tree Removal Permits.
<b>General Plan:</b>	Neighborhood Center Mixed Use
<b>Zoning:</b>	C-28 (parcels on Telegraph Avenue and West MacArthur Boulevard), R-70 (BART parking lot parcels) and S-i 8 Mediated Design Review Combining Zone (entire site)
<b>Environmental Determination:</b>	A Draft Environmental Impact Report (EIR) has been prepared and was released for public review on January 31, 2008. The comment period closes on March 17, 2008.
<b>Historic Status:</b>	No CEQA historic resources are affected by the project. The seven existing buildings on-site are either not listed on the OCHS or are rated D3 on the OCHS. "D" rated properties are considered as Properties of Minor Importance under the City Historic Preservation Element. None of the buildings on the project site are within, or are contributors to, a historic district.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1
<b>Status:</b>	Draft EIR Public Comment Period January 31, 2008 to March 17, 2008
<b>Action to be Taken:</b>	No formal action; Receive public and Commission comments about information and analysis in the Draft EIR.
<b>Finality of Decision:</b>	No decision will be made on the Draft EIR at this time.
<b>For Further information:</b>	Contact the case planner, Charity Wagner, at (415) 730-6718 or by e-mail at <a href="mailto:clwagner@rrmdesign.com">clwagner@rrmdesign.com</a>

## SUMMARY

Pursuant to the California Environmental Quality Act (CEQA), a Draft EIR has been prepared for the MacArthur Transit Village Project. The Draft EIR was released for public review on January 31, 2008 beginning a 45-day public comment period. The public comment period ends on March 17, 2008 at 4:00 p.m. The purpose of the March 5<sup>th</sup> hearing is to take comments on the adequacy of the Draft EIR. This meeting is not intended to take comments on the project merits and no decisions will be made on the EIR or proposed project at this hearing. After all comments are received, the Final EIR/Response to Comments document will be prepared and the Planning Commission will consider certification of the Final EIR at a future meeting date.

## BACKGROUND

This EIR has been prepared to evaluate the potential environmental effects of the MacArthur Transit Village project. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40<sup>th</sup> Street, and seven privately-owned parcels. Figure III-2 of the Draft EIR shows the project location and is attached to this report for reference (See Attachment I). The MacArthur Transit Village Project seeks to redevelop and revitalize an underutilized site in Oakland to create a vibrant transit village that provides pedestrian-oriented, mixed-use development (residential, commercial and community services) that enhances the character of the neighborhood and improves access to (for all travel modes) and ridership of BART.

The 8.2-acre project site is located in North Oakland, within the block bound by 40<sup>th</sup> Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24 (SR-24). The project would include five buildings with up to 675 units of high-density multi-family housing, up to 44,000 square feet of neighborhood-serving commercial, and 5,000 square feet of community space or childcare facility space. Approximately 17 percent of the units (20 percent of total market-rate units) would be below market-rate (affordable), with the remainder of the units being market-rate condominiums. The project includes approximately 700 residential, commercial and community use parking spaces and 300 BART patron parking spaces. Figure III-3 of the Draft EIR shows a conceptual site plan and is attached to this report for reference (See Attachment 4).

## SCOPE OF THE EIR

The MacArthur Transit Village EIR was prepared to evaluate environmental impacts of the proposed transit village development which is described above. The following environmental topics are addressed in the EIR:

- A. Land Use
- B. Public Policy
- C. Transportation, Circulation and Parking
- D. Air Quality
- E. Noise and Vibration
- F. Hydrology and Water Quality
- G. Geology, Soils and Seismicity
- H. Public Health and Hazards
- I. Public Services
- J. Utilities and Infrastructure
- K. Cultural and Paleontological Resources
- L. Aesthetic Resources

Chapter V of the Draft EIR includes the analysis of three alternatives to the proposed project to meet the requirements of CEQA to analyze a range of reasonable alternatives to the project that would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The three project CEQA alternatives analyzed in Chapter V include the No Project Alternative, Existing Zoning Alternative and the Mitigated Reduced Building/Site Alternative.

Three additional planning alternatives to the project are also considered in this EIR. These alternatives may not lessen or avoid any of the significant, adverse environmental effects of the project as they are evaluated primarily to consider variants to the project that may be desirable to the project developer, the City, BART, and/or members of the community. The planning/project merit alternatives analyzed in Chapter V include the Full BART Replacement Parking Alternative, Tower Alternative and the Increased Commercial Alternative.

#### POTENTIALLY SIGNIFICANT IMPACTS IDENTIFIED IN THE DRAFT EIR

The Summary chapter of the Draft EIR (Chapter II) is attached to this report (see Attachment 2). The Draft EIR identifies potentially significant environmental impacts related to Transportation, Circulation and Parking. The Draft EIR found that the project would significantly contribute to cumulative impacts at the following intersections:

- Telegraph Avenue/52nd Street and Claremont Avenue intersection (#2)
- Telegraph Avenue/51st Street intersection (#3)
- West Street/40th Street intersection (#8)
- Telegraph Avenue/40th Street intersection (#13)
- Market Street/MacArthur Boulevard intersection (#16)
- Telegraph Avenue/MacArthur Boulevard intersection (#20)
- Broadway/MacArthur Boulevard intersection (#22)

All of the potentially significant impacts, except those identified at intersections #3 and #22, can be reduced to a less-than-significant level with incorporation of the identified mitigation measures and the City's required standard conditions of approval. The following potential impacts related to transportation are considered significant and unavoidable:

- TRANS-4: The addition of project traffic would cause a significant impact at the Telegraph Avenue/51st Street intersection (#3) under Cumulative Year 2030 Baseline Plus Project conditions. The project would contribute to LOS F operations during both AM and PM peak hours; would increase critical movement average delay by more than 4 seconds during the AM peak hour; and would increase intersection average delay by more than 2 seconds during the PM peak hour.
- TRANS-9: The addition of project traffic would cause a significant impact at the Broadway/MacArthur Boulevard intersection (#22) under Cumulative Year 2030 Baseline Plus Project conditions. The project would contribute to LOS F operations and would increase intersection average delay by more than 2 seconds during the AM peak hour.

The Draft EIR recommends mitigation measures to help reduce the impact of these two potentially significant and unavoidable impacts. However, the Draft EIR determined that these mitigation measures would not reduce the impacts to a less than-significant-level, and therefore, the impacts are considered

significant and unavoidable. In order to approve the proposed project, the City would have to adopt a statement of overriding considerations for these two significant unavoidable impacts.

#### PUBLICATION AND DISTRIBUTION OF THE DRAFT EIR

The Draft EIR was made available for public review on January 31, 2008. The Notice of Availability for the Draft EIR was posted at the Alameda County Clerk Recorder, published in the Oakland Tribune, mailed to property owners within 300 feet of the project area, distributed to State and local agencies, posted on the project site, and emailed to MacArthur BART Citizen's Planning Committee email distribution list. The Notice of Availability is attached to this report (see Attachment 3). Copies of the Draft EIR were also distributed to City officials, including the Planning Commission, and made available for public review at the Oakland Main Library (124 14<sup>th</sup> Street), at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315), and the City's website.

#### CONCLUSION

All comments received on the Draft EIR will be considered by the City prior to finalizing the EIR and making a decision on the project. Comments on the Draft EIR should focus on the adequacy of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors. Comments on the Draft EIR may be made at the March 5<sup>th</sup> public hearing or in writing to the Community and Economic Development Agency, attention Charity Wagner. Comments must be received prior to the comment period deadline (4:00 p.m. on March 17, 2008). After all comments are received, a Final EIR/Response to Comments document will be prepared and the Planning Commission will consider certification of the Final EIR at a future meeting date.

This meeting is not intended for public comments on the project merits. It should be noted that staff anticipates that the Planning Commission will hold a public meeting to review the proposed project prior to the Planning Commission meeting to take action on the Final EIR and the proposed project.

#### RECOMMENDATION

Staff recommends that the Planning Commission take public testimony on the Draft EIR and provide comments to staff on the Draft EIR.

Prepared by:



Charity Wagner  
Contract Planner

Approved by:

---

GARY PATTON  
Deputy Director of Planning and Zoning

**ATTACHMENTS:**

1. Figure III-2 from Draft EIR: Parcels Within Project Site
2. Chapter II of the Draft EIR: Summary
3. Notice of Availability
4. Conceptual Site Plan

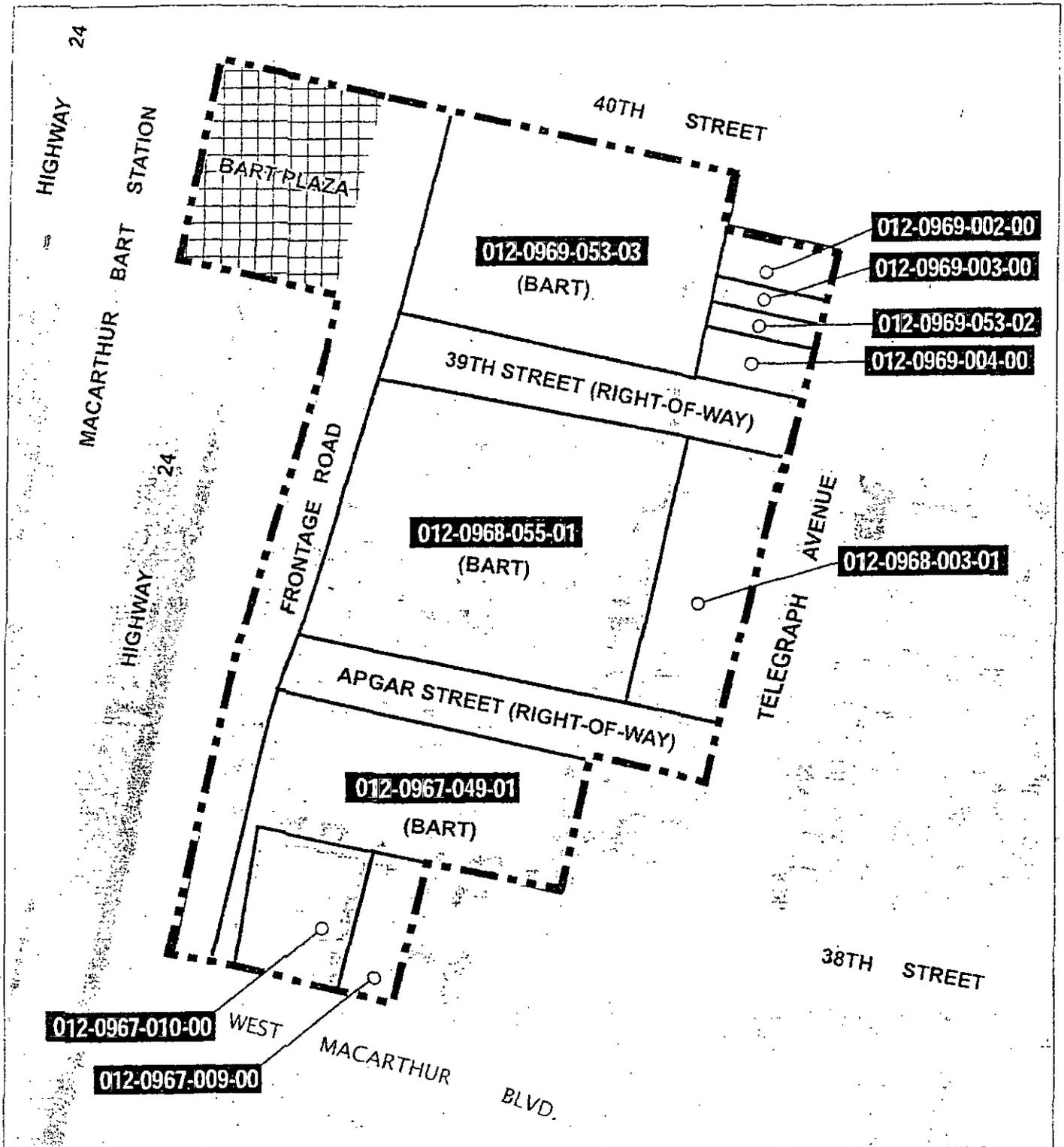
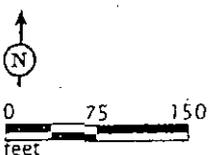


FIGURE III-2

Legend

-  Project site
-  BART Plaza
-  Parcel lines

MacArthur Transit Village Project EIR  
Parcels within Project Site



SOURCE: CITY OF OAKLAND, 2006.

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## II. SUMMARY

### A. PROJECT UNDER REVIEW

This EIR has been prepared to evaluate the potential environmental effects of the MacArthur Transit Village project. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40<sup>th</sup> Street, and seven privately-owned parcels. The MacArthur Transit Village Project seeks to redevelop and revitalize an underutilized site in Oakland to create a vibrant transit village that provides pedestrian-oriented, mixed-use development (residential, commercial and community services) that enhances the character of the neighborhood and improves access to (for all travel modes) and ridership of BART.

The 8.2-acre project site is located in North Oakland, within the block bound by 40<sup>th</sup> Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24 (SR-24), as shown in Figure 1-1. The project would include five buildings with up to 675 units of high-density multi-family housing, up to 44,000 square feet of neighborhood-serving commercial, and 5,000 square feet of community space or childcare facility space. Approximately 17 percent of the units (20 percent of total market-rate units) would be below market-rate (affordable), with the remainder of the units being market-rate condominiums. The project includes approximately 700 residential, commercial and community use parking spaces and 300 BART patron parking spaces. The proposed project is described in detailed in Chapter III, Project Description.

### B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapter V, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures. CEQA requires a summary to include discussion of: (1) potential areas of controversy; (2) significant impacts; (3) cumulative impacts; (4) significant irreversible and unavoidable impacts; and (5) alternatives to the proposed project. Each of these topics are summarized below.

#### 1. Potential Areas of Controversy

Letters and verbal comments received on the Notices of Preparation (NOP) (February 15, 2006 and June 13, 2006) raised a number of topics that the commentors wanted addressed in the EIR, including transportation, parking, air quality, noise, visual resources, storm drainage and water quality, utilities and infrastructure impacts that may result from the proposed project. In addition, some of the comments offered in the NOP comment letters addressed the merits of the project itself and not the potential adverse environmental

impacts that are the subject of this EIR. Verbal comments offered by those in attendance at the CEQA Scoping Sessions, held on February 28, 2006 and March 15, 2006, included many of the comments offered in writing as comments on the NOP. Copies of the NOPs and written comment letters are included in Appendix A.

## 2. Significant Impacts

Under CEQA, a significant impact on the environment is defined as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."<sup>1</sup> Implementation of the proposed project has the potential to result in adverse environmental impacts related to transportation. Transportation impacts would be significant without the implementation of Standard Conditions of Approval and mitigation measures, but, with the exception of two intersections (#3 and #22), would be reduced to a less-than-significant level if the Standard Conditions of Approval and mitigation measures noted in this report are implemented. Impacts are anticipated to be less than significant for all other environmental topics.

## 3. Alternatives to the Proposed Project

Chapter V includes the analysis of three alternatives to the proposed project to meet the requirements of CEQA to analyze a range of reasonable alternatives to the project that would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The three project CEQA alternatives analyzed in Chapter V include:

- The No Project/No Build Alternative, which assumes the continuation of existing conditions within the project site.
- The Existing Zoning Alternative, which assumes development in accordance with the existing zoning (C-28 and R-70) and General Plan land use designation (Neighborhood Center Mixed-Use). The Existing Zoning Alternative would include demolition of all existing buildings and the BART parking lot and remediation of hazardous materials on-site. Development under this alternative would include 530 dwelling units, 44,000 square feet of commercial space (this may include a community space) and approximately 1,015 parking spaces (including 300 exclusive BART parking spaces). Development would consist of five new buildings (including a parking garage). Structures within the existing C-28 zone (properties adjacent to MacArthur Boulevard and Telegraph Avenue) would have a maximum height of 55 feet and structures within the R-70 zone (properties currently developed with the BART parking lot) would have a maximum height of 40 feet. This alternative would include new access/circulation improvements and BART plaza improvements.

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<sup>1</sup>14 California Code Regs. 15382; Public Resources Code 21068.

- The Mitigated Reduced Building/Site Alternative, which assumes development would only occur on the BART parking lot. The Mitigated Reduced Building/Site Alternative would include demolition of the BART parking lot, but all other buildings and uses would remain. Development under this alternative would include four five- to six-story structures with approximately 200 dwelling units, 20,000 square feet of commercial space and 750 parking spaces (including 300 exclusive BART parking spaces).

Three additional planning alternatives to the project are also considered in this EIR. These alternatives may not lessen or avoid any of the significant, adverse environmental effects of the project as they are evaluated primarily to consider variants to the project that may be desirable to the project developer, the City, BART, and/pr members of the community. The planning/project merit alternatives analyzed in Chapter V include:

- The Proposed Project with Full BART Replacement Parking Alternative, which assumes the proposed project is developed with a 600-space parking garage for BART patrons (as opposed to a 300-space parking garage for BART patrons). Parking spaces under the Proposed Project with Full BART Replacement Parking would be approximately 1,300 with 600 exclusive BART parking spaces. All other project components remain the same (up to 675 residential units, 44,000 square feet of commercial area and 5,000 square feet of community space or childcare facility). Site improvements and circulation pattern are the same the proposed project.
- The Tower Alternative, which assumes a 23-story tower building would be constructed at Building D. Under the proposed project, Building D is a four-story residential building. In the Tower Alternative, residential units would increase to 868 units with 720 market-rate and 148 affordable units (as opposed to 675 residential units with 562 market-rate and 113 affordable units) and parking would increase to approximately 1,210 parking spaces, including 300 exclusive BART parking spaces. All other project components remain relatively similar with 34,000 square feet of commercial area and 7,500 square feet of community space or childcare facility. Site improvements and circulation pattern are the same the proposed project.
- The Increased Commercial Alternative, which assumes 172,000 square feet of commercial office development, would occur at Building A. Under the proposed project, Building A is a five- to six-story mixed-use building with 230 market-rate units above 26,000 square feet of ground floor commercial and live/work flex space. Under the Commercial Alternative, 172,000 square feet of commercial office space is introduced onto the site with 475 residential units (395 market-rate and 80 affordable units), 27,000 square feet of commercial area and 5,000 of community space or childcare facility. Site improvements and circulation pattern are the same the proposed project.

#### 4. Significant Unavoidable and Cumulative Impacts

As discussed at the end of each topical section in Chapter IV, Setting, impacts and Mitigation Measures, the project would not significantly contribute to any significant cumulative impacts for any topics other than transportation. The project would significantly contribute to cumulative impacts at the following intersections:

- Telegraph Avenue/52<sup>nd</sup> Street and Claremont Avenue intersection (#2)
- Telegraph Avenue/51<sup>st</sup> Street intersection (#3)
- West Street/40<sup>th</sup> Street intersection (#8)
- the Telegraph Avenue/40<sup>th</sup> Street intersection (#13)
- Market Street/MacArthur Boulevard intersection (#16)
- Telegraph Avenue/MacArthur Boulevard intersection (#20)
- Broadway/MacArthur Boulevard intersection (#22)

The project's contribution to the cumulative impact at each of the above intersections can be mitigated to a less-than-significant level except at intersection #3 and intersection #22. No other significant and unavoidable impacts would result.

#### C. SUMMARY TABLE

Information in Table II-1, Summary of Impacts, City Standard Conditions of Approval and Mitigation Measures has been organized to correspond with environmental issues discussed in Chapter IV. The table is arranged in four columns: (1) impacts; (2) level of significance prior to mitigation (when mitigation is necessary); (3) required Standard Conditions of Approval and/or recommended mitigation measures; and (4) level of significance after implementation of Standard Conditions of Approval and/or mitigation. Levels of significance are categorized as follows: LTS = Less Than Significant; S = Significant; and SU = Significant and Unavoidable. A series of mitigation measures is noted where more than one mitigation measure is required to achieve a less-than-significant impact, and alternative mitigation measures are identified when available. For a complete description of potential impacts and recommended mitigation measures, please refer to the specific discussions in Chapter IV.

Table II-2 lists recommended improvements identified throughout the document to address project issues not considered significant environmental impacts under CEQA. The recommendations should be considered by the City during the review of the project's merits, independent of the CEQA impacts and mitigation measures. The failure to adopt such recommendations, however, would not result in any new impacts or the increase in severity of previously identified impacts.

**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM.	Standard COA/MM	Level of Significance With MM/COA
<b>A. LAND USE</b>			
<i>No significant land use impacts would occur.</i>			
<b>B. PUBLIC POLICY</b>			
<i>No significant public policy impacts would occur.</i>			
<b>C. TRANSPORTATION, CIRCULATION AND PARKING</b>			
<p><i>No significant construction period transportation-related impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>	<p><b>COA TRANS-1:</b> Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Transportation Services Division and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project sponsor shall develop a construction management plan for review and approval by the City Transportation Services Division. The plan shall also be submitted to BART and AC Transit for review and comment. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> <li>• A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.</li> <li>• Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</li> <li>• Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site).</li> <li>• Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.</li> </ul>	<p>LTS</p>	

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
COA TRANS-1 continued		<ul style="list-style-type: none"> <li>• Temporary construction fences to contain debris and material and to secure the site.</li> <li>• Provisions for removal of trash generated by project construction activity.</li> <li>• A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager.</li> <li>• Subject to City review and approval, prior to start of construction, a construction worker transportation demand management (TDM) program shall be implemented to encourage construction workers to carpool or use alternative transportation modes in order to reduce the overall number of vehicle trips associated with construction workers.</li> <li>• Identification and maintenance of vehicular, bicycle, pedestrian and transit access to and from the BART Station.</li> </ul> <p>It is anticipated that this Construction Traffic Management Plan would be developed in the context of a larger Construction Management Plan, which would address other issues such as hours of construction on-site, limitations on noise and dust emissions, and other applicable items.</p>	
<p><u>TRANS-1</u>: The addition of project traffic would cause a significant impact at the Telegraph Avenue/51<sup>st</sup> Street intersection (#3) under Cumulative Year 2015 Baseline Plus Project conditions. The project would contribute to LOS E operations during the PM peak hour and increase critical movement average delay by more than 6 seconds.</p>	S	<p><u>TRANS-1</u>: Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/51<sup>st</sup> Street intersection and coordinate signal phasing and timing with the adjacent Telegraph Avenue/52<sup>nd</sup> Street and Claremont Avenue intersection and other intersections in the same coordination group. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland's Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing the plan.</p>	LTS

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-1 <i>continued</i>		As shown in Table IV.C-15, after implementation of this measure, the intersection would continue to operate at LOS E during the PM peak hour. However, the increase in average delay for the critical movements would be reduced to less than the 6-second threshold of significance. No significant effects would result from implementation of this measure.	
TRANS-2: The addition of project traffic would cause a significant impact at the Market Street/MacArthur Boulevard intersection (#16) under Cumulative Year 2015 Baseline Plus Project conditions. The project would degrade intersection operations from LOS D to LOS E during the PM peak hour.	S	TRANS-2: Change the signal cycle length to 90 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Market Street/MacArthur Boulevard Intersection. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland's Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the Market Street/MacArthur Boulevard intersection. The project sponsor shall fund the cost of preparing and implementing the plan.  As shown in Table IV.C-15, after implementation of this measure, the intersection would operate at LOS C during both AM and PM peak hours. No significant effects would result from implementation of this measure.	LTS
TRANS-3: The addition of project traffic would cause a significant impact at the Telegraph Avenue/52 <sup>nd</sup> Street and Claremont Avenue intersection (#2) under Cumulative 2030 Baseline Plus Project conditions. The project would contribute to LOS F operations and increase intersection average delay by more than 2 seconds during the AM peak hour; would contribute to LOS E operations and increase critical movement average delay by more than 6 seconds during the PM peak hour.	S	TRANS-3: Implement the following measures: <ul style="list-style-type: none"> <li>• Prohibit left-turns from northbound Telegraph Avenue into westbound 52<sup>nd</sup> Street during the peak commute times (i.e., 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). Currently, a small volume of traffic uses this movement (about 10 peak hour vehicles), which can be diverted to 51st Street. Thus, the peak hour prohibition on left-turns would not result in excessive and circuitous diversions.</li> <li>• Change signal cycle length to 120 seconds and optimizing signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/52<sup>nd</sup> Street and Claremont Avenue intersection; coordinate signal timing and phasing with the adjacent Telegraph Avenue/51<sup>st</sup> Street intersection and other intersections in the same coordination group.</li> </ul>	LTS

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

**Table II-I Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-3 continued		<p>To implement these measures, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>• Signing plans to prohibit left-turns from northbound Telegraph Avenue into westbound 52nd Street.</li> <li>• Signal timing plans for the signals in the coordination group.</li> </ul> <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p> <p>As shown in Table IV.C-17, after implementation of this measure, the intersection would continue to operate at LOS F during the AM peak hour. However, the increase in Intersection average delay would be reduced to less than the two-second threshold of significance. The intersection would operate at LOS C during the PM peak hour after implementation of this measure. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. However, no significant effects would result from implementation of this measure.</p>	
<p><u>TRANS-4:</u> The addition of project traffic would cause a significant impact at the Telegraph Avenue/51<sup>st</sup> Street Intersection (#3) under Cumulative Year 2030 Baseline Plus Project conditions. The project would contribute to LOS F operations during both AM and PM peak hours; would increase critical movement average delay by more than 4 seconds during the AM peak hour; and would increase intersection average delay by more than 2 seconds during the PM peak hour.</p>	S	<p><u>TRANS-4:</u> Implement the following measures:</p> <ul style="list-style-type: none"> <li>• Change signal cycle length to 120 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/51<sup>st</sup> Street intersection and coordinate signal phasing and timing with the adjacent Telegraph Avenue/52<sup>nd</sup> Street and Claremont Avenue intersection and other intersections in the same coordination group. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland's Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing the plan.</li> </ul>	SU

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

**Table II-I Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-4 continued		<p>As shown in Table IV.C-17, after changing the signal cycle and turns, the intersection would continue to operate at LOS F during the PM peak hour, and the increase in average delay for the critical movements would continue to be more than the 4-second threshold of significance. Thus, this measure is not sufficient to mitigate the impact to a less-than-significant level. In addition, the increase in signal cycle length may result in additional delay for pedestrians and bicycles.</p> <ul style="list-style-type: none"> <li>To help further minimize impacts at this Intersection, a Transportation Demand Management (TDM) program shall be implemented at the project site to encourage more residents and employees to shift from driving alone to other modes of travel. Potential TDM measures may include, but are not limited to, transit ticket subsidies, awareness programs, direct transit sales, providing a guaranteed ride home program, and parking management strategies. The effectiveness of the TDM program shall be regularly monitored, and if necessary adjusted to meet its goals. The project applicant shall submit the TDM program to the City for its review and approval. The plan shall also be submitted to BART for review and comment. The project applicant shall also be responsible for funding and implementing the TDM program.</li> </ul> <p>The components of the proposed TDM program have not been finalized. Additionally, it is difficult to accurately predict a TDM program's effectiveness and to quantify the effects on reducing project trip generation. To present a conservative analysis, this study assumes that the intersection would continue to operate at LOS F with the implementation of this mitigation measure. Thus, these measures will partially mitigate the impact, but are not sufficient to mitigate the impact to a less-than-significant level.</p>	

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<p><b>TRANS-5:</b> The addition of project traffic would cause a significant impact at the West Street/40<sup>th</sup> Street intersection (#8) under Cumulative Year 2030 Baseline Plus Project conditions. The project would degrade intersection operations from LOS D to LOS E in the PM peak hour.</p>	<p>S</p>	<p><b>TRANS-5:</b> Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the West Street/40<sup>th</sup> Street intersection. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland's Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the West Street/40<sup>th</sup> Street intersection. The project sponsor shall fund the cost of preparing and implementing the plan.</p> <p>As shown in Table IV.C-17, after implementation of this measure, the intersection would operate at LOS A during the PM peak hour. No significant effects would result from implementation of this measure.</p>	<p>LTS</p>
<p><b>TRANS-6:</b> The addition of project traffic would cause a significant impact at the Telegraph Avenue/40<sup>th</sup> Street intersection (#13) under Cumulative Year 2030 Baseline Plus Project conditions. During the PM peak hour, the project would contribute to LOS F operations and would increase critical movement average delay by more than 4 seconds.</p>	<p>S</p>	<p><b>TRANS-6:</b> Implement the following measures:</p> <ul style="list-style-type: none"> <li>• Provide protected/permitted left-turn phasing on eastbound and westbound 40<sup>th</sup> Street approaches.</li> <li>• Change signal cycle length to 105 seconds during the PM peak hour, and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/40<sup>th</sup> Street Intersection. The change in signal cycle length may also require coordination with other intersections in the same coordination group.</li> </ul> <p>To implement these measures, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>• Plans, Specifications, and Estimates (P&amp;E) to modify intersection to provide left-turn phasing on eastbound and westbound 40<sup>th</sup> Street approaches.</li> <li>• Signal timing plans for the signals in the coordination group.</li> </ul> <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p>	<p>LTS</p>

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-6 <i>continued</i>		As shown in Table IV.C-17, after implementation of these measures, the intersection would operate at LOS D during both AM and PM peak hours. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. However, no significant effects would result from implementation of this measure.	
<p><u>TRANS-7:</u> The addition of project traffic would cause a significant impact at the Market Street/MacArthur Boulevard intersection (#16) under Cumulative Year 2030 Baseline Plus Project conditions. The project would contribute to LOS F operations, and would increase intersection average delay by more than 2 seconds, during both AM and PM peak hours.</p>	S	<p><u>TRANS-7:</u> The impact shall be mitigated by the following:</p> <ul style="list-style-type: none"> <li>• Stripe a left-turn lane on northbound Market Street at MacArthur Boulevard. The left-turn lane can be accommodated within the existing right-of-way, but may result in loss of a few on-street parking and relocation of an AC Transit bus stop on northbound Market Street.</li> <li>• Change signal cycle length to 110 seconds during the AM peak hour and 90 seconds during the PM peak hour, and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Market Street/MacArthur Boulevard intersection.</li> </ul> <p>To implement these measures, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>• Plans, Specifications, and Estimates (PS&amp;E) to stripe a left-turn lane on northbound Market Street at MacArthur Boulevard.</li> <li>• Signal timing plans for the Market Street/MacArthur Boulevard intersection.</li> </ul> <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p> <p>As shown in Table IV.C-17, after implementation of these measures, the intersection would operate at LOS C during both AM and PM peak hours. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. However, no significant effects would result from implementation of this measure.</p>	LTS

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<p><b>TRANS-8:</b> The addition of project traffic would cause a significant impact at the Telegraph Avenue/MacArthur Boulevard Intersection (#20) under Cumulative Year 2030 Baseline Plus Project conditions. The project would degrade intersection operations from LOS D to LOS E in the AM peak hour.</p>	<p>S</p>	<p><b>TRANS-8:</b> Implement the following measures:</p> <ul style="list-style-type: none"> <li>• Provide protected/permitted left-turn phasing on northbound and southbound Telegraph Avenue approaches.</li> <li>• Change signal cycle length to 120 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/MacArthur Boulevard intersection. Signal phasing and timing shall also be coordinated with other intersections in the same coordination group.</li> </ul> <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> <li>• Plans, Specifications, and Estimates (PS&amp;E) to modify intersection to provide left-turn phasing on northbound and southbound Telegraph Avenue approaches.</li> <li>• Signal timing parameters for the signals in the coordination group.</li> </ul> <p>The project sponsor shall fund the cost of preparing and implementing the plan.</p> <p>As shown in Table IV.C-17, after implementation of this measure, the intersection would operate at LOS D during the AM peak hour and LOS E during the PM peak hour. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. No significant effects would result from implementation of this measure.</p>	<p>LTS</p>

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<p><u>TRANS-9</u>: The addition of project traffic would cause a significant impact at the Broadway/MacArthur Boulevard intersection (#22) under Cumulative Year 2030 Baseline Plus Project conditions. The project would contribute to LOS F operations and would increase intersection average delay by more than 2 seconds during the AM peak hour.</p>	<p>S</p>	<p><u>TRANS-9</u>: Implement the following measures:</p> <ul style="list-style-type: none"> <li>To help further minimize impacts at this intersection, a Transportation Demand Management (TDM) program shall be implemented at the project site to encourage more residents and employees to shift from driving alone to other modes of travel. Potential TDM measures may include, but are not limited to, transit ticket subsidies, awareness programs, direct transit sales, providing a guaranteed ride home program, and parking management strategies. The effectiveness of the TDM program shall be regularly monitored, and if necessary adjusted to meet its goal. The project applicant shall submit the TDM program to the City for its review and approval. The plan shall also be submitted to BART for review and comment. The project applicant shall also be responsible for funding and implementing the TDM program.</li> </ul> <p>The components of the proposed TDM program have not been finalized. Additionally, it is difficult to accurately predict a TDM program's effectiveness and to quantify the effects on reducing project trip generation.</p> <p>To present a conservative analysis, this study assumes that the intersection would continue to operate at LOS F with the implementation of this mitigation measure. Thus, these measures will partially mitigate the impact, but are not sufficient to mitigate the impact to a less-than-significant level.</p>	<p>SU</p>

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**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<b>D. AIR QUALITY</b>			
<p><i>No significant construction-related air quality impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p><b>COA AIR-1: Dust Control.</b> <i>Prior to issuance of a demolition, grading, or building permit. During construction, the project applicant shall require the construction contractor to implement the following measures required as part of BAAQMD basic and enhanced dust control procedures required for construction sites. These include:</i></p> <p><b>BASIC (Applies to ALL construction sites)</b></p> <ul style="list-style-type: none"> <li>a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.</li> <li>b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.</li> <li>d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.</li> <li>e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each bay if visible soil material is carried onto adjacent paved roads.</li> <li>f) Limit the amount of the disturbed area at any one time, where feasible.</li> <li>g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</li> </ul>	<p>LTS</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Air Quality continued		h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. i) Replant vegetation in disturbed areas as quickly as feasible. j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). k) Limit traffic speeds on unpaved roads to 15 miles per hour. l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.	
		ENHANCED (All "Basic" Controls listed above plus the following if the construction site is greater than 4 acres) a) All "Basic" controls listed above, plus: b) Install sandbags or other erosion control measures to prevent silt runoff to public roadways. c) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). d) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction. e) Install appropriate wind breaks at the construction site to minimize wind blown dust.	

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**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Air Quality <i>continued</i>		<p>COA AIR-2: Construction Emissions. Prior to issuance of a demolition, grading, or building permit. To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:</p> <ul style="list-style-type: none"> <li>a) Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1, provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.</li> <li>b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.</li> </ul>	
<b>E. NOISE AND VIBRATION</b>			
No significant construction-related noise and vibration impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		<p>COA NOISE-1: Days/Hours of Construction Operation. Ongoing throughout demolition, grading, and/or construction. The project applicant shall require construction contractors to limit standard construction activities as follows:</p> <ul style="list-style-type: none"> <li>a) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.</li> </ul>	

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**Table II-1 Summary of impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.</p> <p>c) Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <ul style="list-style-type: none"> <li>• Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.</li> <li>• After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.</li> </ul> <p>d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</p> <p>e) No construction activity shall take place on Sundays or Federal holidays.</p> <p>f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p>	LTS

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Table II-I Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>COA NOISE-2: Noise Control. <i>Ongoing throughout demolition, grading, and/or construction.</i> To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to city review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> <li>a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>b) Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</li> <li>c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction</li> <li>d) The noisiest phases of construction shall be limited to less than 90 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</li> </ul>	LTS

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration continued		<p>COA NOISE-3: Noise Complaint Procedures. <i>Ongoing throughout demolition, grading, and/or construction.</i> Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> <li>a) A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);</li> <li>b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);</li> <li>c) The designation of an on-site construction complaint and enforcement manager for the project;</li> <li>d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and</li> <li>e) A preconstruction meeting shall be held with the job Inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.</li> </ul>	LTS
		<p>COA NOISE-4: Interior Noise. <i>Prior to issuance of a building permit.</i> If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase; however, the following sound-rated assembly recommendations, based on</p>	

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Table II-I Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>the conceptual project layout and design (described in Chapter III, Project Description) should be included in the final study and will be included in the Standard Condition of Approval:</p> <p>An alternate form of ventilation, such as air conditioning systems, shall be included in the design for all units located within 659 feet of the centerline of SR-24, or within 153 feet of the centerline of 40<sup>th</sup> Street, or within 166 feet of the centerline of MacArthur Boulevard to ensure that windows can remain closed for prolonged periods of time to meet the interior noise standard and Uniform Building Code Requirements:</p> <p>All residential building facades directly exposed to and within 240 feet of the centerline of SR-24 must be constructed to meet the interior DNL 45 dB requirement; this likely could be achieved with an overall STC-30 rating with windows having a minimum STC-34 rating. This could be achieved with a typical 1-inch insulated glazing assembly, possibly with one light being laminated (or other appropriate example assembly). Quality control must be exercised in construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed.</p>	
		<p>COA NOISE-5: Pile Driving and Other Extreme Noise Generators. <i>Ongoing</i> throughout demolition, grading, and/or construction. To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration continued		<p>determined by the Building Official and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p> <ul style="list-style-type: none"> <li>a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</li> <li>b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</li> <li>c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</li> <li>d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example, and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</li> <li>e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ul>	LTS
	<p>COA NOISE-6: Vibrations Adjacent Historic Structures. <i>Prior to issuance of a demolition, grading or building permit.</i> The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage buildings adjacent to the project site and design means and methods of construction that shall be utilized to not exceed the thresholds.</p>		

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<b>F. HYDROLOGY AND WATER QUALITY</b>			
<p>No significant hydrology and water quality impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</p>	<p>COA HYDRO-1 (same as COA GEO-1): Erosion and Sedimentation Control Plan. Prior to any grading activities.</p> <p>a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p>Ongoing throughout grading and construction activities.</p> <p>b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	<p>LTS</p>	

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**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Hydrology & Water Quality <i>continued</i>		<p>COA HYORO-2: Stormwater Pollution Prevention Plan (SWPPP). <i>Prior to and ongoing throughout demolition, grading, and/or construction activities.</i> The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of Intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP). At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an Inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit a copy of the SWPPP and evidence of approval of the SWPPP by the SWRCB to the Building Services Division. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.</p>	LTS
		<p>COA HYDRO-3: Post-Construction Stormwater Pollution Management Plan. <i>Prior to issuance of building permit (or other construction-related permit).</i> The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p>	LTS

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**Table II-i Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Hydrology & Water Quality continued		<p>a) The post-construction stormwater pollution management plan shall include and identify the following:</p> <ul style="list-style-type: none"> <li>• All proposed impervious surface on the site;</li> <li>• Anticipated directional flows of on-site stormwater runoff; and</li> <li>• Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and</li> <li>• Source control measures to limit the potential for stormwater pollution; and</li> <li>• Stormwater treatment measures to remove pollutants from stormwater runoff.</li> </ul> <p>b) The following additional information shall be submitted with the post-construction stormwater pollution management plan:</p> <ul style="list-style-type: none"> <li>• Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and</li> <li>• Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures.</li> </ul> <p>All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.</p>	

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**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Hydrology & Water Quality <i>continued</i>		<i>Prior to final permit inspection.</i> The applicant shall implement the approved stormwater pollution management plan.	
		<p><b>COA HYDRO-4: Maintenance Agreement for Stormwater Treatment Measures.</b> <i>Prior to final zoning inspection.</i> For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:</p> <ul style="list-style-type: none"> <li>• The applicant accepting responsibility for the adequate installation/ construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>• Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.</li> </ul>	LTS
<b>G. GEOLOGY, SOILS AND SEISMICITY</b>			
No significant geology, soils and seismicity impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		<p><b>COA GEO-1 (same as COA HYDRO-1): Erosion and Sedimentation Control Plan.</b> <i>Prior to any grading activities.</i></p> <p>a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterp:roof</p>	LTS

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**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity continued		<p>slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><i>Ongoing throughout grading and construction activities.</i></p> <p>b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	
		<p>COA CEO-2: Soils Report. Required as part of the submittal of a Tentative Tract or Tentative Parcel Map. A preliminary soils report for each construction site within the project area shall be required as part of this project. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <p>A. Logs of borings and/or profiles of test pits and trenches:</p> <p>a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.</p> <p>b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity <i>continued</i>		<p>c) All boring logs shall be included in the soils report.</p> <p>B. Test pits and trenches:</p> <p>a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.</p> <p>b) Soils profiles of all test pits and trenches shall be included in the soils report.</p> <p>C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled:</p> <p>D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</p> <p>E. Soils Report. A written report shall be submitted which shall but is not limited to the following:</p> <p>a. Site description.</p> <p>b. Local and site geology.</p> <p>c. Review of previous field and laboratory investigations for the site.</p> <p>d. Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building.</p> <p>e. Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist.</p> <p>f. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required.</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity continued		<p>g. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report.</p> <p>h. All other items which a Soils Engineer deems necessary.</p> <p>i. The signature and registration number of the Civil Engineer preparing the report.</p> <p>F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</p>	
		<p>COA CEO-3; Geotechnical Report. Required as part of the submittal of a tentative Tract Map or tentative Parcel Map.</p> <p>a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project. Specifically:</p> <p>Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.</p> <p>The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).</p> <p>The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, will be included in the final design, as approved by the City of Oakland.</p>	LTS

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**Table II-I Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity continued		<p>The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.</p> <p>Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.</p> <p>A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.</p> <p>Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</p> <p>b) Tentative Tract or Parcel Map approvals shall require, but not be limited to approval of the Geotechnical Report.</p>	
<b>H. PUBLIC HEALTH AND HAZARDS</b>			
No significant public health and hazards impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		<p><b>COA HAZ-1: Hazards Best Management Practices.</b> Prior to issuance of a demolition, grading, or building permit. The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <ul style="list-style-type: none"> <li>a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;</li> <li>b) Avoid overtopping construction equipment fuel gas tanks;</li> <li>c) During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> </ul>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards continued		<p>d) Properly dispose of discarded containers of fuels and other chemicals.</p> <p>e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.</p> <p>f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval (see COA HAZ-3 and HAZ-5 below) as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>	
		<p>COA HAZ-2: Asbestos Removal in Structures. <i>Prior to issuance of a demolition permit, if asbestos is found to be present in building materials to be removed, demolition and disposal is required to be conducted in accordance with procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of Bay Area Air Quality Management District (BAAQMD) regulations, as may be amended.</i></p>	LTS

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Table II-1 Summary of impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards continued		COA HAZ-3: Phase I and/or Phase II Reports. Prior to issuance of a demolition, grading, or building permit. Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.	LTS
		COA HAZ-4: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. Prior to issuance of a demolition, grading, or building permit. The project applicant shall submit a comprehensive assessment report, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.	LTS
		COA HAZ-5: Environmental Site Assessment Reports Remediation. Prior to issuance of a demolition, grading, or building permit. If the environmental site assessment reports recommend remedial action, the project applicant shall: a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps. b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.	LTS

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**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards continued		<p>c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.</p> <p>Prior to issuing any permits for construction at the project site, a Construction-Phase Risk Management Plan (RMP) shall be prepared for the project. The RMP shall include any health and safety measures determined necessary in the HHRA to protect the health of construction workers and nearby public during construction activities. These measures may potentially include dust control, air monitoring, and/or the use of personal protective equipment during construction activities. Action levels for contaminants of concern shall be established, with detailed descriptions of corrective actions to be taken in the event that the action levels are reached during monitoring. The RMP shall also include safety and emergency response measures included in the City's Standard Conditions HAZ-1 and HAZ-2. The RMP shall be reviewed and approved by the City of Oakland or designated regulatory oversight agency.</p> <p>d) Implementation of COA HAZ-S would require a Remediation Action Plan (RAP). Required remedial actions shall include measures to ensure that any potential added health risks to future site users as a result of hazardous materials are reduced to a cumulative human health risk of less than <math>1 \times 10^{-6}</math> (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or other site-specific goals established by regulatory oversight agencies. The potential risks to human health in excess of these goals may be reduced either by remediation of the contaminated soils or groundwater (e.g., excavation).</p>	

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**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards <i>continued</i>		and off-site disposal of soils and treatment of groundwater) and/or implementation of Institutional controls and engineering controls (IC/EC). IC/EC may include the use of hardscape (buildings and pavements), importation of clean soil in landscaped areas to eliminate exposure pathways, and deed restrictions. Specific remedies would depend on the findings of the site-specific HHRA and the requirements of the regulatory agencies	
		COA HAZ-6: Lead-Based Paint Remediation. <i>Prior to issuance of a demolition, grading, or building permit.</i> If lead-based paint is present, the project applicant shall submit specifications signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.	LTS
		COA HAZ-7: Asbestos Remediation. <i>Prior to issuance of a demolition, grading, or building permit.</i> If asbestos-containing materials (ACM) are present, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.	LTS
		COA HAZ-8: Other Materials Classified as Hazardous Waste. <i>Prior to issuance of a demolition, grading, or building permit.</i> If other building materials or stored materials classified as hazardous waste by State or federal law is present, the project applicant shall submit written confirmation that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.	LTS

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**Table II-I Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards <i>continued</i>		COA HAZ-9: Health and Safety Plan per Assessment. Prior to issuance of a demolition, grading, or building permit. If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.	LTS
		COA HAZ-10: Fire Safety Phasing Plan. Prior to issuance of a demolition, grading, or building permit and concurrent with any p-job submittal permit. The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.	LTS
		COA HAZ-11: Fire Safety. Prior to and ongoing throughout demolition, grading, and/or construction. The project applicant and construction contractor will ensure that during project construction, all construction vehicles and equipment will be fitted with spark arrestors to minimize accidental ignition of dry construction debris and surrounding dry vegetation.	LTS
<b>I. Public Services</b>			
No significant public services impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		COA SERV-1: Conformance with other Requirements, Prior to Issuance of a demolition, grading, P-job, or other construction related permit. a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.	LTS

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Services continued		b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.	
		COA SERV-2: Fire Safety Phasing Plan. <i>Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit</i> , the project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.	LTS
<b>J. UTILITIES AND INFRASTRUCTURE</b>			
No significant utilities and infrastructure impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		COA UTIL-1: Waste Reduction and Recycling. The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.  <i>Prior to issuance of demolition, grading, or building permit.</i> Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/ alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at <a href="http://www.oaklandpw.com/Page39.aspx">www.oaklandpw.com/Page39.aspx</a> or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.	LTS

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

Table II-I Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Utilities & Infrastructure continued		<p>Ongoing. The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p>	
		<p>COA UTIL-2: Storm Water and Sewer. Prior to completing the final design for the project's sewer service. Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.</p>	LTS

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<b>K. CULTURAL AND PALEONTOLOGICAL RESOURCES</b>			
<p><i>No significant cultural and paleontological resources impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>	<p><b>COA CULT-1: Archaeological Resources. Ongoing throughout demolition, grading, and/or construction</b> Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <p>In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.</p>	<p>LTS</p>	

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Cultural & Paleontological Resources <i>continued</i>		Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.	
		COA CULT-2: Human Remains. Ongoing throughout demolition, grading, and/or construction In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.	LTS

LTS = Less Than Significant, SU = Significant and Unavoidable, S = Significant

**Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Cultural & Paleontological Resources <i>continued</i>		<p><b>COA CULT-3: Paleontological Resources.</b> <i>Ongoing throughout demolition, grading, and/or construction</i></p> <p>In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995, 1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.</p>	LTS
<b>L. AESTHETIC RESOURCES</b>			
<p><i>No significant lighting impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p><b>COA AES-1: Lighting Plan.</b> <i>Prior to the issuance of an electrical or building permit</i></p> <p>The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.</p>	LTS

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

**Table II-2 Recommendations**

**TRANS-1:** In consultation with City of Oakland staff and pending feasibility studies, the following improvements should be considered in and around the project area:

- Removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard.
- Providing street furniture and widening sidewalks where feasible in and around the project site.
- Providing pedestrian scale lighting on MacArthur Boulevard under the freeway overpass.
- Specific intersection improvements, such as advanced stop bars, median refuge islands, reduced corner curb radii, raised crosswalks, curb bulb-outs, audible pedestrian signals, and pedestrian and bicycle signal detection.

**TRANS-2:** Project applicant should pay to monitor traffic volumes and speeds on the following roadways before and after the completion of the proposed project:

- 37th Street between West MacArthur Boulevard and Telegraph Avenue;
- 38th Street between Telegraph Avenue and Webster Street; and
- Clarke Street and Ruby Street between 38th Street and 40th Street.

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.

**NOISE-1:** All exterior active use areas, including playgrounds, patios, and decks, shall either be shielded by buildings to block any direct line of sight to 40th Street, MacArthur Boulevard, or SR-24; or be located a minimum of 87 feet from the centerline of 40th Street, a minimum of 94 feet from the centerline of MacArthur Boulevard, and a minimum of 372 feet from the centerline of SR-24.

# CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA 94612-2111

Community and Economic Development Agency  
 Planning & Zoning Services Division

(510) 231-0001  
 FAX (510) 238-0777  
 TDD (510) 370-0045

## COMBINED NOTICE OF RELEASE AND AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARINGS ON THE MACARTHUR TRANSIT VILLAGE PROJECT

**PROJECT TITLE:** MAC ARTHUR TRANSIT VILLAGE LIR  
**CASE NO.** ER 0006-04  
**PROJECT SPONSOR:** MacArthur Transit Community Partners, LLC

**PROJECT LOCATION:** The project site is approximately 8.2 acres and is comprised of 10 parcels, the existing BART Plaza, two unimproved roadway rights-of-way between Telegraph Avenue and Frontage Road, and Frontage Road between West MacArthur Boulevard and 40<sup>th</sup> Street. Project site addresses and APNs are shown in the table below:

Address	Assessor Parcel Number	Current Use
532 39 <sup>th</sup> Street	012-0969-053-03	BART Parking
516 Apgar Street	012-0968-055-01	BART Parking
515 Apgar Street	012-0967-049-01	BART Parking
3921 Telegraph Avenue	012-0969-002-00	Brides By Betty
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market
3901 Telegraph Avenue	012-0969-004-00	Lee's Auto
3875 Telegraph Avenue	012-0968-003-01	Medical Offices
526 W. MacArthur Boulevard	012-0967-009-00	Hotel
544 W. MacArthur Boulevard	012-0967-010-00	Hotel
BART Plaza	--	BART Plaza
39 <sup>th</sup> Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking
Apgar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking

**DESCRIPTION OF PROJECT:** The proposed project consists of a new Transit Village at the MacArthur BART station. The General Plan designates the project site as Neighborhood Center Mixed Use and the Existing Zoning is Commercial Shopping, Mediated Design Review (C-28/S-18) and High Density Residential, Mediated Design Review (R-70/S-18). The proposed project includes a rezone from C-28/S-18 and R-70/S-18 to Transit Oriented Development (S-15). The proposed project would require a series of discretionary actions associated with approval of the proposed project including, but not limited to: Rezone, S-15 Zone Text Amendment, Planned Unit Development/Development Plans, Design Review, Owner Participation Agreement/Disposition and Development Agreement, Development Agreement, Subdivision Maps, and Tree Removal Permits. Parcels that comprise the project site are included in the Hazardous Waste and Substances Sites (Cortese) List.

The proposed project would involve the demolition of all existing buildings and parking lots on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that will accommodate for-rent and for-sale residential units, neighborhood-serving commercial and commercial uses, live/work units and a community center or childcare use. New land uses in the project area would be consistent with the land uses prescribed in the S-15, Transit-Oriented Development Zone. The project also includes two new internal roadways, a parking garage, landscaping and other streetscape improvements (i.e., benches and street lighting), and improvements to the BART plaza. In summary the project includes the following elements:

- Demolition of existing structures and remediation of hazardous materials;
- Up to 675 dwelling units (562 market-rate units and 113 affordable rental units);
- Up to 44,000 square feet of commercial space (includes up to 18 live/work units);
- 5,000 square feet of community center space or childcare facility;
- Approximately 1,000 parking spaces (structured), which includes 300 exclusive BART patrons parking spaces, and 30 to 45 on-street parking spaces would be provided.
- The development of pedestrian and bicycle friendly internal streets and walkways;
- Two new traffic signals at the intersections of Village Drive/Telegraph Avenue and West MacArthur Boulevard/Frontage Road;
- A Residential Parking Permit program option for the adjacent neighborhoods;
- Improvements to the BART Plaza and other public access improvements; and
- Sustainable development that meets the objectives of the US Green Building Council LEED Neighborhood Development (ND) Pilot Program goals.

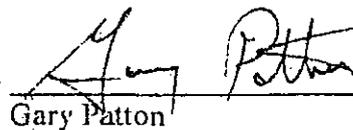
**ENVIRONMENTAL REVIEW:** A Draft Environmental Impact Report (DEIR) was been prepared for the project, under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et. seq. The DEIR analyzes potentially significant environmental impacts in the following environmental categories: Land Use; Public Policy; Transportation, Circulation and Parking; Air Quality; Noise and Vibration; Hydrology and Water Quality; Geology, Soils and Seismicity; Public Health and Hazards; Public Services; Utilities and Infrastructure; Cultural Resources and Paleontological Resources; and Aesthetic Resources. The Draft EIR identifies two significant unavoidable environmental impacts related to Transportation, Circulation and Parking (unacceptable Level of Service at two intersections: Broadway/MacArthur Boulevard and Market Street/MacArthur Boulevard under the Cumulative Year 2030 Baseline Plus Project condition). Copies of the DEIR are available for review or distribution to interested parties at no charge at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. The Draft EIR may also be reviewed at the following website:

<http://www.oaklandnet.com/government/ccda/revised/planningzoning/MajorProjectsSection/macarthur.html>

**PUBLIC HEARINGS:** The City Planning Commission will conduct a public hearing on the Draft EIR and the project on March 5, 2008 at 6:00 p.m. in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza.

The City of Oakland is hereby releasing this Draft EIR, finding it to be accurate and complete and ready for public review. Members of the public are invited to comment on the EIR and the project. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the EIR and making a decision on the project. Comments on the Draft EIR should focus on the sufficiency of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors. Comments may be made at the public hearing described above or in writing. Please address all written comments to Charity Wagner, Consulting Planner RE: Case No. ER 0006-04, City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; 510-238-6538 (fax); or e-mailed to [clwagner@rrmdesign.com](mailto:clwagner@rrmdesign.com). Comments should be received no later than 4:00 p.m. on March 17, 2008. Please reference case number ER 000604 in all correspondence. If you challenge the environmental document or project in court, you may be limited to raising only those issues raised at the Planning Commission public hearing described above, or in written correspondence received by the Community and Economic Development Agency on or prior to 4:00 p.m. on March 17, 2008. After all comments are received, a Final EIR will be prepared and the Planning Commission will consider certification of the Final EIR and render a decision/make a recommendation on the project at a later meeting date to be scheduled. For further information, please contact Charity Wagner at (415) 730-6718 at [clwagner@rrmdesign.com](mailto:clwagner@rrmdesign.com).

January 31, 2008  
File Number ER 0006-04



Gary Patton  
Deputy Director of Planning & Zoning  
Major Development Projects

Notice of Completion & Environmental Document Transmittal

SCH # 2006022075

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery: Street Address: 1400 Tenth Street, Sacramento, CA 95814

Project Title: Mac Arthur Transit Village

Lead Agency: City of Oakland
Mailing Address: 250 Frank H. Ogawa Plaza
City: Oakland Zip: 94612
Contact Person: Charity Wagner, Consulting Planner
Phone: (415) 730-6718
County: Alameda

Project Location:

County: Alameda City/Nearst. Community: Oakland Total Acres: 8.2
Cross Streets: Telegraph Avenue and 40th Street Zip Code: 94609
Assessor's Parcel No. multiple (see attached) Section: Twp: Range: Base:
Within 2 Miles: State Hwy #: State Route 24//580 Waterways: San Francisco Bay
Airports: NA Railways: Oakland Terminal Railway Schools: multiple

Document Type:

CEQA: [ ] NOP [x] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement to EIR (Note prior SCH # below) [ ] EA [ ] Final Document
[ ] Neg Dec [x] Subsequent EIR (Note prior SCH # below) [ ] Draft EIS [ ] Other
[ ] Mit. Neg Dec [ ] Other [ ] FONSI

Local Action Type:

[ ] General Plan Update [ ] Specific Plan [x] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Preczone [x] Redevelopment
[ ] General Plan Element [x] Planned Unh Development [x] Use Permi [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [x] Land Division (Subdivision, etc.) [ ] Other

Development Type:

[x] Residential: Units 675 Acres
[ ] Office: Sq.ft. Acres Employees
[x] Commercial: Sq.ft. 44,000 Acres Employees
[ ] Industrial: Sq.ft. Acres Employees
[ ] Educational
[ ] Recreational
[ ] Water Facilities: Type MGD
[ ] Transportation: Type
[ ] Mining: Mineral
[ ] Power: Type MW
[ ] Waste Treatment: Type MGD
[ ] Hazardous Waste: Type
[x] Other: community use (potentially day care) 5,000 Sq.ft.

Project Issues Discussed in Document:

[x] Aesthetic/Visual [ ] Fiscal [x] Recreation/Parks [ ] Vegetation
[ ] Agricultural Land [ ] Flood Plain/Flooding [x] Schools/Universities [x] Water Quality
[x] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [x] Water Supply/Groundwater
[x] Archeological/Historical [x] Geologic/Seismic [x] Sewer Capacity [ ] Wetland/Riparian
[ ] Biological Resources [ ] Minerals [x] Soil Erosion/Compaction/Grding [x] Growth Indecement
[ ] Coastal Zone [x] Noise [x] Solid Waste [x] Land Use
[ ] Drainage/Absorption [ ] Population/Housing Balance [x] Toxic/Hazardous [x] Cumulative Effects
[ ] Economic/Lots [x] Public Services/Facilities [x] Traffic/Circulation [ ] Other

Present Land Use/Zoning/General Plan Designation:

General Plan: Neighborhood Center Mixed Use; Zoning: Commercial Shopping and High Density Residential/ Mediated Design Review (C-28/S-18 and R-70/S-18)

Project Description: (please use a separate page if necessary)

Please see attached.

Reviewing Agencies Checklist

continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Air Resources Board         | <input type="checkbox"/> Office of Emergency Services                                   |
| <input type="checkbox"/> Boating & Waterways, Department of     | <input type="checkbox"/> Office of Historic Preservation                                |
| <input type="checkbox"/> California Highway Patrol              | <input type="checkbox"/> Parks & Recreation   |
| <input type="checkbox"/> Caltrans District # _____              | <input type="checkbox"/> Pesticide Regulation, Department of                            |
| <input type="checkbox"/> Caltrans Division of Aeronautics       | <input type="checkbox"/> Public Utilities Commission                                    |
| <input checked="" type="checkbox"/> Caltrans Planning           | <input type="checkbox"/> Reclamation Board  |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> Regional WQCB # _____  |
| <input type="checkbox"/> Coastal Commission                     | <input type="checkbox"/> Resources Agency   |
| <input type="checkbox"/> Colorado River Board Commission        | <input type="checkbox"/> S.F. Bay Conservation & Development Commission                 |
| <input type="checkbox"/> Conservation, Department of            | <input type="checkbox"/> San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy |
| <input type="checkbox"/> Corrections, Department of             | <input type="checkbox"/> San Joaquin River Conservancy                                  |
| <input type="checkbox"/> Delta Protection Commission            | <input type="checkbox"/> Santa Monica Mountains Conservancy                             |
| <input type="checkbox"/> Education, Department of               | <input type="checkbox"/> State Lands Commission   |
| <input type="checkbox"/> Office of Public School Construction   | <input type="checkbox"/> SWRCB: Clean Water Grants                                      |
| <input type="checkbox"/> Energy Commission                      | <input type="checkbox"/> SWRCB: Water Quality   |
| <input type="checkbox"/> Fish & Game Region # _____             | <input type="checkbox"/> SWRCB: Water Rights  |
| <input type="checkbox"/> Food & Agriculture, Department of      | <input type="checkbox"/> Tahoe Regional Planning Agency                                 |
| <input type="checkbox"/> Forestry & Fire Protection             | <input checked="" type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> General Services, Department of        | <input type="checkbox"/> Water Resources, Department of                                 |
| <input type="checkbox"/> Health Services, Department of         | <input type="checkbox"/> S Other <u>San Francisco Bay Area Rapid Transit District</u>   |
| <input type="checkbox"/> Housing & Community Development        | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Integrated Waste Management Board      |   |
| <input type="checkbox"/> Native American Heritage Commission    |   |

Local Public Review Period (to be filled in by lead agency)

Starting Date January 31, 2008

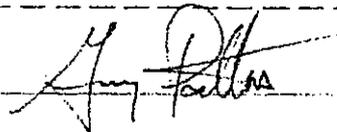
Ending Date March 15, 2008

Lead Agency (Complete if applicable):

Consulting Firm: RRM Design Group  
 Address: 10 Liberty Ship Way  
 City/State/Zip: Sausalito, CA 94965  
 Contact: Lynette Dias, Principal  
 Phone: ( 415 ) 331-8282

Applicant: MacArthur Transit Community Partners, LLC  
 Address: 130 Webster Street  
 City/State/Zip: Oakland, CA 94607  
 Phone: ( 510 ) 273-2009

Signature of Lead Agency Representative



Date 1-28-08

Assessor's Parcel Nos.

012-0969-053-03; 012-0968-055-01; 012-0967-049-01; 012-0969-002-00; 012-0969-003-00;  
012-0969-053-02; 012-0969-004-00; 012-0968-003-01; 012-0967-009-00; 012-0967-010-00

Project Description:

The proposed project consists of a new Transit Village at the MacArthur BART station. The General Plan designates the project site as Neighborhood Center Mixed-Use and the Existing Zoning is Commercial Shopping, Mediated Design Review (C-28/S-18) and High Density Residential, Mediated Design Review (R-70/S-18). The proposed project includes a rezone from C-28/S-18 and R-70/S-18 to Transit-Oriented Development (S-15). The proposed project would require a series of discretionary actions associated with approval of the proposed project including, but not limited to: Rezone, S-15 Zone Text Amendment, Planned Unit Development/Development Plans, Design Review, Owner Participation Agreement/Disposition and Development Agreement, Development Agreement, Subdivision Maps, and Tree Removal Permits. Parcels that comprise the project site are not included in the Hazardous Waste and Substances Sites (Cortese) List; however, other hazards or hazardous waste, not included in the Cortese List, may be located on the project site.

The proposed project would involve the demolition of all existing buildings and parking lots on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that will accommodate for-rent and for-sale residential units, neighborhood-serving commercial and commercial uses, live/work units and a community center or childcare use. New land uses in the project area would be consistent with the land uses prescribed in the S-15, Transit-Oriented Development Zone. The project also includes two new internal roadways, a parking garage, landscaping and other streetscape improvements (i.e., benches and street lighting), and improvements to the BART plaza. In summary the project includes the following elements:

- Demolition of existing structures and remediation of hazardous materials;
- Up to 675 dwelling units (562 market-rate units and 113 affordable rental units);
- Up to 44,000 square feet of commercial space (includes up to 18 live/work units);
- 5,000 square feet of community center space or childcare facility;
- Approximately 1,000 parking spaces (structured), which includes 300 exclusive BART patrons parking spaces, and 30 to 45 on-street parking spaces would be provided.
- The development of pedestrian and bicycle friendly internal streets and walkways;
- Two new traffic signals at the intersections of Village Drive/Telegraph Avenue and West MacArthur Boulevard/Frontage Road;
- A Residential Parking Permit program option for the adjacent neighborhoods;
- Improvements to the BART Plaza and other public access improvements; and
- Sustainable development that meets the objectives of the US Green Building Council LEED Neighborhood Development (ND) Pilot Program goals.

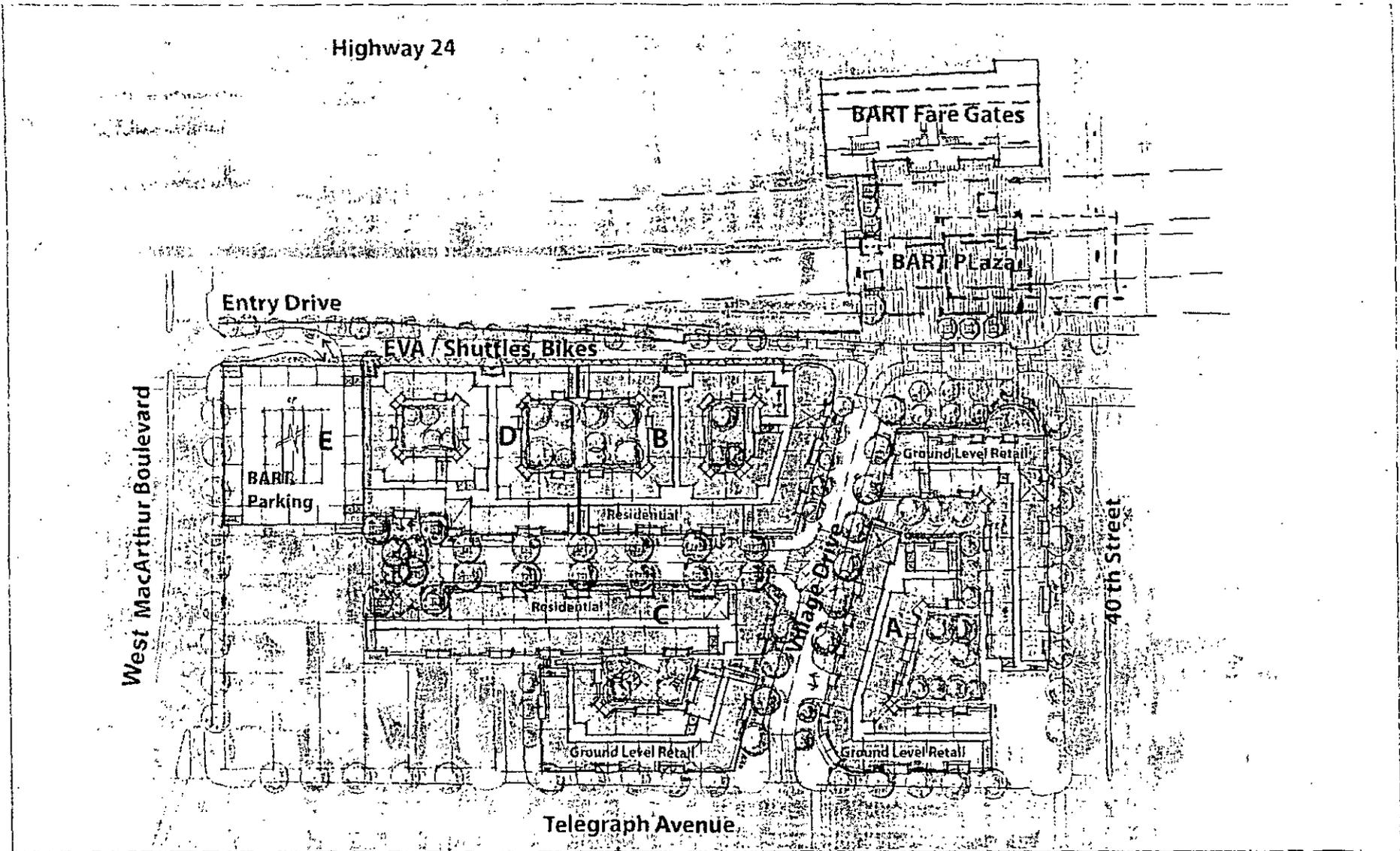
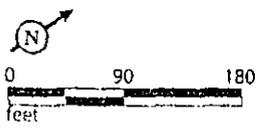
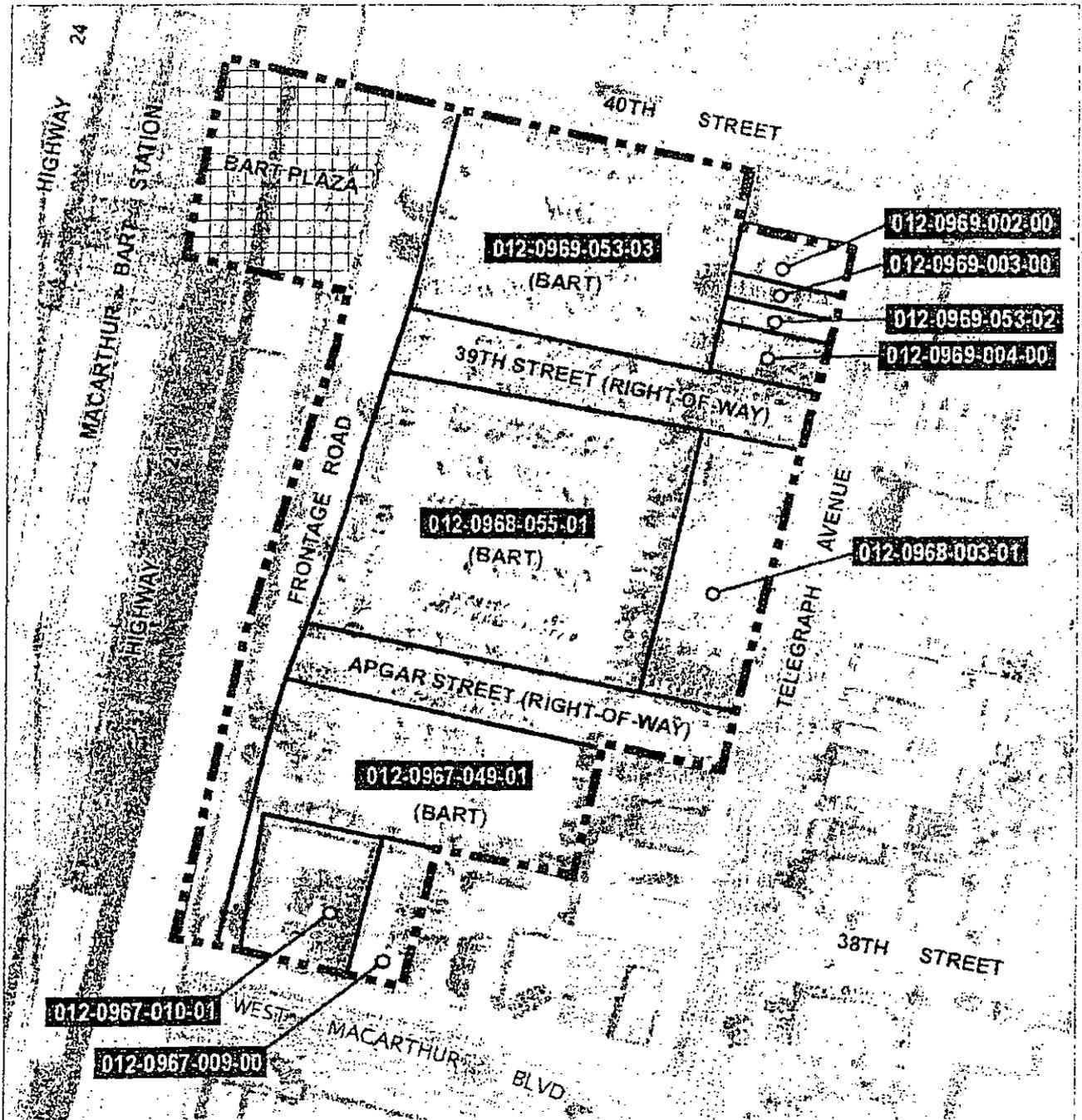


FIGURE III-3

MacArthur Transit Village Project EIR  
 Conceptual Site Plan



<b>Location:</b>	Multiple parcels immediately adjacent to the MacArthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West MacArthur Boulevard (see map on reverse and Table 2 below)
<b>Assessors Parcel Numbers:</b>	012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 012-0969-002-00, 012-0969-003-00, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00 & 012-0967-010-00
<b>Proposal:</b>	Construct the MacArthur Transit Village project: 5 new buildings containing 624 residential units, 42,500 square feet of commercial space (including live/work and flex space), a 300-space parking garage for BART patrons, and approximately 680 parking spaces for the residential and commercial units (residential parking provided at a 1:1 ratio).
<b>Applicant:</b>	MacArthur Transit Community Partners (MTCP)
<b>Contact Person:</b>	Joseph McCarthy (510) 273-2009
<b>Owner:</b>	Multiple property owners
<b>Planning Permits Required:</b>	Rezone (from C-28, Commercial Shopping Zone and R-70, High Density Residential Zone to S-15, Transit-Oriented Development Zone), Zoning Text Amendment relating to S-15 Open Space Requirements, Development Agreement; Planned Unit Development (PUD) Permit, Design Review, Conditional Use Permit (CUP) to exceed parking requirements for residential uses and to allow off-street parking to serve non-residential land uses, and Tree Removal Permits for removal of 67 protected trees.
<b>General Plan:</b>	Neighborhood Center Mixed Use
<b>Zoning:</b>	C-28 (parcels on Telegraph Avenue and West MacArthur Boulevard), R-70 (BART parking lot parcels) and S-18 Mediated Design Review - Combining Zone (entire site)
<b>Environmental Determination:</b>	A Draft Environmental Impact Report (EIR) was published on January 31, 2008; Final EIR is being prepared.
<b>Historic Status:</b>	No CEQA historic resources are affected by the project; none of the existing buildings on-site are considered CEQA historic resources and none of the buildings on the project site are within, or are contributors to, a historic district.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1
<b>Date Filed:</b>	October 5, 2007 (revised submittal; original submittal February 5, 2006)
<b>Status:</b>	Workshop on Preliminary Development Plan; the project, along with certification of the EIR, will be considered by the Planning Commission at a future public hearing.
<b>Action to be Taken:</b>	No formal action; Receive public and Commission comments about the design and merits of the proposed project.
<b>Staff Recommendation:</b>	Take public testimony concerning the design and merits of the proposal and provide direction to staff and the applicant.
<b>Finality of Decision:</b>	No decision will be made on the project at this time.
<b>For Further Information:</b>	Contact the case planner, Charity Wagner, at (415) 730-6718 or by e-mail at <a href="mailto:cfwagner@rrmdesign.com">cfwagner@rrmdesign.com</a>



**SUMMARY**

The purpose of this report is to provide an outline of the project components and key issues to facilitate preliminary comments on the proposed MacArthur Transit Village project. The project involves demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that would accommodate 624 residential units, 35,500 square feet of neighborhood-serving retail and commercial uses, 8 live/work units, a 5,000 square feet community center use and 300-space parking garage for BART patrons. Parking for residential units (at a 1:1 ratio) would be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A. The transit village also includes creation of two new streets: Village Drive would provide an east/west connection in between Telegraph Avenue and the BART Plaza and 40<sup>th</sup> Street; and Internal Street would provide north/south connection from Village Drive to the southern edge of the project. Additionally, the Frontage Road would be reconfigured to allow continued access by shuttle operators and BART patrons.

Staff determined that an Environmental Impact Report (EIR) was needed for this project. The MacArthur Transit Village Draft EIR was published on January 31, 2008 and the public comment period closed on March 17, 2008. The Response to Comments Document (RTC), which together with the Draft EIR will become the Final EIR, is currently being prepared. The Draft EIR and RTC Document will be considered by the Planning Commission at the same meeting it considers the proposed project.

**BACKGROUND**

Since 1993, the City has been working with BART and the MacArthur BART Citizens Planning Committee ("CPC"), comprised of community residents and representatives of neighborhood organizations, in a planning process for the development of the MacArthur Transit Village. After the previously selected project developer, Creative Housing Associates, failed to perform under their Exclusive Negotiating Agreement ("ENA") with the Agency in 2003, the Agency and BART selected a new development team for this project in April 2004 through a competitive Request for Proposals process. This development team, MacArthur Transit Community Partners, LLC (MTCP), is a limited liability company that consists of a partnership between McGrath Properties (formerly known as Aegis Equity Partners) and BUILD (BRIDGE Urban Infill Land Development, LLC).

The MacArthur BART Citizen's Planning Committee (CPC) was created to assist the City and BART in the development of the MacArthur BART station. The CPC is made up of community members that live in the neighborhood surrounding the BART Station. Since being chosen in April 2004, MacArthur Transit Community Partners (MTCP) has met regularly with the MacArthur BART CPC to discuss and receive comments on the development. A partial list of project meeting activity over the past four years is provided below:

- November 15, 2004, MacArthur BART Citizen's Planning Committee
- May 18, 2005, MacArthur BART Citizen's Planning Committee
- November 9, 2005, MacArthur BART Citizen's Planning Committee
- February 16, 2006, Mosswood Park Neighbors
- February 22, 2006, MacArthur BART Citizen's Planning Committee
- March 15, 2006, Planning Commission EIR Scoping Meeting
- September 26, 2006, 38th Street Neighbors
- October 5, 2006, MacArthur BART Citizen's Planning Committee
- September 11, 2007, Mosswood Park Neighbors
- September 12, 2007, Beebe Memorial Church Members
- November 1, 2007, MacArthur/Broadway/San Pablo Redevelopment Project Area Committee
- November 5, 2007, 38th Street Neighbors
- November 12, 2007, West Street Watch
- December 12, 2007: Design Review Committee (review and comment on PDP)
- February 7, 2008, MacArthur BART Citizen's Planning Committee
- March 5, 2008, Planning Commission Meeting to take comments on Draft EIR
- April 17, 2008, Bicycle and Pedestrian Advisory Committee

**PURPOSE OF THE MEETING**

The purpose of today's meeting is to hear comments from the public and the Planning Commission concerning the design and merits of the proposal. No action will be taken at today's hearing. The decision of project entitlements will occur at a future hearing in front of the Planning Commission. Staff requests that Planning Commission review and comment on the permits required, overall project design and project merits. Additionally staff requests that the Planning Commission take comments from the public on these same items and then provide direction to staff and the applicant regarding any additional information/analysis that the Commission would like to see prior to the meeting to take action on the proposed project. Staff anticipates the following meeting dates for this project:

- May 21, 2008, Planning Commission Meeting to take action on the proposed project;
- June 10, 2008, City Council CED Committee Meeting;
- June 17, 2008, City Council/Redevelopment Agency Hearing; and
- July 15, 2008, City Council/Redevelopment Agency Meeting (second reading of ordinances).

Implementation of the project is heavily reliant on State Grant Funds (Prop IC and TOD applications), which require timely action on the Preliminary Development Plan and related actions. Staff would like to use this workshop to open up the dialogue with the Commission and the public regarding the project merits and entitlements requested, so that the Commission has increased knowledge of the project and is better prepared to act on the project when it returns to the Commission in May.

**PROPERTY DESCRIPTION**

The project site is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West MacArthur Boulevard, and Slate Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40th Street, and seven privately owned parcels. The project area includes the majority of the block on Telegraph Avenue between West MacArthur Boulevard and 40th Street; however, several parcels within this block are not included within the project site (see map on page 2). Table 1 shows the parcels within the project site.

Table 1: Project Site Parcels

Address	Assessor Parcel Number	Current Use	Acreage (Acres)
532 39 <sup>th</sup> Street	012-0969-053-03	BART Parking	1.61
516 Apgar Street	012-0968-055-01	BART Parking	2.07
515 Apgar Street	012-0967-049-01	BART Parking	1.12
3921 Telegraph Avenue	012-0969-002-00	Braids By Betty	0.15
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant	0.06
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market	0.06
3901 Telegraph Avenue	012-0969-004-00	Lee's Auto	0.11
3875 Telegraph Avenue	012-0968-003-01	Medical Offices	0.61
526 W. MacArthur Boulevard	012-0967-009-00	Hotel	0.20
544 W. MacArthur Boulevard	012-0967-010-00	Hotel	0.17
39 <sup>th</sup> Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.62
Apgar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.60
Total Acres			7.38

There are a variety of land uses surrounding the site. Beebe Memorial Cathedral, commercial, and residential uses are located to the east across Telegraph Avenue from the project site. To the north of the project site, across 40th Street, are residential and commercial uses. Residential and commercial uses also extend further north of the project site along Telegraph Avenue. State Route 24, and the BART tracks, are located immediately west of the project site. A residential neighborhood that includes a mix of densities is located further west. The State Route 24/Interstate 580 interchange is located southwest of the project site. Commercial uses are located to the south of the project site, across West MacArthur Boulevard.

**PROJECT DESCRIPTION**

The proposed project would involve demolition of the existing structures and the construction of five buildings (labeled A-E on the project drawings) on the project site, including three mixed-use buildings with ground floor retail spaces and residential units on upper floors, one entirely residential building and one parking garage. The proposed project also includes construction of two new streets (Village Drive and Internal Street) and maintenance of the Frontage Road within the project area. Village Drive and Internal Street would provide access to new structures within the project, and increased access to the BART station.

Increased and enhanced access to the BART station is a key component of the proposed project. Village Drive, the main pedestrian and vehicular access to the project, is envisioned as a lively pedestrian street with shops and service uses that include outdoor displays and seating areas. The project also includes a new public plaza immediately east of the BART plaza and fare gates. The transit village plaza would include outdoor seating, landscaping, and other activity to provide a sense of arrival to the project, especially for BART patrons as they enter and exit the station. Internal Street, which provides access to a majority of the residential units, is envisioned as a neighborhood street. Residential units would front onto Internal Street with stoops and front porches.

Table 2 and the text below provide a summary of the proposed buildings and uses within the project. The project drawings for the proposal are attached to this report (see Attachment A).

Table 2: Summary of Proposed Development

Building	Residential Units/Affordable Units	Live/Work Units	Retail SF <sup>1</sup>	Community SF	Building Height (Feet)	Number of Stories	Parking Spaces
A	213/7	3	23,500	--	50-85	4/6	242
B	132/5	2	5,000	--	55-80	6	134
C	189/6	3	9,000	5,000	55-70	5/6	189
D	90/90	--	--	--	45-65	5	91
E	--	--	5,000	--	68	6	324
Total	624/108	8	42,500 <sup>1</sup>	5,000	--	--	980 <sup>2</sup>

<sup>1</sup> Retail area shown in table includes square footage of live/work units.

<sup>2</sup> Parking shown in table does not include the proposed 44 on-street parking spaces.

**Building A.** Building A ranges in height from a four- to six-story building and is located in the northeast corner of the project site with frontage on 40th Street, Telegraph Avenue, Village Drive. Building A is a mixed-use building with 23,500 square feet of commercial space located on the ground floor and 213 for-sale market-rate condominiums, and seven for-sale below-market rate condominiums on the upper floors. Of the 23,500 square feet of commercial space, 3,000 square feet, would be “flex spaces” on Village Drive and 3,000 square feet of “flex space” on 40th Street. Flex spaces may be occupied by live/work units, retail uses and/or community space for residents (i.e., gym or recreation room) in the buildings in which the flex space is located. Parking for Building A is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking at the street level is wrapped by commercial area so the parking is not visible from the street. Access to the condominium units is provided by internal courtyards and vehicular access to the parking garage under Building A is provided by a driveway on Village Drive.

**Building B.** Building B is a six-story building located along the western edge of project site, south of Village Drive and adjacent to the shuttle access road with building frontage on Village Drive, Entry Drive and the proposed north/south internal street. Building B is a mixed-use building with 3,500 square feet of commercial space and 1,500 square feet of “flex space” on the ground floor, 132 for-sale market-rate condominiums and five below-market rate for-sale condominium units located throughout on all floors. Residential condominium units would be located on the upper floors of Building B and on the ground floor adjacent to the internal street. Parking for Building B is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street from Village Drive or Internal Street. The street level parking area is visible from Frontage Road. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Front entrances with stoops and small porches are envisioned along the internal street frontage of Building B. Vehicular access to the parking garage under Building B is provided by a driveway on the internal street.

**Building C.** Building C is a five- and six-story building located along the eastern edge of the project site at the southwest corner of Telegraph Avenue and Village Drive. Building C is a mixed-use building with 6,500 square feet of commercial space and 2,500 square feet of “flex space” on the ground floor, 189 market rate condominiums and five below-market rate residential condominium units on the upper floors. Building C also includes 5,000 square feet of community-serving space located on the ground floor. The 5,000 square feet of community space is accompanied by a 2,000 square foot outdoor play area as the

applicant is currently considering that a private childcare provider may occupy the community space. Residential condominium units would be located on the upper floors of Building C and on the ground floor adjacent to the internal street. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Parking for Building C is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street. Vehicular access to the parking garage under Building C is provided by two driveways on the internal street.

**Building D.** Building D is a five-story building (with a below-podium parking garage) located along the western edge of the project site (directly south of Building B) with building frontage on the internal street and the Frontage Road. Building D is an entirely residential building with 90 for-rent, below-market-rate (affordable) apartment units. Building D would include a community room with a kitchen and shared laundry facilities for use by apartment tenants. Parking for Building D is provided in single-level, below grade parking garage. Access to the apartment units would be provided via internal courtyards and vehicular access to the parking garage under Building D is provided by a driveway on the internal street.

**Building E.** Building E is a six-story parking garage located at the southwest corner of the project site with frontage on West MacArthur Boulevard and Entry Drive. The garage would accommodate 300 parking spaces for BART patrons and the ground floor would include 5,000 square feet of commercial space. The commercial space would front onto West MacArthur Boulevard. Pedestrian access to Building E would be located on West MacArthur Boulevard, Entry Drive and the internal street. Vehicular access to the Building E would be provided by a two-way driveway on Entry Road which vehicles would access via West MacArthur Boulevard.

**Site Access and Circulation.** Several circulation improvements are proposed for the project site. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and an internal north/south street off of Village Drive. New sidewalks, bicycle paths, and streetscape improvements would be constructed.

*Frontage Road.* The existing Frontage Road would be replaced, but remain in the same location as the existing Frontage Road, which is parallel to State Route 24, it extends from 40th Street to West MacArthur Boulevard. Frontage Road is a two-way road for the segments between 40th Street and Village Drive and between West MacArthur Boulevard and the Parking Garage driveway. South of the Frontage Road/Village Drive intersection, and before the Parking Garage, vehicular access would be limited to emergency vehicle access, southbound shuttle operators, and building services. The majority of traffic at this section of Frontage Road would be shuttles traveling southbound between 40th Street and West MacArthur Boulevard. Additionally, the intersection of Frontage Road and West MacArthur Boulevard provides access to and from the Parking Garage (Building E) and vehicles can also access Frontage Road at the Village Drive intersection to exit onto 40th Street. Sidewalks would be provided along the west side of Frontage Road and bicycle lanes would be included on Frontage Road.

*Village Drive.* Village Drive would be a two-way, two-lane road between Telegraph Avenue and the Frontage Road. It is anticipated that Village Drive would be open to vehicular traffic and pedestrian, as well as patrons who use kiss-and-ride. On-street parking and kiss-and-ride loading and unloading areas would be provided on Village Drive. Village Drive also includes large sidewalks because it is envisioned as the main pedestrian connection through the project site. Ground floor commercial and live-work units in Buildings A, B and C would be oriented to face Village Drive with pedestrian scale retail uses with outdoor seating areas and retail displays at the transit village plaza (across from the BART plaza) and on Telegraph Avenue.

*Internal Street.* An internal two-way street is proposed south of Village Drive. The internal street would provide vehicular access to Buildings B, C, and D. The internal street is not a through street; a turn-around area is provided at the terminus of the street. On-street parking and sidewalks are proposed for both sides of the internal street at the southern edge of the project site. The internal street is envisioned as a residential street (no commercial space would front onto the internal street). Residential unit entrances (including stoops and small porches) would face onto the internal street. The primary pedestrian access to the internal street would be from Village Drive, but a pedestrian pathway located along the east elevation of the parking garage (Building E) would allow also pedestrians and bicyclists to access the internal street from West MacArthur Boulevard.

*Parking.* Parking for residential units would be provided at a 1 space per 1 unit ratio within each of the mixed-use and residential buildings. The S-15 zone requires only ½ space per unit. Approximately 30 parking spaces for commercial uses would be provided within the parking garage in Building A. The S-15 zone does not include specific parking ratios for commercial uses. Parking would be permitted on Village Drive and Internal Street. Approximately 45 on-street parking would be available on the project site. Parking for BART patrons would be provided in the BART parking garage (Building E).

## REQUESTED APPROVALS

This project, like many major projects in Oakland, will be processed through two phases of project approvals. This first phase of approvals includes the EIR, Rezone to S-15, Text Amendment relating to S-15 Open Space Requirement, Development Agreement, Planned Unit Development (PUD) with Preliminary Development Plan (PDP), Conditional Use Permit (CUP) to exceed residential parking requirements and to allow off-street parking for non-residential land uses, Design Review and Tree Removals. The second phase of approvals would include the Final Development Plans and Vesting Tract Maps. The following discussion describes each of the permits requested.

### *EIR*

The proposed project includes certification of the MacArthur Transit Village EIR. The Draft EIR was published on January 31, 2008 and the 45-day public comment period ended on March 17, 2008. A total of 22 comment letters were received during the comment period. Staff is currently preparing the Response to Comments Document, which together with the Draft EIR, will be the Final EIR that the Commission must consider before the requested project approvals. The Draft EIR was discussed at the March 5, 2008, Planning Commission meeting (the staff report for the March 5<sup>th</sup> meeting is included in this report as Attachment B).

### *Rezone*

The proposed project includes rezoning of all parcels in the project area. The parcels that are currently developed with BART surface parking are zoned R-70, Residential High Density and the other parcels in the project area (with frontage on Telegraph and West MacArthur) are currently zoned C-28, Commercial Shopping Zone. Additionally, all of the parcels in the project area are currently located in the S-18, Mediated Design Review Overlay Zone. As part of the project, all parcels would be rezoned S-15, Transit-Oriented Development (TOD) Zone. The project includes rezoning to the S-15 Zone because the current zoning would not allow the proposed project; the S-15 Zone is a "best fit" zone for the existing General Plan Land Use Designation of Neighborhood Center Mixed Use; the proposed project is a TOD project immediately adjacent to a BART station, and proposed zoning of S-15 is intended for TOD projects. The proposed project is consistent with the development standards of the S-15 Zone, with the exception of maximum permitted height and minimum required open space. As described below, the project includes a text amendment to modify the open space requirements in the S-15 Zone and a PUD bonus to permit an increase in the permitted building height.

*Text Amendment*

The proposed project includes a staff-initiated Zoning Text Amendment to modify the minimum open space requirement in the S-15 Zone. The Zoning Text Amendment would reduce the minimum open space requirements in the S-15 Zone from 180 square feet per unit (150 sq.ft. group open space and 30 sq.ft. private open space) to 75 sq.ft. of open space, which is consistent with the open space requirement for residential projects in the City's Downtown Open Space Combining (S-17) Zone. The text amendment to reduce open space is intended to further the goals of TOD by increasing design flexibility for open space by removing the separate group and open space standards and encourage increased density. The text amendment would apply to all properties zoned S-15. Currently, there are only two areas of the City that are zoned S-15: parcels adjacent to Fruitvale BART station and parcels adjacent to West Oakland BART station. Staff has surveyed other cities to determine how open space requirements are regulated in high density, TOD, and mixed-use zones within other agencies. The Cities of San Francisco, Berkeley and Emeryville apply a 40 to 80 square foot per unit requirement on new residential development in mixed-use, TOD and high-density zones. The proposed text amendment is intended to reduce the S-15 Zone requirements for open space to be consistent with the City's current standard for open space in downtown residential projects.

The Preliminary Development Plans show that the project would provide approximately 60,000 square feet of group open space (approximately 95 sq.ft. per unit) within court yards and the open space plaza. The project's open space would increase as the plans are more defined with the size and location of balconies.

*Development Agreement*

The proposed project includes a Development Agreement (DA) between the City and the project applicant. The project applicant requests adoption of a DA to provide vesting rights for the proposed project. The project approvals requested at this phase, would not vest the approval of the project for any extended period of time. The applicant requests a DA to allow the life of the requested approval to be extended to 15 years. In exchange for the extended vested rights, the applicant proposes community benefits including:

- Underpass improvements at West MacArthur and Highway 24 including lighting, street furniture and sidewalk improvements in effort to improve pedestrian connections from Martin Luther King Jr. Way to the BART station.
- Greenscape improvements on West MacArthur between the project boundary and Telegraph Avenue.

It should also be noted that as part of the project term sheet previously negotiated with the Redevelopment Agency, the project includes the following benefits:

- Development of affordable housing (17% of the total unit count);
- Compliance with the Agency's Small/Local Business Enterprise, Local Employment, Apprenticeship, Prevailing Wage, First Source Hiring and Living Wage Programs;
- Execution of a Project Labor Agreement; and
- Payment of initial costs for implementation of a Residential Permit Parking (RPP) Program.

Staff and the project applicant are currently negotiating terms and conditions for the DA. It is anticipated that the negotiations will be completed prior to the Commission meeting to consider project approvals.

*Planned Unit Development/Preliminary Development Plan*

The proposed project includes approval of Planned Unit Development Permit (PUD). Provisions of the S-15 Zone (Sections 17.97.030 and 17.97.200) require approval of a PUD to allow development involving a BART station and for projects of more than 100,000 sq.ft. The purpose of the PUD is to ensure orderly

development and establish a vision for development of large projects. The PUD provisions require submittal of a Preliminary Development Plan (PDP). The PDP includes the proposal for site layout and design including circulation patterns, conceptual landscape designs and proposed building bulk, mass and height. The PDP does not represent final building design and architectural details for the proposed project; the Design Review Committee and Planning Commission consider these details as part of the Final Development Plan.

The project applicant has submitted a PDP package (see attachment A). The PDP includes site plans, elevations, floor plans, and landscaping plans for the proposed project as described on pages four to seven of this report. Prior to implementation of the proposed project, the applicant would be required to return to the Commission with Final Development Plans (FDP) that are consistent with the site layout, design and bulk, mass and height shown in the PDP package. Additionally, staff is working on design guidelines which would be imposed as a condition of approval for the project. These design guidelines will include design parameters as a tool for staff to use to ensure that the FDP is consistent with the vision and design concepts of the PDP package.

As previously mentioned, the proposed project complies with the development standards of the S-15 Zone, except for standards related to building height and minimum open space (see above for discussion of text amendment related to open space). The maximum building height in the S-15 Zone is 45 feet, or 55 feet provided one-foot of setback is provided for each one foot in height over 45 feet. As a bonus of establishing a PUD, the PUD provisions (Section 17.122.100 G) allow large projects to waive or modify the maximum building height to encourage integrated site design. Buildings within the proposed project range in height from 50 to 85 feet (see sheet A-1.0H of Attachment A for a building height diagram) and are consistent with the bonus provisions of the PUD regulations.

#### *Design Review*

The proposed project includes preliminary design review approval of the PDP package. This approval is limited to the building siting and bulk, mass and height of proposed structures. Detailed building design and architectural review would be considered with Final Development Plans. The Design Review Committee reviewed the proposed PDP package at their meeting on December 12, 2007 and they stated overall support for the preliminary development plans and felt that the conceptual project plans are moving in the right direction. As stated above, staff is working on design guidelines which would be imposed as a condition of approval for the project, which would be a tool for staff to use to ensure that the FDP is consistent with the vision and design concepts of the PDP package.

#### *Major Conditional Use Permit*

The proposed project includes a Major Conditional Use Permit (CUP) related to parking within the project area. The S-15 Zone requires ½ parking space per unit and the proposed project includes 1 parking space per unit. Provisions of the parking code (Section 17.166.290 (5)) require a CUP to provide parking in excess of the S-15 Zone requirements. Additionally, the S-15 does not require parking for commercial uses (Section 17.116.080) and the parking code (Section 17.166.290 (2)) requires a CUP to provide off-street parking for non-residential land uses. The proposed project includes approximately 25 off-street parking spaces within the parking garage in Building A. The proposed project requires a Major Conditional Use Permit to exceed the S-15 parking requirements for residential land uses and to provide off-street parking for non-residential land uses.

#### **COMMUNITY CONCERNS**

Staff has heard several items of concern from members of the community regarding this project. The following discussion includes key items of community concern that have been raised at community meetings and communications to staff. In addition to the concerns listed below, staff has also received

correspondence from members of the community in support of the proposed project. Written correspondence received by staff regarding the merits of this project (not including Draft EIR comment letters) is included in this report as Attachment C.

***Parking***

The proposed project includes a parking reduction from 600 to 300 BART patron parking spaces. Members of the community have voiced concern with regard to the parking reduction and the amount of parking proposed for residents; visitors and commercial patrons of the project. The majority of comments that staff has received relate to reduction of parking being a bad idea because the parking lot is currently over capacity, BART patron parking spills over into neighborhood streets, and the amount of parking proposed won't suit the needs of the residents, guests and commercial users of the project.

The proposed project would address the parking concerns in two ways: 1) the project would include the potential for a Residential Permit Parking Program that would extend ¼ mile radius around the project site; and 2) the project would require a Transportation Demand Management Program (TDM) Plan as part of the mitigation measures of the EIR.

The RPP Program would limit street parking to two hours for non-residents of the RPP Program area. However, it is difficult to ensure implementation of an RPP Program because the program requires a petition signed by 51 percent of the resident population in the proposed RPP area and is subject to City Council approval. Should the RPP Program be the desire of the resident population and the City Council, the project applicant has committed to funding the initial costs of an RPP Program as part of the project term sheet agreement with the Redevelopment Agency.

The project would also include a TDM Plan, as required per Mitigation Measures of the EIR. The TDM Plan will include measures to increase parking capacity (i.e., use of off-site lots, shared parking within the project area, valet parking in the BART garage, etc), measures to increase non-auto access to the BART Station by existing BART patrons, and measures to increase the overall use of the public transit. A draft TDM plan will be provided to the Commission at the meeting to consider project approvals.

***Safety/Security***

Members of the community have raised concern regarding safety and security of project residents and BART patrons. Some community members would like to see security cameras installed within the project. Staff has met with the Police Department and OPD has reviewed the PDP package. Both planning staff and OPD are concerned increased safety and security at and around the project site. The proposed project would include increased street lighting and would increase activity in the area and additional "eyes on the street" by adding commercial and residential space on the project street frontages. However, safe paths of travel to and from the project site are also a concern. Staff will continue to coordinate with the Police Department and anticipates that the PDP will include conditions of approval to promote safety and security at and around the project site.

***Construction Noise***

Some area residents have expressed concerns for construction noise and requested that noise barriers be constructed to help limit the noise during construction. The proposed project would be subject to the City's permitted construction hours, which are 7:00 a.m. to 7:00 p.m. Monday to Friday, except for extreme noise generating activity (i.e., pile driving) which is limited to 8:00 a.m. to 4:00 p.m. Monday to Friday. Some limited construction activity is permitted on Saturday and require authorization of the Building Services Division. No construction is permitted on Sunday or Federal holidays. Additionally, the project is required to prepare a set of site specific noise attenuation measures for review and approval by the City to further reduce extreme noise generating activity prior to any construction, demolition or grading activity.

***Relocation/Removal of Existing Businesses***

The project would require demolition of all structures on the project site; therefore, the existing businesses would have to move to a new location or be relocated within a portion of the project area. Some of the businesses that are currently operating on the project site have expressed concern about relocation or removal of their businesses as a result of the proposed project. This is a Redevelopment Agency sponsored project and as part of the acquiring the parcels within the project, the Agency is required to assist in the relocation of existing businesses. Additionally, the applicant has met with owner of the Lee's Auto Detailing and the owner of the 3-unit commercial building on Telegraph and is discussing the possibility of relocating these existing commercial tenants within project.

***Furthering Division of Neighborhood on West Wide of BART Station/Freeway***

There is some concern among the community that the proposed project would further divide the community because the project area does not extend to the west side of freeway. The project area does not include property on the west side of the freeway and proposed improvements are limited to the east side of the freeway, with the exception of the proposed West MacArthur improvements as part of the DA (see discussion above). The City and BART have been working with the MacArthur BART CPC since 1993, and questions about options for improving pedestrian connections between the BART station and the west side of the freeway have long since been raised. In response to these concerns, the City and BART hired a consulting team to work with the MacArthur BART CPC to prepare a design plan to study improving the pedestrian and bicycle connection to the station and also the feasibility of building a second entrance to the station from the West Side in 2004. The resulting plan, the MacArthur BART Station West Side Pedestrian Enhancement Project, was sponsored by a Caltrans Environmental Justice Grant. The plan developed a list of potential streetscape improvements for 40th Street that were prioritized by the MacArthur BART CPC. The results of the second entrance study showed that it was not financially feasible, nor feasible from a security perspective, to have a second entrance to the station from the west due to the extended length of the tunnel that would be required to traverse the freeway underpasses. After completing the plan, the City applied for and received capital grant funding to implement the streetscape improvements on 40th Street, which are currently under construction. The streetscape improvements include enhanced pedestrian lighting both inside and outside of the underpass area, a bicycle lane, a traffic signal and new crosswalk that directly access the BART plaza on the west side of the 40th Street and BART Frontage Road intersection, and artistic colored lighting and surface treatment improvements in the underpass.

***Bike Access and Parking***

Members of the community have expressed the desire to increase bike access to the station and to include a bike storage/parking facility within the project. The proposed project includes bike access on new roadways within the project, including 2-way bike access on the Frontage Road and bike parking would be provided within the project. Additionally, new bike racks and bike lockers will be added to the BART plaza as part of the BART Plaza improvements. The project applicant presented the project to the City's Bike and Pedestrian Advisory Committee (BPAC) at their meeting on April 17, 2008. The BPAC appreciated the fluidness of the plan's circulation, and requested that the project applicant keep in mind that safety and effectiveness of bike and pedestrian access at and around the project site.

***Tree Removal***

Members of the community have expressed concern with the removal of mature trees. All trees on-site, with the exception of the existing trees along Telegraph Avenue, would be removed as part of the proposed project (see plan sheet L-05 of Attachment A). Of the trees to be removed, 67 are classified as

protected trees and require approval of a tree removal permit.<sup>1</sup> As part of the tree removal permit, the project would be required to plant replacement trees. The PDP package includes a conceptual landscape master plan that includes new tree plantings within and around the project site. The conceptual landscape plan shows approximately 200 new trees to be planted as part of the project including trees along the west side of Telegraph, the south side of 40th Street, along Village Drive, along Internal Street, along Frontage Road, along West MacArthur Boulevard, adjacent to the BART plaza, within the transit village plaza and within the building courtyards. The conceptual landscape plans also include a preliminary plant list (see plan sheet L-06 of Attachment A). The plant list includes seven different tree species, and a variety of perennials, ground cover, shrubs, vines and grasses.

#### ***Building Height & Proximity to Existing Building at Telegraph and 40<sup>th</sup>***

The proposed project would include construction of two new buildings along Telegraph Avenue and one new building on 40<sup>th</sup> Street. The buildings on Telegraph Avenue (Buildings A and C) would be 55 to 75 feet in height with the tallest portion being the corner of Telegraph Avenue at Village Drive. The building on 40<sup>th</sup> Street (Building A) would be 60 to 80 feet in height. Some community members have expressed concern about building height on Telegraph Avenue and 40<sup>th</sup> Street. With regard to concerns about building height and proximity to existing buildings, staff has heard mostly from the building owner and tenants of the 3-story of the building at 505 40<sup>th</sup> Street, located at the southwest corner of Telegraph Avenue and 40<sup>th</sup> Street. 505 40<sup>th</sup> Street is approximately 50 feet tall, includes ground floor retail (currently vacant), dwelling units on the second and third floors and is immediately adjacent to the proposed project. The building owner and tenants at 505 40<sup>th</sup> Street have expressed concern about the height and building setback of Building A, which would be located just south and west of their building. Building A would range in height from 50 to 80 feet on the south side of 505 40<sup>th</sup> Street and 60 to 70 feet on the west side of 505 40<sup>th</sup> Street and be setback of 5 to 8 feet from the property line. The existing building at Telegraph and 40<sup>th</sup> is built to the property line, so there is concern that the proposed setback is not enough and that it should be increased so that the dwelling units will not be shadowed, or lose natural light and existing views. Neither the existing or proposed zoning requires a side setback, but staff appreciates the concern with respect to potential loss of natural light and air into the existing dwelling units. The project applicant has met with the building owner of 505 40<sup>th</sup> Street, and staff will continue to work with the project applicant to minimize the impacts related to natural light and air into the existing units at 505 40<sup>th</sup> Street. Additionally, it appears that the first floor of 505 40<sup>th</sup> Street and the existing commercial building to the south may be structurally attached. The City has a standard condition of approval that requires a demolition plan to be approved prior to any demolition activity on-site. Staff will expand this standard condition to include specific parameters for demo of existing 1-story commercial building so as not to harm the structural integrity of the existing building to remain at 505 40<sup>th</sup> Street.

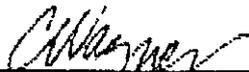
#### **CONCLUSION**

Staff recommends that the Planning Commission take public testimony on the merits of the proposal and provide direction to staff and the applicant on any key areas of community concern, as well as, any additional information/analysis that the Commission would like to see when this item returns to the Commission for formal action in May.

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<sup>1</sup> Section 12.36.020 of the Oakland Municipal Code defines Protected Trees as follows: On any property California or Coast Live Oak measuring four inches dbh or larger; and any other tree measuring nine inches dbh or larger except Eucalyptus and Monterey Pine. Additionally, all Monterey Pines are protected trees when on City property and in development-related situations where more than five Monterey Pine trees per acre are proposed to be removed.

Prepared by:



Charity Wagner  
Contract Planner

Approved by:

---

GARY PATTON  
Deputy Director of Planning and Zoning

Approved for forwarding to the  
Planning Commission:

---

Dan Lindheim  
Director Community & Economic Development Agency

**ATTACHMENTS:**

Attachment A: Project Drawings

Attachment B: March 5, 2008 Planning Commission Staff Report for hearing on Draft EIR

Attachment C: Project Merit Correspondence (does not include comment letters on Draft EIR)

Note that Attachments A and B are not repeated with this attachment for the June 4, 2008 Meeting

Wagner, Charity L.

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From: Val [diane501@sbcglobal.net]  
Sent: Tuesday, August 14, 2007 10:17 AM  
To: Wagner, Charity L.  
Cc: Andy Friend; jbrunner@oaklandnet.com; pberlin@oaklandnet.com; officeofthemayor@oaklandnet.com  
Subject: Letter in Support of More Monitored Security Cameras Around BART Transit Village  
Follow Up Flag: Follow up  
Flag Status: Red

Dear Ms. Wagner,

I am writing in support of that more surveillance cameras which could be monitored by OPD, BART police and community members be installed around all the major corners of the BART station and proposed village. 40th ST. is a major traffic corridor and route to the BART station on both side of Telegraph and it has been referred to by Lt. Green is a major mugging/crime corridor in our neighborhood for several years now. I constantly see broken glass from cars on 40th St., particularly near the Catholic church side of the sbreet.

The Transit village will be a great asset to our community. But for people to come to the village and buy in they must feel they are living in a safe are and a community. Hence it is essential for BART and the City of Oakland to not just invite more residents to the City of Oakland for their tax dollars, but to committ to the protection of the residents coming.

It's my feeling that BART hasn't paid nearly enough attention to the issue of crime around the MacArthur BART station which is a heavily used station in the system. While we pay into the BART system we are not getting our return for our patronage. Also, MacArthur BART as you are probably aware is a transfer point too to the different BART lines so it's an especially important area.

40th Street more and more is becoming a heavily used street but there is not enough security or presence in the early morning or late evening hours on the Martin Luther King side of the station. In my opinion, far more cameras should be installed in this area. And if the community and the OPD and BART officers are interested and willing to monitor them, then they would be an extremely valuable tool.

Over the years our community and neighborhood has been able to put crime out of business at the large Housing Authority project located midway on the 900 block of 40th St. If you drove past you would not be aware that a large crime-plagued project once existed there.

We can do the same thing with the MacArthur BART station given the willingness and high energy of the West Street Watch members to rid their neighborhood and community of crime in my opinion. They have already victoriously addressed the issue of the Al's Liquor Store. I hope you will committ to working with our community on this important tool for crime fighting efforts used by committed communities around the counby. Thanks for your attention to this matter.

Sincerely,  
Val Eisman  
872 42nd St  
Oakland, CA 94608

4/21/2008

Wagner, Charity L.

From: Val [diane501@sbcglobal.net]  
 Sent: Tuesday, September 11, 2007 9:58 AM  
 To: Wagner, Charity L.  
 Cc: jmeeks@oaklandnet.com; jbrunner@oaklandnet.com; gpatton@oaklandnet.com; Dias, Lynette; Andy Friend  
 Subject: Re: Letter in Support of More Monitored Security Cameras Around BART Transit Village

Charity, thank you for your response. I have now moved from Oakland. I, remain concerned and committed however to those in my former neighborhood who are unable to move to a safer city.

Cameras are effective if monitored. Monitoring is the whole key and I hope you will seriously consider this their incorporation in your project design and the surrounding area. Please see the link to article below entitled SF Airport Makes Use of Surveillance Tech

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/08/19/BA17RKROH.DTL&hw=cameras+crime&sn=010&sc=523ng>

Sincerely,  
 Val Eisman

----- Original Message -----

From: Wagner, Charity L.  
 To: Val  
 Cc: gpatton@oaklandnet.com ; Dias, Lynette  
 Sent: Tuesday, September 11, 2007 9:37 AM  
 Subject: RE: Letter in Support of More Monitored Security Cameras Around BART Transit Village

Hello Val,

Thank you for your message regarding the MacArthur BART Transit Village Project. I've also recently received a message from Andy Friend on be-half of Westside Watch and NOFLAC regarding increased security and crime prevention at and around the BART station. As I mentioned in an e-mail to Andy Friend, increasing security for BART patrons, future residents and surrounding community members is a key feature of the proposed project. The project applicant is considering OPTED (Crime Prevention Through Environmental Design) techniques throughout the project design process.

Currently, the project applicant is working on submittal of a Preliminary Development Plan application to be reviewed by City Departments, including Oakland Police Department. Once submitted, the project plans will be posted on-line at the City's major projects website:  
<http://www.oaklandnet.com/gpovernment/ceda/revised/planningzoning/MajorProjectsSection/macarthur.html>. The most recent set of schematic renderings are now posted on this webpage.

Yes, I am committed to working with you and other community members to implement good planning practices with development of the MacArthur BART Transit Village. Lastly, I would like to apologize for this tardy response to your e-mail. I've just recently returned to the office after a 3-week vacation. Please feel free to contact me with questions or additional project comments.

Best, Charity

Charity Wagner  
 rrmdesigngroup

4/21/2008

10 Liberty Ship Way, Suite 300  
Sausalito, CA 94965  
P: (415) 331-8282 ext. 201 | F: (415) 331-8298  
[www.rmdesign.com](http://www.rmdesign.com)

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**From:** Val [mailto:diane501@sbcglobal.net]  
**Sent:** Tuesday, August 14, 2007 10:17 AM  
**To:** Wagner, Charity L.  
**Cc:** Andy Friend; jbrunner@oaklandnet.com; pberlin@oaklandnet.com; officeofthemayor@oaklandnet.com  
**Subject:** Letter in Support of More Monitored Security Cameras Around BART Transit Village

Dear Ms. Wagner,

I am writing in support of that more surveillance cameras which could be monitored by OPD, BART police and community members be installed around all the major corners of the BART station and proposed village. 40th St. is a major traffic corridor and route to the BART station on both side of Telegraph and it has been referred to by Lt. Green is a major mugging/crime corridor in our neighborhood for several years now. I constantly see broken glass from cars on 40th St., particularly near the Catholic church side of the street.

The Transit village will be a great asset to our community. But for people to come to the village and buy in they must feel they are living in a safe are and a community. Hence it is essential for BART and the City of Oakland to not just invite more residents to the City of Oakland for their tax dollars, but to committ to the protection of the residents coming.

It's my feeling that BART hasn't paid nearly enough attention to the issue of crime around the MacArthur BART station which is a heavily used station in the system. While we pay into the BART system we are not getting our return for our patronage. Also, MacArthur BART as you are probably aware is a transfer point too to the different BART lines so it's an especially important area.

40th Street more and more is becoming a heavily used street but there is not enough security or presence in the early morning or late evening hours on the Martin Luther King side of the station. In my opinion, far more cameras should be installed in this area. And if the community and the OPD and BART officers are interested and willing to monitor them, then they would be an extremely valuable tool.

Over the years our community and neighborhood has been able to put crime out of business at the large Housing Authority project located midway on the 900 block of 40th St. If you drove past you would not be aware that a large crime-plagued project once existed there.

We can do the same thing with the MacArthur BART station given the willingness and high energy of the West Street Watch members to rid their neighborhood and community of crime in my opinion. They have already victoriously addressed the issue of the Al's Liquor Store. I hope you will committ to working with our community on this important tool for crime fighting efforts used by committed communities around the country. Thanks for your attention to this matter.

Sincerely,  
Val Eisman  
872 42nd St.  
Oakland, CA 94608

Wagner, Charity L.

---

From: A Friend [ajfriend@hotmail.com]  
 Sent: Tuesday, September 11, 2007 9:44 AM  
 To: Wagner, Charity L.  
 Cc: gpatton@oaklandnet.com; Dias, Lynette; edric kwan  
 Subject: RE: [WSWatch] MacArthur Transit Village Security

Good Morning Charity,

Thank you for your reply. I have forwarded it to our group and we will be providing letters with specific requests to you soon, including recommendations from OPD. We also have members who are and will be intimately involved with this project.

Please provide me with any appropriate project updates and i will distribute to our members. Thanks again for your response and willingness to work with us.

*Andy Friend*

Board Member & Co-Founder of West Street Watch & NOFLAC  
[ajfriend@hptmail.com](mailto:ajfriend@hptmail.com)

---

Subject: RE: [WSWatch] MacArthur Transit Village Security  
 Date: Tue, 11 Sep 2007 09:19:48 -0700  
 From: clwagner@rnmndesign.com  
 To: ajfriend@hotmail.com  
 CC: gpatton@oaklandnet.com; klias@rrmndesign.com

Hello Andy,

Thank you for your message regarding the MacArthur BART Transit Village Project. I am pleased to hear that you, as well as WSW and NOFLAC, are interested in participating in the planning process for this project. Yes, increasing security for BART patrons, future residents and surrounding community members is a key feature of the proposed project. The project applicant is considering CPTED (Crime Prevention Through Environmental Design) techniques throughout the project design process. I look forward to your detailed suggestions for the project and will certainly forward them onto to the project applicant

Currently, the project applicant is working on submittal of a Preliminary Development Plan application to be reviewed by City Departments, including OPD. Once submitted, the project plans will be posted on-line at the City's major projects website:  
<http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/macarthur.html>.  
 The most recent set of schematic renderings are now posted on this webpage.

Lastly, I would like to apologize for this tardy response to your e-mail. I've just recently returned to the office after a 3-week vacation. Please feel free to contact me with questions or additional project comments, and thanks again for your message with the attached materials on West Street Watch.

Best, Charity

Charity Wagner  
 rrmndesigngroup  
 10 Liberty Ship Way, Suite 300

4/21/2008

Sausalito, CA 94965  
P: (415) 331-8282 ext. 201 | F: (415) 331-8298  
[www.rrmdesign.com](http://www.rrmdesign.com)

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**From:** A Friend [mailto:[ajfriend@hotmail.com](mailto:ajfriend@hotmail.com)]  
**Sent:** Monday, August 13, 2007 12:29 PM  
**To:** Wagner, Charity L.  
**Cc:** [wswatoh@yahoogroups.com](mailto:wswatoh@yahoogroups.com); James Meeks; Jane Brunner; Paul Beriin; David Kozicki; nancy nadel; [opd@yahoogroups.com](mailto:opd@yahoogroups.com)  
**Subject:** RE: [WSWatch] MacArthur Transit Village Security

Dear Charity Wagner,

My name is Andy Friend and I am a Co-Founder and Board Member of West Street Watch and the North Oakland Flatland Leadership Action Committee (NOFLAC). I am writing to you regarding the MacArthur Transit village and its critical role in public safety for our community. As you may be aware, the location of the future transit village is in a 'transitional' neighborhood where crime is the overriding concern in our community. We are already very aware of the fact that the current MacArthur Bart station, according to Lt. Beriin of the Oakland Police Department, allows easy access and escape for criminals from outside of our area. We are already very aware of the dangers we face when we need to use this Bart station as many members of our community and even our specific organization have been assaulted and/or robbed within the immediate vicinity of the MacArthur Bart station. Cars parked on the streets in the immediate area of the MacArthur Bart station have their windows broken and are robbed on a regular basis. I personally have seen many illegal acts including drug sales and use, public intoxication and violent outbursts at the Bart station.

We look forward to the MacArthur Transit Village being built and believe it can be a catalyst for change and provide many benefits to our community, but we also feel that this major development must be planned properly and responsibly when it comes to the safety of transit village residents, visitors and neighbors. We strongly urge you to involve the active participation of the OPD in planning preventative and proactive security measures. For example, we are in strong support of the use of crime cameras as a tool that OPD can use to review, respond to and investigate crimes. However this is simply one of many security measures that can be taken.

We look forward to working with you to ensure that the upcoming MacArthur Transit Village Project is planned and constructed with public safety as priority. For your reference, I have attached a West Street Watch Brochure for you to learn more about our group. I can assure you that we will be very involved in this project to ensure our community voices are heard. West Street Watch will be following up shortly with another letter detailing specific suggestions and requests for this project

Thank you,

*Andy Friend*

Co-Founder and Board Member of West Street Watch and NOFLAC.  
[ajfriend@hotmail.com](mailto:ajfriend@hotmail.com)

---

To: [WSWatch@yahoogroups.com](mailto:WSWatch@yahoogroups.com)  
From: [ekwan@ci.fremont.ca.us](mailto:ekwan@ci.fremont.ca.us)  
Date: Mon, 13 Aug 2007 10:15:05 -0700  
Subject: [WSWatch] MacArthur Transit Village Security

Good Morning WSWers!

All letters (or e-mails) of support and/or concerns about safety on the future MacArthur Transit Village should be sent to the project planner Charity Wagner at [clwagner@rrmdesign.com](mailto:clwagner@rrmdesign.com). If you support surveillance cameras linked to the internet which are accessible to the public and OPD like the ones on MLK/40th and MLK/Apgar, please emphasize that need in your e-mail and cc our WSW listserve. Remember that it is important that OPD plays a role in reviewing the locations of the cameras so that the cameras provide maximum support to OPD. Thank you.

edric.

>>> 'Kleinbaum, Katharine (Kathy)' <[KKleinbaum@oaklandnet.com](mailto:KKleinbaum@oaklandnet.com)> 8/13/2007 9:59 AM >>>  
Edric,

The MacArthur Transit Village project will not be going for the planning commission for approvals until next Spring. Those approvals will be for a preliminary development plan, and not for specific buildings. However, at that point in time, letters of support would be helpful with the camera caveat attached.

The project planner is currently an outside contract planner. Her name is Charity Wagner and she can be reached at [dwagner@nmdesign.com](mailto:dwagner@nmdesign.com).

Kathy Kleinbaum  
City of Oakland  
CEDA, Redevelopment Division  
250 Frank Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
Ph: (510) 238-7185  
Fax: (510) 238-3691

-----Original Message-----

From: Edric Kwan [<mailto:ekwan@ci.fremont.ca.us>]  
Sent: Monday, August 13, 2007 8:55 AM  
To: Kleinbaum, Katherine (Kathy)  
Cc: [diane501@sbcglobal.com](mailto:diane501@sbcglobal.com); Beriin, Paul; [W5Watch@yahoogleroups.com](mailto:W5Watch@yahoogleroups.com)  
Subject: Fwd: Re: [oakland10y] RE: [WSWatch] Re: RESPONSE: City Plan for crime cameras on MLK?

Hi Kathy, just something to really consider when the MacArthur Transit village conditions of approval are established and when the construction documents are being prepared. I know it's still early since the project is in the EIR phase but none the less, please keep in mind that security is a concern with neighbors and multiple cameras are requested to be installed. I'm hoping that OPD will have the opportunity to review the project and determine locations of such cameras and other crime reducing measures that can be enveloped with the project. Please let me know when is the appropriate time for our community members to begin sending letter of support w/ requests for cameras. Who is the project planner and his/her contact information? Thanks for your continued help. edric.

EDRIC KWAN, P.E.  
Development Associate Civil Engineer  
Community Development Department  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006

Phone: (510) 494-4758, Fax: (510) 494-4721

>>> 'Val' <diane501@sbcglobal.net> 8/11/2007 8:07 PM >>>

Kevin, thank you for this vital information. It's really important that the MacArthur bART station along 40th St. be secured on both sides. It is unconscionable that the citizens of our city must take their lives into their hands coming and going to work and using public transportation of the MacArthur BART station plus associated buses along the route.

It's obviously we won't have enough walking officers for awhile although I still hope redevelopment monies might purchase one but the cameras would be great.  
Thanks, keep us all posted.

Thank you Lt. Berlin for your ongoing, amazing dedication to our community.

Val Eisman

----- Original Message -----

From: Kevin Dwyer

To: WSWatch@yahoo.com ; larry\_e\_rice@hotmail.com

Cc: officeofthemayor@oaklandnet.com ; nnadel@oaklandnet.com ; pberin@oaklandnet.com ; JBrunner@oaklandnet.com ; phsully@aol.com ; ZWaid@oaklandnet.com ; citymanager@oaklandnet.com ; cityochang@aol.com ; delafuente@oaklandnet.com ; dbrooks@oaklandnet.com ; thayer.oak@juno.com ; jrusso@oaklandcityattorney.org ; jquan@oaklandnet.com ; 101550@msn.com ; Oaklandkev65@hotmail.com ; ajfriend@hotmail.com ; lazara1217@hotmail.com ; tk@tksvc.com ; jk@maxsbrenth.com ; ekwan@ci.fremont.ca.us ; PSA1@yahoo.com ; Oakland10Y@yahoo.com  
Sent: Saturday, August 11, 2007 7:02 PM  
Subject: [oakland10y] RE: [WSWatch] Re: RESPONSE: City Plan for crime cameras on MLK?

Great news.

I do hope that this news is broadcast.....In the recent media storm (Mayor's

press conference, Black Muslim Bakery, CHP coming to Oakland streets, Barbara Lee justifying her support of the 'bakery') many have stressed that community policing and neighborhood involvement is crucial. This recent news

from Larry Rice is evidence that groups like WOPAC, WSW, NOFLAC AND THE OPD HAVE A CONTINUING AND ONGOING RELATIONSHIP; these relationships are bearing fruit. Citizens are stepping up to work for a safer Oakland--while the mayors and congresswomen try to deny or justify their previous support for the Black Muslim Bakery.

Please get this good news out to those that need to hear it.

And hats off especially to Edric Kwan, Larry Rice and Lt. Berlin for their extra efforts on this particular project....let the cameras start rolling.

Kevin Dwyer

-----Original Message Follows-----

From: 'Edric Kwan' <ekwan@ci.fremont.ca.us>

Reply-To: WSWatch@yahoogroups.com  
 To: 'Larry Rice' <larry\_e\_rice@hotmail.com>  
 CC: <wswatch@yahoogroups.com>  
 Subject: [WSWatch] Re: RESPONSE: City Plan for crime cameras on MLK?  
 Date: Thu, 09 Aug 2007 08:46:20 -0700

Thank you Larry, the WOPAC members, and Lt. Berlin for the wonderful news! It's great to see one of NOFLAC's crime reduction measures (Oakland Virtual Police Program) to have a citywide coordinated camera surveillance system moving forward. edric.

>>> 'Larry Rice' <larry\_e\_rice@hotmail.com> 8/9/2007 7:43 AM >>>  
 Lt. Berlin made a presentation to the WOPAC last night (Wednesday, August 8th). The WOPAC then voted unanimously to authorize the City Council to spend \$200,000 of West Oakland redevelopment money to fund the purchase of ten cameras and to pay for DSL for those cameras for one year, as well as to fund WiFi cards for officers so they can view through the cameras from their laptops. The cameras would be placed at locations within the West Oakland Project Area to be determined by OPD. Per Lt. Berlin, these particular types of cameras would be placed on street poles, have their own internal hard drives, and can be moved if/when the need arises, but a judge's consent appeared to be necessary to replace them. The community will be able to view through the cameras via the internet; Lt Berlin's vision was to have community volunteers assist in monitoring hot spots using the cameras.

You may recall the West Oakland Project Area overlaps part of the West Street Watch target area. The WO Project Area is bordered on the north by 40th Street, on the west by Emeryville, and on the east ends just west of MLK (abuts the MacArthur/Broadway/San Pablo project area). The western strip on MLK from Cafe Dejena to Burley's is in MacArthur/Broadway/San Pablo, while both sides of MLK south of Burley's are in the West Oakland Project Area. A map of the project area is available at oaklandnet.com.

>Frdm: 'Edric Kwan' <ekwan@ci.fremont.ca.us>  
 >To: larry\_e\_rice@hotmail.com  
 >CC: ajfriend@hotmail.com, jk@maxstrength.com, pberlin@oaklandnet.com  
 >Subject: Fwd: [WSWatch] RE: City Plan for crime cameras on MLK?  
 >Date: Wed, 8 Aug 2007 13:26:37 -0700

>  
 >Hi Larry, can you tell me more about these 8 cameras? Locations? Do you  
 >need community support sent to your Redevelopment staff person (Wendy  
 Simon  
 >wlsimon@oaklandnet.com)? The Redevelopment staff person (Kathy Kleinbaum)  
 >for the M/B/SP PAC can probably provide her experience with the camera  
 >specs and contractors used. This is exciting news! edric.

>  
 >>>> 'Berlin, Paul' <pberlin@oaklandnet.com> 8/7/2007 1:21 PM >>>>  
 >I am negotiating with WOPAC to purchase 8 cameras. I have no info on  
 >Gilmore.

>  
 >pb

>

>

>

>

>From: A Friend [mailto:ajfriend@hotmail.com]

>Sent: Tuesday, August 07, 2007 7:42 AM  
>To: Annie Sloan; Jane Brunner; James Meeks; Marcus Johnson; nancy nadel;  
>Paul Berlin  
>Cc: wswatch@yahoogroups.com  
>Subject: City Plan for crime cameras on MLK?

>  
>Good Morning,  
>  
>This was a quote out of todays SF Chronicle.  
>'Gilmore, whose congregation has 200 members, is skeptical that the city's  
>plans to install video cameras along the Martin Luther King corridor will  
>be an adequate replacement for the lack of police patrols.'

>  
>Can anyone tell me about this? The only 2 cameras along MLK that I am  
>familiar with are due primarily to West Street Watches efforts...is there  
>something more going on? We certainly hope so....

>Andy Friend  
>  
>ajfriend@hotmail.com

>  
>  
>  
>  
>  
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Wagner, Charity L.

---

From: Edric Kwan [ekwan@ci.fremont.ca.us]  
Sent: Wednesday, September 12, 2007 8:41 AM  
To: melissa@mcgrathproperties.com; Wagner, Charity L.  
Subject: MacArthur Transit Village  
Attachments: WSW Brochure Color 082107.pdf

Charity & Melissa, E-mail resent w/out grant proposal (too large for your e-mail systems). edric.

>>> Edric Kwan 9/12/2007 8:27 AM >>>  
Good Morning Joe, Rob, and Melissa,

It was nice to meet you at last night's pre-CPC meeting to preview the project's concept plans. I had to rush off to another community meeting so I did not have a chance to say goodbye.

Please take our neighborhood's concerns regarding security seriously. We request security cameras linked to the internet to be used by community watch groups, Oakland NCPCs, and OPD as a community policing tool. See <http://75.10.247.22:1088/en/AViewer.html> for one of the two cameras that we installed on Apgar and MLK that was funded with redevelopment money. Two other development projects have committed and are conditioned to install similar cameras. These link above are currently being extensively used by WSW and OPD to capture evidence for arrests. Thus far, one arrest for drug dealing has been formalized and an apartment tenant is in the process of being evicted for dealing drugs. I am very hopeful that your development will prevent crime; however, other developments utilizing CPTED techniques like those on San Pablo still are facing many prostitution problem and other crime reducing tools like the cameras would have been beneficial. Let's ensure that your future homeowners and the neighbors can feel safe knowing that your project does what it can to fulfill the security needs of the community. Further details as well as other security suggestions will be provided in the near future through our formalized letter of support to the project.

I look forward to seeing this wonderful project develop. Please see attached WSW brochure and grant proposal for the camera on Apgar/MLK and let me know if WSW can provide any assistance. Thank you again.

Edric Kwan  
West Street Watch Co-Founder

EDRIC KWAN, P.E.  
Development Associate Civil Engineer  
Community Development Department  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
Phone: (510) 494-4768, Fax: (510) 494-4721

**Wagner, Charity L.**

---

**From:** Marla Wilson [mwilson@greenbelt.org]  
**Sent:** Wednesday, December 05, 2007 4:48 PM  
**To:** dbrooks@oaklandnet.com; jquan@oaklandnet.com; pkernighan@oaklandnet.com; idelafuente@oaklandnet.com; cityochang@aol.com; officeofthemayor@oaklandnet.com; Nancy Nadel; lreid@oaklandnet.com; jbrunner@oaklandnet.com; amudge@coxcastle.com; mzayasmart@sf.wrtedesign.com; suzie@yhla.net; Blake.Huntsman@seiu1021.org; sandi.galvez@acgov.org; michaelcolbruno@clearchannel.com; dboxer@gmail.com  
**Cc:** gpaton@oaklandnet.com; Wagner, Charity L.; cityclerk@oaklandnet.com  
**Subject:** MacArthur BART Transit Village - SUPPORT  
**Attachments:** MacArthur BART Transit Village Endorsement Letter.pdf

Mayor Dellums and Members of the Oakland City Council and Planning Commission:

Enclosed, please find Greenbelt Alliance's letter of endorsement for the MacArthur BART Transit Village development proposal. If you have any questions regarding the nature of our support, please do not hesitate to be in touch. I can be reached at 415-543-6771 ext. 308 or at mwilson@greenbelt.org.

Regards,  
Maria Wilson

Maria Wilson  
Livable Communities Outreach Coordinator  
Greenbelt Alliance  
631 Howard Street, Suite 510  
San Francisco, CA 94105  
phone: 415.543.6771 x308  
fax: 415.543.6781  
mwilson@greenbelt.org

Since 1958, Greenbelt Alliance has been creating vibrant places and protecting open spaces throughout the San Francisco Bay Area. Join us.  
[www.greenbelt.org](http://www.greenbelt.org)



PROTECTING OPEN SPACE AND PROMOTING LIVABLE COMMUNITIES

Wednesday, December 5, 2007

Mayor Ron Dellums  
And City Councilmembers,  
Planning Commissioners  
Oakland City Hall  
One Frank H. Ogawa Plaza  
Oakland, CA 94612

RE: MacArthur BART Transit Village – SUPPORT

Dear Mayor Dellums and Members of the City Council, Planning Commission:

Greenbelt Alliance, the Bay Area's land conservation and urban planning organization, endorses the MacArthur BART Transit Village development proposed by MacArthur Transit Community Partners, LLC. Our Compact Development Team's (CDT) careful review of this project revealed the addition of mixed-use development oriented around pedestrians and transit riders to be a gain for this neighborhood and for the City of Oakland. The CDT evaluated MacArthur BART Transit Village using an established set of guidelines designed with the goal of promoting compact infill development patterns and livable, transit-accessible communities with a wide range of housing options for families of all sizes and income levels.

Among the various benefits of this proposed development are those included with the environment and climate change in mind. Not only will this developed be certified as "green" through the U.S. Green Building Council's LEED Rating System, making it one of an elite few, but it will also be compact enough to maximize the opportunity presented by this site. The addition of over 600 new homes on this will mean that 600 Oakland families will have superb access to the MacArthur BART station. As this is a key transfer point on the BART line, and given the numerous shuttles and AC Transit lines that serve this station, these residents will be able to easily live a transit-oriented lifestyle. This community will be mixed-use as well, thoughtfully planned to include a grocery, daycare, and other neighborhood-serving retail that will dramatically reduce unnecessary car use for current and future residents of this area. The site plan also streamlines station pick-ups and drop-offs, making the station function better and relate to the neighborhood more effectively.

As you know, the Bay Area remains one of the most expensive housing markets in the nation. This means that most families cannot afford the median-priced home. In fact, according to research from 2004, an Oakland resident earning minimum wage would have to work a whopping 129 hours per week just to afford a one-bedroom apartment priced at fair market rent. This same research indicates that the homeownership rate in Oakland lags behind the statewide rate and the nationwide rate.<sup>1</sup> This is because teachers, nurses, firefighters, architects, and others cannot afford to live near where they work. Over half of Bay Area cities have an inclusionary housing ordinance, requiring new development to include affordable homes, but Oakland is regrettably still not among these ranks. It is especially laudable that MacArthur Transit Community Partners has committed to renting 104, or 17%, of the homes in this development at

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SOUTH BAY OFFICE • 1922 The Alameda, Suite 213, San Jose, CA 95126 • (408) 983-0856 • Fax (408) 983-1001  
EAST BAY OFFICE • 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 • (925) 932-7776 • Fax (925) 932-1970  
SONOMA/MARIN OFFICE • 555 5th Street, Suite 300B, Santa Rosa, CA 95401 • (707) 575-3661 • Fax (707) 575-4275  
info@greenbelt.org • www.greenbelt.org

below-market rates, despite not being required to include any affordable homes. Since low-income families are more likely to be transit-dependent and less likely to own multiple cars, this is an ideal location to boost Oakland's stock of affordable homes.

The area surrounding the MacArthur BART station is plagued by concerns about criminal activity. The vast surface parking lot is a magnet for crime—and also gives far too generous a footprint to parking in a key transit-adjacent location. As a result, many nearby residents feel unsafe walking in this area at night. In working with the developer, residents have identified safety improvements as a primary outcome they hope to achieve. The good news is that smart urban design has proven benefits when it comes to enhancing public safety. MacArthur Transit Community Partners has worked cooperatively and proactively with the community to address their concerns by adding ground-floor retail and pedestrian-friendly streetscapes throughout the project. By employing an “eyes on the street” approach to site design, the developer has ensured that the resulting area will be far safer than the area currently is.

Moving forward, Greenbelt Alliance encourages the developer to provide multiple carshare pods within the project and to offer ample secure bicycle parking at the BART station. Additionally, it is our hope that the developer will provide free or discounted transit passes to residents of the new homes, as is being studied in the project's Access Plan.

In closing, we encourage the City Council's approval of MacArthur BART Transit Village as a means of protecting open space through the promotion of livable, pedestrian-friendly communities.

Regards,

/s/

Maria Wilson  
Livable Communities Outreach Coordinator

CC:  
LaTonda Simmons  
Charity Wagner  
Gary Patron

---

<sup>1</sup> National Low Income Housing Coalition, *Out of Reach 2003: America's Housing Wage Climbs*.

Wagner, Charity L.

---

From: Ruth Treisman [ruthiescafe@yahoo.com]  
Sent: Thursday, December 06, 2007 10:14 AM  
To: Wagner, Charity L.  
Subject: MacArthur Transit Village

Dear Charity,

As we discussed on the telephone, I am sending you a brief outline of the history of my dealings with the various people and agencies involved in the MacArthur Transit Village, as well as my current concerns.

1999: Closed escrow on the building at 505-40th Street; found out within a month or so that the proposed transit village would be built, and was told, "Your building will probably be torn down."

2000 to present: was presented with three offers, possibly from three different developers, none of which even came close to what I had paid for and invested in the building. When I suggested the amount that would actually compensate me (in July of 2006) it was rejected because it was more than property is currently worth in the area. It is not, however, worth more than it will be worth once the project is completed, based on what the developers told me that they will be asking per square foot.

I have several concerns, since it appears that I will not be selling the building to the developers, and they are a combination of my position as a property owner and neighborhood resident.

As a neighborhood resident, I am happy to see development in an area that I have generally characterized as a "desert," with few services and fewer interesting places to shop, to spend time, to buy basic necessities, much less to browse for anything truly interesting. I bought the building in order to attempt to remedy that by opening a cafe and deli, but have not yet accomplished that, mainly because the building itself required a lot of maintenance, including evicting problem tenants, and replacing them with stable residents. I am now in the process of continuing with my "dream," a neighborhood gathering place for cultural activities.

However I am extremely concerned, again as a neighbor, that the current parking problem will be exacerbated tremendously by the reduction of parking spaces from 600 to 300. There is already a struggle that takes place daily for neighborhood parking, and this will simply make it impossible to park near enough to the BART station to feel safe (for BART patrons), or to park close to one's own home (for neighbors). One or the other will be impacted in a negative way, depending on the decisions about parking permits.

As a property owner, I am both for and against the project: I am for it as a way to begin to bring that area into fruition, as I have also been attempting to do myself, with limited success (I did eliminate the drug dealers in my building, which had a positive effect). I am extremely distressed by it, however, as the current configuration gives me a tremendous amount of light and air around the apartments, which are on the second and third floors, and have nothing around them or near them, as well as light that comes into the windows at the ground level on the south and west sides of the building.

At present, there is only one adjacent building, which is one story tall, and only impacts my building for about 25 or thirty feet from the sidewalk at Telegraph Avenue to the west. The rest of the area above and behind it is open space, as is all of the area to the south and west in general. The proposed height limits of the buildings to the south and west of my building, whether five stories or even three stories, will impact in a very negative way on the amount of light, as well as the feeling of openness.

This is a permanent condition, which, once built, will probably not change in my lifetime. The fact that I have put all my efforts (and all my money) into the building for the past nine years means that to me, much more than anyone else, the design is paramount to my ability to continue to make a living.

Most of the apartments have been rented for the past year, and will continue to be rented as long as people are comfortable there, but it is hard to imagine people being comfortable in the four apartments that will be completely surrounded by a construction site only a few feet from each and every one of their windows. There are also two more apartments that will be impacted, but not as much, since they have more windows on the Telegraph side than towards the construction site.

A simple change in the design, to make the open space that is proposed for the complex between my property and the transit village, rather than making the buildings close to mine, and the open space elsewhere, would satisfy me completely as to the changes in light and air.

Another somewhat less desirable change (less desirable to me and probably to the developers) would be to make the portion of the apartment buildings closest to the property line only one story tall, with a sort of "stairstep" design. It would be less desirable to me, simply because it is less appealing than what I have now, but I would accept it as an alternative to nothing...nothing meaning either no development at all, or no change in the current proposed development!

I hope you will be able to pass on my concerns to Design Review Committee. They are concerns that in some cases only affect me and my future (changes in the desirability of the rental apartments, and my ability to market them effectively), and in some cases will affect the neighborhood in terms of parking. Certainly we all know that things change, and that progress is preferable to total disintegration of a neighborhood. That is why I cannot say that I am against the project, even though it is problematic for me. I simply want the project to go forward in a way that does not destroy what I have been working towards, the betterment of an Oakland neighborhood.

Thank you for your cooperation.

Yours truly,  
Ruth Ellen Treisman

Wagner, Charity L.

---

From: Ruth Treisman [ruthiescafe@yahoo.com]  
Sent: Monday, December 10, 2007 1:50 PM  
To: Wagner, Charity L.  
Subject: MacArthur Transit Village Project

Dear Charity,

This is a copy of the letter I sent to the Design Review Committee members:

Dear .....

I have been the owner of a three-story building located at the corner of 40th Street and Telegraph Avenue in Oakland for nearly nine years. The MacArthur Transit Village Project will impact me directly in two ways, both good and bad.

The good part: it will almost certainly help to develop the neighborhood in a positive way, with more retail shops and services, and good residential design. Naturally, as I have other property in the area, and have lived nearby since 1991, this is a good thing for me and for all of my neighbors.

The only really bad part, for me, is that the design will impact on eight of my eleven apartments, as well as one of my commercial spaces, by eliminating all of the sunlight that currently comes in from the south and west sides of the building every afternoon and evening, and eliminating all or almost all of the light for the entire day as well.

There are only three apartments that do not depend on the south and west sides of the building for most or all of their light, and that will make most of the building much less desirable to live in.

Because my building was built in 1918, it is well-built and well worth keeping (I have spent most of the past eight years attempting to restore it to its former condition), but it was built right on the current property line. That means that the proposed setback of five feet from the property line will be exactly five feet from most of the windows for six of the eight apartments, and not much more for the other two.

This not only eliminates light, it also eliminates privacy. Currently, there is no one and nothing for blocks, allowing for maximum privacy in the bedrooms, bathrooms, kitchens and living rooms of the third floor and second floor apartments on the south half of the building, as well as privacy in the living rooms of the two other apartments that have windows on the west.

The light and privacy are a lot of what makes my building so appealing to potential tenants, and may make it impossible to rent, thereby reducing the number of rentable units in the area. Currently the views from most of the windows on the south side are of trees and downtown Oakland in the distance, and lots of sky, and on the west side, trees right outside the bedroom and living room windows. These trees and part of the BART parking lot, and are scheduled to be eliminated, and replaced with buildings, which will be extremely distressing to some of my tenants.

I am not an architect, and do not really know exactly what can be done to redesign the project, but I am confident that there are people who can help with this situation.

Thank you for your consideration in this matter.

Yours truly,  
Ruth Ellen Treisman

Wagner, Charity L.

---

From: Ruth Treisman [ruthiescafe@yahoo.com]  
Sent: Monday, December 10, 2007 11:41 AM  
To: Wagner, Charity L.  
Subject: RE: MacArthur Transit Village

Dear Charity,

Thank you for all your help. I have the information you had Celia prepare for me, and have had a chance to look at it.

Some of my tenants asked to send emails directly to the people on the Design Review Committee. Can you send me their emails?

Thanks again.

Yours truly,  
Ruth Ellen Treisman

--- "Wagner, Charity L." <clwagner@rrmdesign.com>  
wrote:

> Good morning Ruth,  
>  
> I have printed your letter for distribution to the Design Review  
> Committee at the meeting on December 12, 2007.  
>  
> Also, as discussed over the phone yesterday afternoon, I have attached  
> plans for you to see the relationship of your building to the proposed  
> project. This is NOT the entire plan package, because the entire file  
> is too large to email. I have attached pages of the proposed plans so  
> you can see proposed building heights, the site plan, and the  
> elevations on Telegraph Ave and 40th Street. You will see the project  
> proposes a 5-foot setback from the property line that is shares with  
> your property.  
> I am working with the City's webmaster to get the entire plan package  
> on-line. I will let you know when it is available, so you can have an  
> opportunity to view the entire plan package.  
>  
> I can be reached in the office today at 415-331-8282.  
>  
> Thank you, Charity  
>  
> Charity Wagner  
> City of Oakland, Contract Planner  
>  
>  
> -----Original Message-----  
> From: Ruth Treisman [mailto:ruthiescafe@yahoo.com]  
> Sent: Thursday, December 06, 2007 10:14 AM  
> To: Wagner, Charity L.  
> Subject: MacArthur Transit Village  
>  
> Dear Charity,  
>  
> As we discussed on the telephone, I am sending you a brief outline of  
> the history of my dealings with the various people and agencies  
> involved in the MacArthur Transit Village, as well as my current  
> concerns.  
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> 1999: Closed escrow on the building at 505-40th Street; found out  
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> and was told, "Your building will probably be torn down."  
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> 2000 to present: was presented with three offers, possibly from three  
> different developers, none of which even came close to what I had paid  
> for and invested in the building. When I suggested the amount that  
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> I have several concerns, since it appears that I will not be selling  
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> position as a property owner and neighborhood resident.  
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> As a neighborhood resident, I am happy to see development in an area  
> that I have generally characterized as a "desert," with few services  
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> building itself required a lot of maintenance, including evicting  
> problem tenants, and replacing them with stable residents. I am now  
> in the process of continuing with my "dream," a neighborhood gathering  
> place for cultural activities.  
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> However I am extremely concerned, again as a neighbor, that the  
> current parking problem will be exacerbated tremendously by the  
> reduction of parking spaces from 600 to 300. There is already a  
> struggle that takes place daily for neighborhood parking, and this  
> will simply make it impossible to park near enough to the BART station  
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> success (I did eliminate the drug dealers in my building, which had a  
> positive effect). I am extremely distressed by it, however, as the  
> current configuration gives me a tremendous amount of light and air  
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> have nothing around them or near them, as well as light that comes  
> into the windows at the ground level on the south and west sides of  
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> I hope you will be able to pass on my concerns to Design Review  
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> Certainly we all know that things change, and that progress is  
> preferable to total disintegration of a neighborhood. That is why I  
> cannot say that I am against the project, even though it is  
> problematic for me. I simply want the project to go forward in a way  
>  
=== message truncated ===

Wagner, Charity L.

---

From: Amanda Robins [troublelervsme@yahoo.com]  
Sent: Monday, February 04, 2008 6:14 PM  
To: Wagner, Charity L.; kkleinbaum@oaklandnet.com  
Cc: Rashaad Butler; Deborah Robins  
Subject: What BART is hiding from commuters: MacArthur BART commuters fight to retain 300 parking spaces! TIME SENSITIVE

Hello Charity and Kathy,

I am writing to you as a new tenant from 509 40th Street, the building directly connected to the BART parking lot. I would like to strongly encourage your planning to leave the patch of trees next to our building as a way of separation of the two buildings. I myself do not drive so am not concerned so much about the construction over the lot - although I will inquire what the hours are going to be during construction because of sound? I think it is important for the city to leave nature in place when possible and also feel that the buildings do not need to be so cramped that the trees must be eliminated. When I signed the lease to move in, I was told about this construction and want to feel as if I have a say in what happens right outside of my window.

I feel the new building may be an asset to the neighborhood as it needs a more developed, live-in community and I am interested to see what changes come from this. I am asking for you to look at this from a more practical, humane view - I am not a tree hugger and won't be chaining myself up anytime soon, but feel there can still be a little nature left in our neighborhood.

Please get back to me and let me know you have received this. I work until very late (at the Boys & Girls Clubs in SF) and will not be able to attend the meetings about this development... I simply am asking for my word to be heard.

Kindly,  
Amanda

Wagner, Charity L.

---

From: Deborah Robins [deborah.robins@sbcglobal.net]  
Sent: Tuesday, February 05, 2008 8:35 AM  
To: Wagner, Charity L.; ruthiescafe@yahoo.com; Amanda Robins  
Cc: Rashaad Butler; Deborah Robins; kkleinbaum@oaklandnet.com; Dias, Lynette  
Subject: RE: What BART is hiding from commuters: MacArthur BART commuters fight to retain 300 parking spaces! TIME SENSITIVE

Dear Charity,

I was cc'ed on this e-mail, so I'll put my two cents in as well. I'm a West Oakland neighbor of this proposed development, and wonder how you can read over your response to Amanda below and not cringe at what you've laid out here--

Removal of mature trees, long and noisy working/pile-driving hours, M-F AND Saturday, if needed-- and, it is no consolation to people on 3 sides of the building who enjoy and benefit from the beauty and shade of those mature trees, that you're leaving trees on Telegraph Avenue, most of the apartments have windows on the other three sides of the building!

If I owned that building, I would be very upset to see the beauty of the property I have nurtured for many years (and extensive renovations and updating have been done to make this a wonderfully preserved old building!), to see the rental values be significantly diminished to do construction noise and dust/air and noise pollution, and the desecration of landscaping which made the units appealing to tenants to begin with.

At the very least, it would appear that the landlord should be given some kind of stipend to compensate the tenants as an inducement for them to stay (many of them have said they would move out, under the circumstances), and to compensate the building owner for what may be up to, what? two years? of lost rentals.

I think we all agree that this development will be a nice upgrade for the neighborhood, and we're all for that. However, there is such thing as the right to quiet enjoyment of one's own domicile, and if that is disturbed in such a major way, people must be compensated, and considerations must be made before greedily removing those very things that make Oakland a desirable residential metro area-- GREENERY.

I believe the landlord has asked only that this project push itself another 20 or so feet away from her property, so she and the tenants can, at least, continue the enjoyment of those mature trees, and let the trees stand as a buffer zone between them and a lengthy, unsightly construction ordeal.

Thanking you in advance for taking this SERIOUSLY, it is important to all of us.

Sincerely,

Deborah Robins  
President, Nut Hill Productions, Inc.  
A not for profit media organization in Oakland 510-547-8300

--- "Wagner, Charity L." <clwagner@rrmdesign.com>  
wrote:

> Amanda - Thank you for your message. Your comments about construction  
> noise and maintaining existing trees are important, and we will  
> consider these in our review and your email message will be included  
> in the package for review by decision makers.

>  
>  
>

> You are correct that the most all of the trees would  
> be removed as part  
> of the proposed project. There are a few trees along  
> Telegraph Avenue  
> that would be maintained and the proposed plans also  
> introduce new  
> landscaping on site. But if I understand your  
> comment correctly, it  
> sounds like you are interested in maintaining mature  
> trees.

>  
>  
> In terms of construction hours, the City limits  
> construction to 7:00 am  
> and 7:00 pm Monday through Friday, except that  
> extreme noise generators  
> (like pile driving) are limited to 8:00 am and 4:00  
> pm Monday through  
> Friday. No construction is allowed on Sundays;  
> however, the City does  
> allow applicants to request that some construction  
> activities be allowed  
> on Saturdays and these requests are reviewed on a  
> case-by-case basis.

>  
> Again, thank you for your comments and please feel  
> free to contact me  
> with questions.

> Best, Charity

> Charity Wagner

> <<http://www.rrmdesign.com>> Consulting Planner, City  
> of Oakland

> rrmdeslgnsgroup

> 415-331-8282

>  
> \_\_\_\_\_  
> From: Amanda Robins  
> [mailto:[troublelervsme@yahoo.com](mailto:troublelervsme@yahoo.com)]  
> Sent: Monday, February 04, 2008 6:14 PM  
> To: Wagner, Charity L.; [kkleinbaum@oaklandnet.com](mailto:kkleinbaum@oaklandnet.com)  
> Cc: Rashaad Butler; Deborah Robins  
> Subject: What BART is hiding from commuters:  
> MacArthur BART commuters  
> fight to retain 300 parking spaces! TIME SENSITIVE

> Hello Charity and Kathy,

> I am writing to you as a new tenant from 509 40th

> Street, the building  
> directly connected to the BART parking lot. I would  
> like to strongly  
> encourage your planning to leave the patch of trees  
> next to our building  
> as a way of separation of the two buildings. I  
> myself do not drive so  
> am not concerned so much about the construction over  
> the lot - although  
> I will inquire what the hours are going to be during  
> construction  
> because of sound? I think it is important for the  
> city to leave nature  
> in place when possible and also feel that the  
> buildings do not need to  
> be so crammed that the trees must be eliminated.  
> When I signed the lease  
> to move in, I was told about this construction and  
> want to feel as if I  
> have a say in what happens right outside of my  
> window.

>  
>  
> I feel the new building may be an asset to the  
> neighborhood as it needs  
> a more developed, live-in community and I am  
> interested to see what  
> changes come from this. I am asking for you to look  
> at this from a more  
> practical, humane view - I am not a tree hugger and  
> won't be chaining  
> myself up anytime soon, but feel there can still be  
> a little nature left  
> in our neighborhood.

>  
>  
> Please get back to me and let me know you have  
> received this. I work  
> until very late (at the Boys & Girls Clubs in SF)  
> and will not be able  
> to attend the meetings about this development... I  
> simply am asking for  
> my word to be heard.

>  
>  
> Kindly,

> Amanda  
>  
>

Wagner, Charity L.

From: Ruth Treisman [ruthiescafe@yahoo.com]  
Sent: Tuesday, February 05, 2008 9:29 PM  
To: Wagner, Charity L  
Subject: Excerpts from my letter of March 15, 2006

Dear Charity,

I was very surprised to hear you say that you had no memory of my request for compensation for lost rents.

I stated it fairly clearly in the letter that was included with the letter from my attorney last March.

His email to Natalie Fay stated that he had faxed the rather lengthy letter (both his comments and mine), had mailed them to her, and in an attempt to be extremely thorough, had also sent them to her by email on March 15, 2006.

I still have the original email that was forwarded to me, with the attached file, so I will include the relevant parts:

Excerpts from my letter of March 15, 2006 to Natalie Fay:

"Therefore, if the project is to move forward, I would like to ask for three specific things:

1. Rethink the parking situation, and add rather than subtract BART parking, as well as adding adequate parking for the residents and customers of the new (and old) mixed-use properties.
2. Compensate my lost rental income during the periods of loss; this may include (although not be limited to) the period for the nine months prior to any actual construction (as my leases are for one-year periods), as well as the period during and immediately after the construction itself, until it is clear that it no longer impacts on my ability to attract good tenants.
3. Plan the structures so that the public space, roadway, walkway, etc., are located around my building, so that the tallness of the five-story buildings is somewhat less of a problem, and redesign the buildings, so that the tallest parts are somewhat removed again, by creating a sort of stair-step pattern, with the lowest part (perhaps one story) immediately closest to the public space around my property, and then gradually getting taller as the distance increases.

These three factors would greatly reduce my opposition to the project as it is currently presented, and would probably be better for the neighborhood as a whole. Thank you for your kind attention to these matters of the environmental impact on the neighborhood."

Today (February 5, 2007) very little has changed. I still want the public parking to remain at a minimum of 600 spaces, I still want to have a thirty-foot space between the new buildings and my older one, and I still want compensation for the lost rental income that will certainly become a problem as the date of the project looms closer. What has changed somewhat is that I think I will probably prefer a more uniform height of the buildings as one sees them along Telegraph Avenue, rather than the "stair-step" look I was advocating a year ago, but with a large green space between my building and the new complex.

I don't really care what sort of green space it is--whether you keep the current mature trees on the west side or plant new growth of any type--I care much more about having the space between the buildings, and the greenery of any sort to look at from my building, rather than a blank wall in close proximity that cuts off the sunlight, the light, the air, and the view, both on the south side of my building and the west side, which currently has greenery.

Yours truly,  
Ruth Ellen Treisman

Wagner, Charity L.

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From: William Manley [bmanleynow@yahoo.com]  
Sent: Tuesday, March 04, 2008 10:45 PM  
To: Wagner, Charity L.  
Cc: jbrunner@oaklandnet.com; boardofdirectors@bart.gov  
Subject: Comments on DEIR for MacArthur BART Transit Village -- Case Nbr ER0006-04

A few comments about the proposed project.

Generally in favor of overall design.

It is how BART stations should have been designed from the outset.

I vigorously applaud  
the reduction in the parking spaces reserved for BART.

This is a transit village, and as such it should be geared toward pedestrian, bicycle, and mass transit.

That said, I recognize that many patrons are accustomed to plentiful and free/low cost parking, no matter how much it increases costs of BART and the public generally who don't come there by car.

So I think retaining 300 spaces for BART parkers is a generous compromise.

The parking should pay for itself. This may be impossible in the short term, but should be kept in mind as a long-term principle. But minimally, the rates for parking should be comparable (if not higher) to West Oakland. This accomplishes two key functions:

Helps reduce costs of this very expensive facility.  
Helps reduce demand on this scarce resource.

1

According to information presented in the public presentation of the draft EIR, the City of Oakland will contribute \$32 million to the project, half of which will be for the parking facility. That's \$16 million for 300 spaces, or about \$53,000 for each space. This is a tremendous subsidy to drivers that undercuts use of bicycles, busses and carpooling. Even nominal interest on this money would be \$2500/year per space, to say nothing of amortized construction costs, security and maintenance.

Another key measure that should be implemented is the unbundling of parking from the residential and commercial units. Given the ample public transit that will be available from this site, it is highly likely that a large number of the new residents of the transit village will opt not to own a car, yet archaic zoning guidelines prescribe over 1000 spaces be dedicated to the 600 residences. Those spaces - if so many are indeed required - should be colocated and with general BART and retail parking so that they may be available for use by BART or retail patrons. They should be available to residents for rental (or maybe purchase) by residents, but residents SHOULD NOT BE REQUIRED to buy or rent them.

The unbundling can significantly lower the cost of renting or buying units, and can provide a more flexible, market-based approach to addressing parking demands.

These areas are key to the success of the project. Accordingly I ask that the final project have

- no more than 300 spaces dedicated for BART usage
- price parking to help offset costs to the City and SART
- unbundle the parking from the residential components to make more available for BART and Retail patrons and lower the costs of the housing overall

Thank You  
William D. Manley  
4132 Gilbert St.  
Oakland, CA 94611

Wagner, Charity L.

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From: Roy Aiper [royalper@sbcglobal.net]  
 Sent: Tuesday, March 11, 2008 5:49 PM  
 To: Wagner, Charity L.  
 Subject: MacArthur Transit Village

Dear Ms. Wagner,

I understand that you are the contract planner for the Planning Department working on the MacArthur Transit Village. I live four blocks from the site and will be able to see the project from the second floor of my house when it is finally constructed after decades of false starts. It can't happen soon enough, as far as I am concerned.

You should be aware that there is an organized campaign going on to complain about the site. It is fair to say that there are people in the neighborhood who do not want the project to be built, and have opposed most other projects as well. But the overwhelming majority of Temescal neighbors support the project and understand the value of increased density along Telegraph Avenue and particularly at the BART station. A year or so ago, dueling petitions by supporters and opponents of higher density development along Telegraph resulted in twice as many signatures supporting higher density than opposing. For property and business owners along Telegraph, over 80% support more dense housing development.

As to points raised by the opponents' campaign:

1. I fail to see how the addition of hundreds of housing units at the BART station will increase traffic congestion in the neighborhood. The residents of the Transit Village will certainly walk and not drive to BART – that's why they will want to live there. And any additional cars on Telegraph, 40<sup>th</sup> or MacArthur in the off-peak periods can be easily handled without any congestion.
2. The loss of parking may cause some people who currently drive to BART to park on neighboring streets, but that has been solved near other BART stations by residential parking permit programs. The opponents do not mention the scourge of crime that currently affects the area around 40<sup>th</sup> and Telegraph and which causes many in the neighborhood to drive instead of walk to BART for their personal safety. With over 1,000 new residents living there, I would expect the petty criminals to move elsewhere and that those of us in the neighborhood will feel safe to walk to BART.
3. The 85 trees that will be removed do almost nothing to shield the current below grade parking lot, which is quite a blight on the neighborhood. I can't imagine the City will not require good landscaping and tree planting in the new development to replace the trees; nor can I imagine a developer of such a large project ignoring the value of having many good new trees in the new development.
4. I can't speak to whether some apartments in the poorly maintained apartment building at the corner of 40<sup>th</sup> and Telegraph will lose some sunlight due to the development. It is certain, however, that they will lose their view of the parking lot and freeway interchange and instead be looking at a new and attractively designed building. And they will have the benefit of the new buildings buffering their apartments from the very substantial noise generated at that location by the freeway and BART.

I was disappointed that the project was downsized by eliminating the 22 story buildings that were originally proposed, as I would have been able to see those buildings from my house instead of the freeway ramps. Anymore downsizing will only further reduce the importance of the project in improving our neighborhood. I urge you to recommend approval of the EIR and approval of the proposed transit village.

Roy Aiper

4/21/2008

Wagner, Charity L.

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From: kasakatz [kasakatz@yahoo.com]  
Sent: Monday, March 17, 2008 9:56 AM  
To: Wagner, Charity L.  
Subject: Please respect historic building

Dear Ms. Wagner,

It is my understanding that the MacArthur BART Transit Village design as it stands today will block the light to the side windows of the historic building at the corner of Telegraph and 40th.

We are sparing that building due to its aesthetic and historic value. This value is diminished if many or most of the rooms lose their sunlight and air flow.

There are many ways to leave space around that building. Bicycle or pedestrian access to the transit village could be created. Green space could be added. I leave the specifics to the architects.

I believe the owner and residents of the building should not suffer the loss of light and air. But more importantly, I believe this building should be able to offer a quality living opportunity. If the apartments decline, the residents willing to live there could become a problem for residents of the transit village and the greater area.

Thank you,

Seth Katz  
member, Broadway/MacArthur/San Pablo Redevelopment Project Area Committee member, Greater Mosswood Neighborhood Association

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Wagner, Charity L.

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From: Jason Gardner [townsat@sbcglobal.net]  
Sent: Monday, March 17, 2008 10:50 AM  
To: Wagner, Charity L.  
Subject: In support of the MacArthur BART transit village design

Dear Charity Wagner --

Your email address was posted on the Temescal Families newsgroup as the contact person for comments on the EIR for the MacArthur BART transit village. I've been following the development process for the last seven years and wanted to voice my strong support of the current design as presented in the Preliminary Development Plan pdf. It's a great design -- exactly what our neighborhood needs to reduce blight, make the BART station safe, and decrease the regional environmental impact of adding new residents to our urban neighborhood.

Please count my voice of support for the project as currently envisioned.

Best,

Jason Gardner  
545 43rd St.  
Oakland, CA 94609

Wagner, Charity L.

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From: Ken [k150@yahoo.com]  
Sent: Wednesday, March 12, 2008 9:19 PM  
To: Wagner, Charity L.  
Cc: Jane B - Oakland Council; Karen Hester Ultra  
Subject: In support of MacArthur SART transit village plans

Dear Charity Wagner, Contract Planner,

I am a Temescal resident who firmly believes in sustainable, mixed use/transit oriented development. With gas rising \$1/gal every few years, there will soon be very few car drivers going through the station. I will definitely not miss the parkinglot sewer--precious urban space should not be wasted on parking. At least put it deep underground!

It's been way too long for there not to be highrise housing/shopping built into and adjacent MacArthur BART Station. If this was India, Japan, Singapore, China, parts of Europe... or San Francisco, that's what we'd have already.

Suggestions for alleviating NIMBY concerns:

1. put together urban tree canopy plan for replacing/saving trees
2. cut traffic congestion with dedicated Bus Rapid Transit lanes--long overdue!
3. have adjacent neighborhoods implement paid residential parking permit programs, like other parts of Oakland, Berkeley.
4. lost parking: add more carshare pods to BART stations and throughout neighborhoods, whether thru nonprofit City Carshare, corporate Zipcar, or neighborhood DIY.
5. add more public amenities so that people will want to want, instead of drive
5. include 20% affordable housing to those multitudes who earn <\$60k/year. (rentals, small units Japan-style: 2DK, 2LDK, etc.)
6. include a grocery/co-op like Berkeley Bowl on the ground floor.

I and my immediate neighbors fully support your plans. I just wish the development were a bit taller, Berkeley/Tokyo/NYC style. I also hope it will feature rooftop gardens, tennis, and views of the bay.

Thank you for your time and consideration.

Sincerely,

Kenneth Ott  
350 49th St.  
510-557-9150

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Case File Number: PUD06-0058

December 12, 2007

**Location:** Multiple parcels immediately adjacent to the MacArthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West MacArthur Boulevard (sec map on reverse and Table 2 below)

**Assessors Parcel Numbers:** 012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 012-0969-002-00, 012-0969-003-00, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00 & 012-0967-010-00

**Proposal:** Construct the MacArthur Transit Village project: 5 new buildings containing 624 residential units, 42,500 square feet of commercial space (including live/work and flex space), a 300-space parking garage for BART patrons, and approximately 680 parking spaces for the residential and commercial units (residential parking provided at a 1:1 ratio).

**Applicant:** MacArthur Transit Community Partners (MTCP)  
**Contact Person:** Joseph McCarthy (510) 273-2009  
**Owner:** Multiple property owners

**Planning Permits Required:** Rezone from C-28, Commercial Shopping Zone and R-70, High Density Residential Zone to S-15, Transit-Oriented Development Zone; Zoning Text Amendment to increase the Maximum Height permitted in the S-15 Zone; Development Agreement; Planned Unit Development (PUD) Permit to allow construction of a new mixed-use project on more than 1 acre of land at a BART Station, which includes construction of more than 100,000 square feet of new floor area and two PUD bonuses to allow a 13.95% increase in number of residential units otherwise permitted by the S-15 Zone; and to allow distribution of usable open space without reference to lot or block line; and Tree Removal Permits. *Note: Additional/alternative permits may be required as the project program is more fully defined.*

**General Plan:** Neighborhood Center Mixed Use  
**Zoning:** C-28 (parcels on Telegraph Avenue and West MacArthur Boulevard), R-70 (BART parking lot parcels) and S-18 Mediated Design Review Combining Zone (entire site)

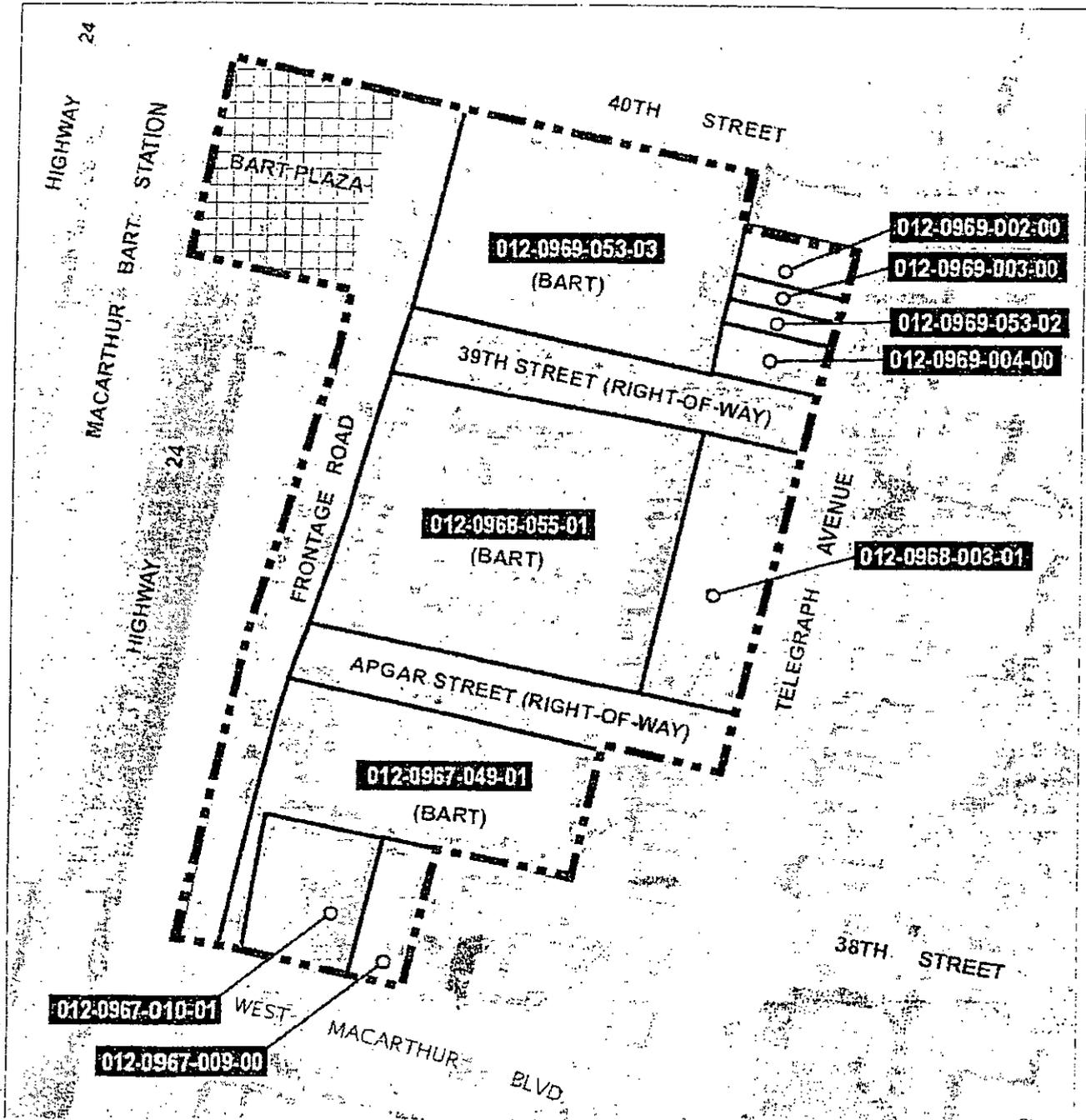
**Environmental Determination:** An Environmental Impact Report (EIR) is being prepared.  
**Historic Status:** The even existing buildings on-site are either not listed on the OCHS or are rated D3 on the OCHS. "D" rated properties are considered as Properties of Minor Importance under the City Historic Preservation Element. None of the buildings on the project site are within, or are contributors to, a historic district.

**Service Delivery District:** Service District 2  
**City Council District:** 1

**Date Filed:** October 5, 2007 (revised submittal; original submittal February 5, 2006)  
**Status:** Preliminary Design Review; the project will be considered by the full Planning Commission at a future public hearing.

**Action to be Taken:** No formal action; Public hearing concerning the design of the proposal.  
**Staff Recommendation:** Take public testimony concerning the design of the proposal and provide direction to staff and the applicant.

**Finality of Decision:** No decision will be made on the project at this time.  
**For Further Information:** Contact the case planner, Charity Wagner, at (415) 730-6718 or by e-mail at [clwagner@rrmdesign.com](mailto:clwagner@rrmdesign.com)



**SUMMARY**

The purpose of this report is to provide an outline of key issues to facilitate preliminary design review comments for the proposed MacArthur Transit Village project. The project involves demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that would accommodate 624 residential units, 35,500 square feet of neighborhood-serving retail and commercial uses, 8 live/work units, a 5,000 square foot community center use and 300-space parking garage for BART patrons. Parking for residential units (at a 1:1 ratio) would be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A. The transit village also includes creation of two new streets: Village Drive would provide an east/west connection in between Telegraph Avenue and the BART Plaza and 40<sup>th</sup> Street; and Internal Street would provide north/south connection from Village Drive to the southern edge of the project. Additionally, the Frontage Road would be reconfigured to allow continued access by shuttle operators and BART patrons.

It has been determined that an Environmental Impact Report (EIR) is needed for this project. An EIR is currently being prepared and it's anticipated that the EIR will be published in early 2008.

The purpose of today's meeting is to hear comments from the public and the Design Review Committee concerning the design of the proposal. No action will be taken at today's hearing. The decision of project entitlements will occur at a future hearing in front of the full Planning Commission. This project, like many major projects in Oakland, will be processed through two phases of project entitlements. At this first phase of entitlements (see table on first page for list of project entitlements), staff requests that Design Review Committee review and comment on the overall building and site design concepts shown on the project plans. The Design Review Committee will consider the project design in detail during Final Design Review, which would occur as part of the second phase of project entitlements (along with the Final Development Plan and Subdivision applications).

**PROPERTY DESCRIPTION**

The project site is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40th Street, and seven privately owned parcels. The project area includes the majority of the block on Telegraph Avenue between West MacArthur Boulevard and 40th Street; however, several parcels within this block are not included within the project site (see map on page 2). Table 1 shows the parcels within the project site.

Table 1: Project Site Parcels

Address	Assessor Parcel Number	Current Use	Acreage (Acres)
532 39 <sup>th</sup> Street	012-0969-053-03	BART Parking	1.61
516 Apgar Street	012-0968-055-01	BART Parking	2.07
515 Apgar Street	012-0967-049-01	BART Parking	1.12
3921 Telegraph Avenue	012-0969-002-00	Braids By Betty	0.15
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant	0.06
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market	0.06
3901 Telegraph Avenue	012-0969-004-00	Lce's Auto	0.11
3875 Telegraph Avenue	012-0968-003-01	Medical Offices	0.61
526 W. MacArthur Boulevard	012-0967-009-00	Hotel	0.20
544 W. MacArthur Boulevard	012-0967-010-00	Hotel	0.17

39 <sup>th</sup> Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.62
Appar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.60

There are a variety of land uses surrounding the site. Beebee Memorial Cathedral, commercial, and residential uses are located to the east across Telegraph Avenue from the project site. To the north of the project site, across 40<sup>th</sup> Street, are residential and commercial uses. Residential and commercial uses also extend further north of the project site along Telegraph Avenue. State Route 24, and the BART tracks, are located immediately west of the project site. A residential neighborhood that includes a mix of densities is located further west. The State Route 24/Interstate 580 interchange is located southwest of the project site. Commercial uses are located to the south of the project site, across West Mac Arthur Boulevard.

**PROJECT DESCRIPTION**

The proposed project would involve the construction of five buildings (labeled A-E on the project drawings) on the project site, including three mixed-use buildings with ground floor retail spaces and residential units on upper floors, one entirely residential building and one parking garage. The proposed project also includes construction of two new streets (Village Drive and Internal Street) and maintenance of the Frontage Road within the project area. Village Drive and Internal Street would provide access to new structures within the project, and increased access to the BART station.

Increased and enhanced access to the BART station is a key component of the proposed project. Village Drive, the main pedestrian and vehicular access to the project, is envisioned as a lively pedestrian street with shops and service uses that include outdoor displays and seating areas. The project also includes a new public plaza immediately east of the BART plaza and fare gates. The transit village plaza would include outdoor seating, public art, landscaping, and other activity to provide a sense of arrival to the project, especially for BART patrons as they enter and exit the station. Internal Street, which provides access to a majority of the residential units, is envisioned as a neighborhood street. Residential units would front onto Internal Street with stoops and front porches.

Table 2 and the text below provide a summary of the proposed buildings and uses within the project. The project drawings for the proposal are attached to this report (see Attachment A).

Table 2: Summary of Proposed Development

Building	Residential Units/Affordable Units	Live/Work Units	Retail SF <sup>b</sup>	Community SF	Building Height (Feet)	Number of Stories	Parking Spaces
A	213/0	3	23,500	--	50-85	5/6	242
B	132/0	2	5,000	--	55-80	6	134
C	189/0	3	9,000	5,000	55-70	5/6	189
D	90/190	--	--	--	45-65	5	91
E	--	--	5,000	--	68	6	324
Total	624/90	8	42,500 <sup>1</sup>	5,000	--	--	980 <sup>2</sup>

<sup>1</sup> Retail area shown in table includes square footage of live/work units.

<sup>2</sup> Parking shown in table does not include the proposed 44 on-street parking spaces.

Building A. Building A is a five- to six-story building located in the northeast corner of the project site with frontage on 40th Street, Telegraph Avenue, Village Drive. Building A is a mixed-use building with 23,500 square feet of commercial space located on the ground floor and 213 for-sale market-rate

condominiums on the upper floors. Of the 23,500 square feet of commercial space, 3,000 square feet, would be "flex spaces" on Village Drive and 3,000 square feet of "flex space" on 40th Street. Flex spaces may be occupied by live/work units, retail uses and/or community space for residents (i.e., gym or recreation room) in the buildings in which the flex space is located. Parking for Building A is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking at the street level is wrapped by commercial area so the parking is not visible from the street. Access to the condominium units is provided by internal courtyards and vehicular access to the parking garage under Building A is provided by a driveway on Village Drive.

**Building B.** Building B is a six-story building located along the western edge of project site, south of Village Drive and adjacent to the shuttle access road with building frontage on Village Drive, Entry Drive and the proposed north/south internal street. Building B is a mixed-use building with 3,500 square feet of commercial space and 1,500 square feet of "flex space" on the ground floor and 145 for-sale, market-rate residential condominium units located throughout on all floors. Residential condominium units would be located on the upper floors of Building B and on the ground floor adjacent to the internal street. Parking for Building B is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street from Village Drive or Internal Street. The street level parking area is visible from Frontage Road. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Front entrances with stoops and small porches are envisioned along the internal street frontage of Building B. Vehicular access to the parking garage under Building B is provided by a driveway on the internal street.

**Building C.** Building C is a five- and six-story building located along the eastern edge of the project site at the southwest corner of Telegraph Avenue and Village Drive. Building C is a mixed-use building with 6,500 square feet of commercial space and 2,500 square feet of "flex space" on the ground floor and 187 for-sale, market rate residential condominium units on the upper floors. Building C also includes 5,000 square feet of community-serving space located on the ground floor. The 5,000 square feet of community space is accompanied by a 2,000 square foot outdoor play area as the applicant is currently considering that a private childcare provider may occupy the community space. Residential condominium units would be located on the upper floors of Building C and on the ground floor adjacent to the internal street. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Parking for Building C is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street. Vehicular access to the parking garage under Building C is provided by two driveways on the internal street.

**Building D.** Building D is a five-story building (with a below-podium parking garage) located along the western edge of the project site (directly south of Building B) with building frontage on the internal street and the Frontage Road. Building D is an entirely residential building with 91 for-rent, below-market-rate (affordable) apartment units. Building D would include a community room with a kitchen and shared laundry facilities for use by apartment tenants. Parking for Building D is provided in single-level, below grade parking garage. Access to the apartment units would be provided via internal courtyards and vehicular access to the parking garage under Building D is provided by a driveway on the internal street.

**Building E.** Building E is a six-story parking garage located at the southwest corner of the project site with frontage on West MacArthur Boulevard and Entry Drive. The garage would accommodate 300 parking spaces for BART patrons and the ground floor would include 5,000 square feet of commercial space. The commercial space would front onto West MacArthur Boulevard. Pedestrian access to Building

E would be located on West MacArthur Boulevard, Entry Drive and the internal street. Vehicular access to the Building E would be provided by a two-way driveway on Entry Road which vehicles would access via West MacArthur Boulevard.

**Site Access and Circulation.** Several circulation improvements are proposed for the project site. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and an internal north/south street off of Village Drive. New sidewalks, bicycle paths, and streetscape improvements would be constructed.

*Frontage Road.* The existing Frontage Road would be replaced, but remain in the same location as the existing Frontage Road, which is parallel to State Route 24, it extends from 40th Street to West MacArthur Boulevard. Frontage Road is a two-way road for the segments between 40th Street and Village Drive and between West MacArthur Boulevard and the Parking Garage driveway. South of the Frontage Road/Village Drive intersection, and before the Parking Garage, vehicular access would be limited to emergency vehicle access, southbound shuttle operators, and building services. The majority of traffic at this section of Frontage Road would be shuttles traveling southbound between 40th Street and West MacArthur Boulevard. Additionally, the intersection of Frontage Road and West MacArthur Boulevard provides access to and from the Parking Garage (Building E) and vehicles can also access Frontage Road at the Village Drive intersection to exit onto 40th Street. Sidewalks would be provided along the west side of Frontage Road and bicycle lanes would be included on Frontage Road.

*Village Drive.* Village Drive would be a two-way, two-lane road between Telegraph Avenue and the Frontage Road. It is anticipated that Village Drive would be open to vehicular traffic and pedestrian, as well as patrons who use kiss-and-ride. On-street parking and kiss-and-ride loading and unloading areas would be provided on Village Drive. Village Drive also includes large sidewalks because it is envisioned as the main pedestrian connection through the project site. Ground floor commercial and live-work units in Buildings A, B and C would be oriented to face Village Drive with pedestrian scale retail uses with outdoor seating areas and retail displays at the transit village plaza (across from the BART plaza) and on Telegraph Avenue.

*Internal Street.* An internal two-way street is proposed south of Village Drive. The internal street would provide vehicular access to Buildings B, C, and D. The internal street is not a through street; a turn-around area is provided at the terminus of the street. On-street parking and sidewalks are proposed for both sides of the internal street at the southern edge of the project site. The internal street is envisioned as a residential street (no commercial space would front onto the internal street). Residential unit entrances (including stoops and small porches) would face onto the internal street. The primary pedestrian access to the internal street would be from Village Drive, but a pedestrian pathway located along the east elevation of the parking garage (Building E) would allow also pedestrians and bicyclists to access the internal street from West MacArthur Boulevard.

*Parking.* Parking for residential units would be provided at a 1 space per 1 unit ratio within each of the mixed-use and residential buildings. The S-15 zone requires only ½ space per unit. Approximately 30 parking spaces for commercial uses would be provided within the parking garage in Building A. The S-15 zone does not include specific parking ratios for commercial uses. Parking would be permitted on Village Drive and Internal Street. Approximately 45 on-street parking would be available on the project site. Parking for BART patrons would be provided in the BART parking garage (Building E).

**KEY DESIGN ISSUES**

Below is a summary of the key design issues related to the proposal:

*Building Mass, Scale and Height*

The proposal essentially involves replacing the BART parking lot, two two-story motels on West MacArthur Boulevard, and five single-story commercial/medical office buildings on Telegraph Avenue with five new buildings ranging in height from five- to six-story. The project plans (see Attachment A) show conceptual architecture for the proposed buildings, and staff is generally pleased with the design approach and level of detail. However, at this Preliminary Development Plan (PDP) of the project, the focus is more on the bulk, mass and scale of the proposed buildings. Final architecture will be reviewed and considered by the Design Review Committee upon submittal of Final Development Plans.

Buildings within the project would range in height from 50 feet to 85 feet (a building height diagram is included in Attachment A, see Sheet A1.0H). The maximum building height in the S-15 zone is 45 feet. As part of this project, the applicant requests a text amendment to increase the maximum height in the S-15 zone.<sup>1</sup> Most buildings in the immediate project vicinity are one and two-story structures, with the exception of the Beebe Memorial Cathedral directly across the project site on Telegraph Avenue.

Two of the proposed buildings front onto Telegraph Avenue and 40<sup>th</sup> Street. Building A fronts onto Telegraph Avenue (south of Village Drive) with a varying height of 55 to 60 feet on Telegraph Avenue. Building C also fronts onto Telegraph Avenue (north of Village Drive). Building C transitions from 75 feet (at the corner of Village Drive and Telegraph Avenue) to 50 feet adjacent to the existing building at 40<sup>th</sup> Street and Telegraph Avenue. Building A also fronts on to 40<sup>th</sup> Street with heights varying from 60 to 80 feet.

Each of the proposed buildings, with the exception of the parking garage, includes varying building heights, some roof line articulation and varying wall planes. These features help break-up the mass of the proposed structures; however, the proposed structures are a larger scale and taller than other existing buildings located in the immediately vicinity of the site. Staff has considered recently approved projects within the project area when reviewing the proposed project. Of note, several recently approved projects in the vicinity of the proposed project including Courthouse Condominiums (2935 Telegraph Avenue), two mixed use structures at 3860 & 3880 Martin Luther King Jr. Way) are of similar mass and height to the proposed project.

*The Design Review Committee is encouraged to comment on the proposed scale, massing and height of the proposed project.*

#### *Activity along the Frontage Road*

The proposed project maintains the Frontage Road that currently exists on-site; however the use and configuration would be modified to better suit the transit operators and the proposed project. The Frontage Road would allow two-way traffic between 40<sup>th</sup> Street and Village Drive and between West MacArthur and the entrance to the BART parking garage. Vehicular access on the majority of the Frontage Road (the portion between Village Drive and the entrance to the BART parking garage) will be one-way, southbound access for emergency vehicles and the transit operators that service the MacArthur BART Station (e.g., Emery-Go-Round, AC Transit and the hospital shuttles). A sidewalk is proposed along the west side of the Frontage Road and two-way bicycle travel is also proposed. A consistent 65- to 75-foot tall street wall along the Frontage Road is formed by Buildings B and D. Because BART patrons are likely to use the Frontage Road as their means to access the BART fare gates from the parking garage, staff believes that the interaction of the buildings along the Frontage Road need special attention to insure that pedestrians (and cyclists) have a safe and inviting path of travel from the West MacArthur Boulevard to the fare gates. Staff will continue to work with the project applicant to ensure this elevation is articulated to create a safe atmosphere for BART patrons, residents, and visitors.

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<sup>1</sup> Staff is currently preparing draft language for a text amendment to increase the permitted building height in the S-15 zone, as requested by the project applicant. The text amendment, and other discretionary actions, will be reviewed by Planning Commission at a future meeting.

*The Design Review Committee is encouraged to comment on the public interface along the Frontage Road*

*Proposed Commercial, Flex, and Community Spaces*

The project includes commercial units along Telegraph Avenue, Village Drive, across from the BART fare gates on Frontage Road, and on West MacArthur Boulevard at the ground floor of the BART parking garage. Business operators for the commercial space have not yet been identified. Land uses permitted in the S-15 zone are geared to provide services and goods for residents and visitors of the TOD project and surrounding neighborhood.

The project also includes "flex spaces" along Village Drive and 40<sup>th</sup> Street. "Flex spaces" as previously described, could be occupied by live/work units, retail uses or accessory activity for the residents in which the "flex space" is located. In short, these spaces allow flexibility to transition from one use to another to meet desired uses and market demands.

The project plans also include a 5,000 square foot community space located at the street level of Building C. The applicant is exploring options to allow childcare within this space, and has planned open space (just south of the community space) in anticipation of meeting outdoor play space needed to facilitate a childcare at this location.

In general, staff is satisfied with the location of commercial spaces within the project area. However, staff does have some concerns related to the viability of the flex space on 40<sup>th</sup> Street. The project is designed to accommodate commercial uses on West MacArthur (ground floor of parking garage), Telegraph Avenue, Village Drive and on the Frontage Road directly across from the BART Plaza and fare gates. Staff thinks that all of the project edges, including 40<sup>th</sup> Street, would be best served with commercial uses that offer services to the neighborhood, as opposed to building space that would service only the residents of the project.

*The Design Review Committee is encouraged to comment on the location of commercial, flex and community spaces proposed within the project area.*

*Elevations of BART Parking Garage*

Project plans show advertising signs on the BART parking garage. Advertising signs are not permitted in the City of Oakland, except as provided by a Franchise Agreement or Relocation Agreement authorized by the City Council (OPC 17.104.060). Staff questioned the applicant's inclusion of advertising signs within the proposed plans, and the applicant indicated the intent of the signs is to introduce new materials and eye catching components to the otherwise bland and expansive parking garage elevations. The applicant further indicated that this goal to also be achieved by allowing a mural on a portion of the garage, or modifying the building materials to provide visual interest. Staff is encouraged by the applicant's intent to break up the massing of the parking garage, but is hesitant to consider advertising signs as they are not permitted, and when not maintained advertising signs can easily turn from an attractive sign to an eyesore. Staff will continue to work with the project applicant on visual and/or design elements that could provide visual interest and break up massing of the parking garage.

*The Design Review Committee is encouraged to comment on the advertising signs and other methods of bringing interest to the BART parking garage.*

*Open Space*

The proposed project includes approximately 54,000 square feet of open space within the project area. With 624 residential units, the project provides 87 square feet of open space per unit. The S-15 zone requires 150 square feet of group open space per residential unit and 30 square feet of private open space per unit for a total of 180 square feet of open space per unit. However, the S-15 zone allows for private

space to be counted toward the group open space at a 2:1 ratio, but a minimum of 75 square feet of group open space must be provided. At that rate, the project would need to provide 75 square feet of group open space and 40 square feet of private open space. The project does not meet the minimum open space requirements (even if the private area substitution calculation is applied). The project includes a PUD Permit, and a bonus to allow a reduction in the amount of required open space. The project provides useable open space within the interior courtyards within each of the proposed buildings, and some of the units would include balconies. The exact size and location of balconies is not known at this time, so the open space area may increase prior to consideration of the project by the full Planning Commission.

*The Design Review Committee is encouraged to comment on the amount of open space with the project area.*

**CONCLUSION**

Staff recommends that the Design Review Committee take public testimony on the design of the proposal and provide direction to staff and the applicant on the key design issues identified above.

Prepared by:

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Charity Wagner  
Contract Planner

Approved by:

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GARY PATTON  
Deputy Director of Planning and Zoning

Approved for forwarding to the  
Design Review Committee:

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CLAUDIA CAPPIO  
Director of Development

**ATTACHMENTS:** Project Drawings (dated November 15, 2007; received December 5, 2007)

CBRE CONSULTING, INC.  
Sedway Group



4 Embarcadero Center, Suite 700  
San Francisco, CA 94111

T 415 781 8900  
F 415 733 5530

[www.cbre.com/consulting](http://www.cbre.com/consulting)

## MEMORANDUM

To: Joe McCarthy, MacArthur Transit Community Partners (MTCP)

From: Terry Margerum and Courtney Pash; CBRE Consulting Inc./Sedway Group

Date: May 27, 2008

Subject: Macarthur Transit Village Project: Assessment of Financial Feasibility of CEQA Alternatives and Full BART Replacement Parking Garage Alternative

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CBRE Consulting Inc./Sedway Group ("CBRE Consulting") is pleased to submit this memorandum assessing the financial feasibility of three alternative project scenarios for the MacArthur Transit Village Project ("Project"). Two of the three CEQA required alternative development scenarios as described in the January 2008 Draft Environmental Impact Report (EIR) on the MacArthur Transit Village Project are analyzed as well as an alternative that assumes the Project remains as planned except for an increase in the BART parking garage from 300 spaces to 600 spaces.

The Draft EIR compares the environmental impacts of the proposed Project with three alternative development scenarios representing various levels of reduction in building size. One of the alternatives is a "no-project/no-build" alternative which is not the subject of this analysis. The purpose of Part I of this study is to identify impacts on financial feasibility of a substantial diminution in the size of the Project, which in the EIR are called CEQA Existing Zoning Alternative and Mitigated Reduced Building/Site Alternative.

Part II of this study analyzes the financial feasibility of constructing a 600-space BART parking garage instead of the proposed 300-space parking garage. It is assumed that the only alteration to the Project will be an increase in the size of the BART parking garage. All other revenues and costs associated with "horizontal" development, as described in Part I, are assumed to remain constant.

## PART 1- CEQA ALTERNATIVES ANALYSIS

### INTRODUCTION

#### Background and Project Description

The Project as proposed by MacArthur Transit Community Partners, LLC ("MTCP") consists of 44,000 square feet of retail, 1000 parking spaces (300 for exclusive BART use), up to 675 multi-family residential units, including a 90-unit affordable rental housing component (to be developed by BRIDGE Housing). The project would be an innovative public-private partnership aimed at providing a transit-oriented, mixed-use development that includes not only a conventional 17 percent affordable residential component, but also offers moderately-priced market rate for-sale residential product at a prominent urban infill location. The project area ("Site") comprises 8.2 acres in Northern Oakland and includes the current MacArthur BART parking lot as well as a number of surrounding privately owned parcels. The entire area is bordered to the north by 40<sup>th</sup> Street, east by Telegraph Avenue, south by West MacArthur Boulevard, and west by Highway 24.

The CEQA required alternatives analyzed in the EIR include a "no-project/no build" alternative, an "Existing Zoning" alternative, and a "Mitigated Reduced Building/Site" alternative. As previously stated, the "no-project/no-build" alternative is not included in this study. The development programs of the proposed Project and two alternatives are summarized in Table 1. Additional details of the alternatives are outlined in subsequent sections of this memo.

Table 1: Project and Alternatives Summary

	Proposed Project	Existing Zoning Alternative	Mitigated Reduced Building/Site Alternative
Market Rate Dwelling Units	560	440	166
BMR Dwelling Units	115	90	34
Commercial (sf)	44,000	44,000	20,000
Non-Bart Parking Spaces	700	715	350
BART Parking	300	300	300
Land Area (acres)	7.05	7.05	5.8

Sources: MacArthur Transit Community Partners; BRIDGE Housing; MacArthur Transit Village Project Draft Environmental Impact Report, January 2008; and CBRE Consulting.

#### Definition of Analysis

The proposed Project's financial structure involves a "horizontal" developer responsible for the pre-development phases of construction. This includes, but is not limited to, acquisition of the privately owned parcels, securing of project entitlements, development of a parking garage for BART riders, and development of needed infrastructure and public improvements. Accordingly, the proposed Project would include substantial public sector investments in several forms, as summarized below in the Discussion of Analysis section of this memorandum and detailed in Exhibit 3. Upon completion of predevelopment activities, MTCP intends to act as the "vertical" developer of the market rate units, partnering with BRIDGE Housing as developer of the 90-unit affordable rental project. MTCP, acting as the "horizontal" developer, does however have the option to sell the fully entitled development sites to one or more "vertical" developers, who would then complete buildings comprising the Project.

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The financial feasibility of the Project as currently proposed is premised on the "horizontal" developer securing approximately \$20 million for the 8.2 acre development site from the prospective "vertical" developer(s) of the market rate and BRIDGE affordable projects. This land sales revenue, along with the defined Agency and State assistance for the affordable component and public improvements results in a profit margin of approximately 12 percent. As it stands, a 12 percent profit margin is at the low end of the industry-standard range for a land developer. Given the complexities of this project, with a public-private partnership and on affordable housing component tapping into multiple funding sources, most developers would likely require a higher profit margin. Arguably, the horizontal developer could accept a somewhat lower land value if the infrastructure and site costs of the smaller project alternatives were sufficiently less costly – assuming a proportionate level of public sector assistance.

#### Methodology and Measures of Feasibility

CBRE Consulting prepared a static residual land value analysis for each of the two alternatives, assuming sell-out of the for-sale residential units and full lease-up of the commercial space. The exhibits documenting these analyses are summarized below and appended to this memo. The residual land value, or amount the "vertical" developer(s) should be able to pay the "horizontal" developer for the site(s), is then compared to the land value required by the "horizontal" developer to render the alternative development program financially feasible.

#### SUMMARY OF FINDINGS

As seen in Table 2 and the appended Exhibits, neither the Existing Zoning Alternative nor the Mitigated Reduced Building/Site Alternative are financially feasible. The residual land values are substantially less than those required by the "horizontal" developer to sufficiently cover the project's entitlements and infrastructure costs.

Table 2: Vertical and Horizontal Development Summary

	Existing Zoning Alternative	Mitigated Reduced Building/Site Alternative
<b>Vertical Development</b>		
Value	\$208,340,000	\$87,881,300
Total Development Costs (1)	(\$206,696,699)	(\$100,475,590)
Residual Land Value	\$1,643,300	(\$12,594,290)
<b>Horizontal Development</b>		
Land Revenue (from Vertical Development)	\$1,643,300	(\$12,594,290)
Other Sources of Revenue	\$64,299,272	\$46,234,081
Entitlement and Infrastructure Costs	(\$73,485,957)	(\$54,520,213)
Developer Profit Amount	(\$7,543,384)	(\$20,880,421)
Developer Profit Margin	(10.27%)	(38.30%)

Source: Exhibits 1 - 3.

(1) Total Vertical Development Costs include direct and indirect development costs and developer profit.

The Mitigated Reduced Build Alternative is infeasible because it generates a negative residual land value. The Existing Zoning Alternative generates a slightly positive land value of approximately \$1.6 million. However, when the analysis is carried to the horizontal development, the Existing Zoning Alternative generates a negative profit of approximately \$7.5 million or 10%. In other words, the entitlement and infrastructure costs exceed revenue from all sources, indicating that the developer would lose \$7.5 million on this project.

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## DISCUSSION OF ANALYSIS

### Additional Detail on Alternatives

Each of the two EIR alternatives represents a reduction in the number of total residential units and, in the case of the Mitigated Reduced Building/Site Alternative, there is a reduction in the total site area. Following is a detailed description of the two alternatives.

#### Existing Zoning Alternative

This alternative, using the same 8.2 acre site, would likely result in a project with two distinct components: a mixed-use market rate project with 440 condominiums and 44,000 square feet of commercial space at similar locations on the site. The second component would be 90-unit affordable project similar to the BRIDGE affordable rental component of the proposed Project. This alternative represents about 85 percent of square footage of the proposed Project. Similar to the proposed Project, there would be 300 exclusive BART parking spaces. Parking for the alternative includes 715 (rather than 700) parking spaces, with 583 spaces allocated for the residential and 132 for the commercial (3 per 1,000 square feet). Access, circulation, and BART Plaza improvements would be essentially the same as for the Project. Given these considerable similarities, the primary focus of this feasibility analysis will be on the market rate residential, where this alternative would have 80 to 90 fewer market rate units than the Project. Another potential difference is the limit on height imposed by the existing zoning requirement, which will limit the residential and commercial structures to 4 stories and Type V construction (i.e., wood frame).

#### Mitigated Reduced Building/Site Alternative

This alternative is limited to the 5.8 acre site comprising BART's parking and circulation areas and four of the seven privately owned parcels (excluding the two motel parcels and the medical building). This development program would most likely be constructed as a single mixed-use project consisting of 166 market rate for-sale units and 34 affordable for-sale units, with 20,000 square feet of ground floor commercial space oriented toward 40<sup>th</sup> Street. There would be 350 project parking spaces, with 275 spaces allocated for the residential and 75 for the commercial (3.75 per 1,000 square feet). The BART Plaza improvements would be essentially the same as for the Project, but access and circulation improvements would be based on the reduction in the site. Despite the dramatic reduction in density, the project would likely be 5 to 6 stories Type III construction (i.e., modified wood frame).

#### Vertical Development Assumptions

No detailed plans or cost estimates for the two alternatives exist. Inputs for projected revenues and construction costs are based on project data provided by MTCP, BRIDGE Housing Corporation, the City and Agency, James E. Roberts – Obayashi Corporation, and on current industry and market data available to CBRE Consulting. Given the time constraints placed on this analysis, CBRE Consulting reviewed these estimates, checked them for reasonableness, and made adjustments to the inputs as deemed appropriate. Below is a summary of the key inputs.

#### Projected Revenues and Value Assumptions

The sales prices for the market rate units are based on an average unit size of 867 square feet and average sales price of \$460,000. The sales prices for the affordable condominiums are based on an average size of 867 square feet and sales price of \$250,000. There is an implicit assumption that Bay Area real estate markets will have returned to a more stabilized conditions by the time these units come to market.

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Annual projected rents for the commercial components in both alternatives are assumed to be \$36 per square foot (NNN), with estimated annual vacancy of 10 percent. The neighborhood retail/commercial capitalization rate was determined based on analysis of comparable properties and anticipated capital market conditions.

#### Project Cost Assumptions.

The construction costs for the EIR alternatives are based on the Type III and Type V construction cost estimates provided by James E. Roberts - Obayashi Corporation. These estimates include construction of both the for-sale residential and the commercial project components. The cost estimates were reviewed for reasonableness by CBRF Consulting and then adjusted downward to reflect the diminished size of the project alternatives. A majority of costs were adjusted directly proportionate to the change in project size, but in a few cases no adjustments were made as the costs are fixed. Lastly, some costs were changed by disproportionate amounts.

The indirect costs for both alternatives are between 30 and 31 percent of direct costs. The indirect costs are based on those estimated by MTCP partners and adjusted downward as appropriate to reflect smaller projects. The indirect costs also include tenant improvement costs at \$30 per square foot and marketing and lease up costs of \$10 per square foot.

#### Horizontal Development Assumptions

The "horizontal" developer is responsible for all costs not associated with development of the actual buildings. This includes entitlement costs, site acquisition, environmental remediation, replacement parking, BART plaza improvements, and all sitework. These costs will be paid for through public assistance and the land price paid by the "vertical" developer.

#### Project Revenue and Cost Assumptions

The agency has directed that this analysis assume similar City inclusionary requirements and policies, and proportionate public sector commitments in terms of available tax increment and grant funding. These include the following items:

- Affordable Housing Contributions
- City and Redevelopment Agency Funding
- Proposition 13 Funding
- BART Related Credits and Grants

These revenues and their horizontal development costs have been modified in the Horizontal Pro Forma for each alternative and are summarized in Exhibit 3.

#### Horizontal Development Analysis

Based on the assumptions outlined above, neither the Existing Zoning Alternative nor the Mitigated Reduced Building/Site Alternative yield a land value, if coupled with all other sources of public funding, that is sufficient to cover the costs associated with preparing the land for vertical development. The costs exceed the revenues in the Mitigated Reduced Build Alternative, thus yielding a negative residual land value and a negative "horizontal" developer profit. The Existing Zoning Alternative, while achieving a positive residual land value, does not provide a positive developer profit thus renders the project financially infeasible to the "horizontal" developer.

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## PART II – 600-SPACE GARAGE ALTERNATIVE ANALYSIS

As stated in Part I of this memorandum the proposed Project includes a 300-space BART dedicated parking garage that is part of the "horizontal" development. An increase in the size of the parking garage from 300 spaces to 600 spaces, assuming that all other revenues and costs associated with "horizontal" development remain constant, will decrease the "horizontal" developer profit to below zero, thus making the project financially infeasible.

As seen in Table 3, the costs to construct a 600-space parking garage will be approximately \$32 million (fifth line under MTCP Cost Summary). This is nearly \$12 million greater than the cost to construct a 300-space garage.<sup>1</sup> The construction costs are approximately \$53,000 per parking space and include a construction cost contingency of 10 percent and an escalation cost contingency of 6 percent per year for two years. Since the parking garage is in the early conceptual design phase, including contingency items this early in the process is standard. Excluding these contingency items, the cost is approximately \$43,000 per space. This estimate is consistent with current market assumptions for garage hard and soft costs. These cost estimates also assume that the number of spaces will be increased by adding floors instead of increasing the building footprint. By increasing the cost of the garage without increasing any of the revenues associated with the "horizontal" development of the Project, the developer profit decreases from approximately 12 percent down to negative 2 percent.

Table 3: 600-Space Garage Horizontal Pro Forma

HORIZONTAL PRO FORMA	
<b>MTCP Revenue/Sources Summary</b>	
Residential Land Revenue	\$20,298,000
Affordable Housing Contributions	\$15,900,000
City and Redevelopment Agency Funding	\$12,000,000
Proposition 1C Funding	\$31,767,000
BART related credits and grants	\$1,313,000
Other sources	\$6,685,939
<b>Total Gross Revenue</b>	<b>\$87,963,939</b>
<b>MTCP Cost Summary</b>	
Building Construction Cost (Affordability Gap)	\$20,479,000
Entitlement and Acquisition Cost	\$15,020,000
Sitework, Infrastructure and Environmental Remediation	\$12,858,934
Transportation Improvements (including BART Plaza)	\$5,177,957
600 Space BART Parking Garage	\$32,016,008
Contingency	\$4,177,704
<b>Total Costs</b>	<b>\$89,729,603</b>
<b>Developer Profit</b>	<b>(\$1,765,664)</b>
<b>Developer Profit Margin</b>	<b>-1.97%</b>

Sources: Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jome E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

<sup>1</sup> The parking garage costs for both the 300-space option and the 600-space option were provided by Macarthur Transit Community Partners and reviewed for reasonableness by CBRE Consulting.

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In both the base case (300 parking spaces) and the increased parking scenario, there is no value associated with the garage. It is implied that the garage will be dedicated to and run by BART. There is however, a possibility that the garage will be operated by a private developer. If a private developer were to own and operate the parking garage, a value should be estimated to offset the development costs. Based on operating assumptions provided by AMPCO System Parking ("AMPCO"), a local parking garage operator, annual net operating income for a 600-space parking garage is not likely to exceed \$164,000 at stabilization. The potential value of the garage was determined by taking the net operating income (gross income less expenses) and dividing it by a range of appropriate capitalization rates. As a garage for BART patrons, BART is expected to have input on parking pricing charged by a private operator. For this reason, a range of cap rates, 7.0 percent and 10.0 percent, was used to reflect the potential restrictions in value created by this process. Based on these capitalization rates the garage could be valued as low as \$1.6 million and as high as \$2.4 million. Thus, the value of the garage will be less than 8 percent of the total construction costs, which does not justify an increased garage size. In summary, unless there is a significant outside revenue source, increasing the garage from 300 parking spaces to 600 parking spaces will render the Project financially infeasible.

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## ASSUMPTIONS AND GENERAL LIMITING CONDITIONS

CBRE Consulting, Inc./Sedway Group has made extensive efforts to confirm the accuracy and timeliness of the information contained in this study. Such information was compiled from a variety of sources, including interviews with government officials, review of City and County documents, and other third parties deemed to be reliable. Although CBRE Consulting, Inc./Sedway Group believes all information in this study is correct, it does not warrant the accuracy of such information and assumes no responsibility for inaccuracies in the information by third parties. We have no responsibility to update this report for events and circumstances occurring after the date of this report. Further, no guarantee is made as to the possible effect on development of present or future federal, state or local legislation, including any regarding environmental or ecological matters.

The accompanying projections and analyses are based on estimates and assumptions developed in connection with the study. In turn, these assumptions, and their relation to the projections, were developed using currently available economic data and other relevant information. It is the nature of forecasting, however, that some assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during the projection period will likely vary from the projections, and some of the variations may be material to the conclusions of the analysis.

Contractual obligations do not include access to or ownership transfer of any electronic data processing files, programs or models completed directly for or as by-products of this research effort, unless explicitly so agreed as part of the contract.

This report may not be used for any purpose other than that for which it is prepared. Neither all nor any part of the contents of this study shall be disseminated to the public through publication advertising media, public relations, news media, sales media, or any other public means of communication without prior written consent and approval of CBRE Consulting, Inc./Sedway Group.

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Seaway Group



## APPENDIX

**EXHIBIT 1**  
**GENERAL ASSUMPTIONS**  
Existing Zoning Alternative  
**MacArthur Transit Village Project - CEQA Alternatives Analysis**  
**April 2008**

**SITE AND BUILDING ASSUMPTIONS**

Site Assumptions		Building Assumptions	
Site Area (Square Feet)	307,098	Number of Stories	4
Site Area (Net Acres)	7.05	Market rate units	440
		Below market units (2)	90
		Total Units	530
<b>Parking Assumptions</b>			
Parking Spaces	715	Average Unit Size	867
Exclusive BART Parking Spaces (1)	300	Net Living Area	459,510
Total Parking Spaces	1,015	Efficiency	78%
		Market Rate Living Area	491,333
		Affordable Living Area	100,500
		Total Living Area	591,833
		Commercial Area (3)	44,000

**Notes and Assumptions:**

(1) BART Parking allotment included for illustrative purposes only. BART parking costs and revenues are not a part of this analysis.

(2) The affordable component of the existing zoning alternative is identical to the for-rent affordable component of the Project, thus was excluded from this analysis.

(3) The commercial area includes a 5,000 square foot community center

Sources: BART; MacArthur Transit Community Fanners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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**EXHIBIT 1**  
**INCOME / EXPENSE ASSUMPTIONS**  
 Existing Zoning Alternative  
 MacArthur Transit Village Project - CEQA Alternatives Analysis  
 April 2008

**INCOME/EXPENSE ASSUMPTIONS**

<b>Market Rate Residential Units</b>	
Average Unit Size	867
Price Per Square Foot - Market Rate	\$531
Price Per Unit - Market Rate	\$460,000
<b>Commercial Space</b>	
Monthly Rent Per Square Foot (NNN)	\$3.00
Management Expenses	3.0%
Reserves	2.0%
Stabilized Vacancy/Collection Loss	10.0%

Sources: BART; MacArthur Transit Community Partners; BRIDGE Housing; Jame E. Robens - Obayashi Corporation; and CBRE Consulting Group.  
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**EXHIBIT 1**  
**DEVELOPMENT COST ASSUMPTIONS**  
Existing Zoning Alternative  
MacArthur Transit Village Project - CEQA Alternatives Analysis  
April 2008

Cost Component	Total Cost (2008 \$s)	Per Unit (or sq)
<b>Direct Development Costs</b>		
Type V Construction Costs	\$113,925,000	258,920
Retail Construction Costs	\$10,867,120	247
Construction Contingency (10% of Construction Costs)	12,479,212	23,546
<b>Total Direct Development Costs</b>	<b>\$137,271,332</b>	<b>\$311,980</b>
<b>Indirect Development Costs</b>		
Architecture and Engineering	5,871,510	11,078
Property Taxes During Construction - Lease-up	1,532,569	2,892
Insurance	4,879,896	9,207
Warranty Reserve	2,486,939	4,692
Financing Costs	10,500,000	19,811
Permits and Development Fees	10,648,566	20,092
Legal Fees	250,000	472
DRE Fees	50,000	94
HOA Fees	125,000	236
Testing and Inspections	500,000	943
Commercial Tenant Improvements	1,320,000	30
Retail Commissions and Marketing	440,000	10
Project Contingency (10% of Indirect Construction Costs)	3,860,448	7,284
<b>Total Indirect Development Costs</b>	<b>\$42,464,928</b>	<b>\$76,842</b>
<b>Total Development Costs (excluding land)</b>	<b>\$179,736,260</b>	<b>\$388,822</b>

Sources: BART; MacArthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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**EXHIBIT 1**  
**Existing Zoning Alternative**  
**MacArthur Transit Village Project - CEQA Alternatives Analysis**  
**83% MARKET RATE UNITS / 17% BMR UNITS**  
**ASSUMES SELL-OUT AND STABILIZED OCCUPANCY**

**Stabilized Operating Statement - Market Rate (2008 \$s)**

Average Market Rate Sales Prices	\$460,000 per unit	\$202,400,000
Less: Marketing & Commissions	4.5%	(9,108,000)
Market Rate Net Sales Proceeds		193,292,000

**Total Residential Value** **\$193,292,000**

**Stabilized Operating Statement - Retail (2008 \$s)**

<b>Retail Gross Income</b>		
Potential Gross Rental Income	\$36 per sf/year	\$1,584,000
Less Vacancy And Collection Loss	10.0% of Gross Rental Income	(158,400)
<b>Total Effective Gross Income (EGI)</b>		<b>\$1,425,600</b>
Less Operating Expenses	3.0% of EGI	(42,768)
Less Reserves	2.0% per year	(28,512)
<b>Net Operating Income</b>		<b>\$1,354,320</b>

**Capitalization** **9.0%**  
**Indicated Value** **\$15,048,000**

**Total Value** **\$208,340,000**

**Less: Development Costs** **(\$179,736,260)**

**Less: Developer Profit (15%)** **(\$26,960,439)**

**Residual Land Value** **\$1,643,300**  
**Land Value per Square Foot** **\$3**

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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**EXHIBIT 2**  
**GENERAL ASSUMPTIONS**  
**Reduced Building/Site Alternative**  
**MacArthur Transit Village Project - CEQA Alternatives Analysis**  
**April 2008**

**SITE AND BUILDING ASSUMPTIONS**

<b>Site Assumptions</b>		<b>Building Assumptions</b>	
Site Area (Square Feet)	252,648	Number of Stories	6
Site Area (Net Acres)	5.80	Market rate units	166
		Below market units	34
		<b>Total Units</b>	<b>200</b>
<b>Parking Assumptions</b>		Average Unit Size	867
Parking Spaces	350	Net Living Area	173,400
Exclusive BART Parking Spaces (1)	300	Efficiency	78%
<b>Total Parking Spaces</b>	<b>650</b>	<b>Total Living Area</b>	<b>223,333</b>
		<b>Commercial Area</b>	<b>20,000</b>

**Notes and Assumptions:**

(1) BART Parking allotment included for illustrative purposes only. BART parking costs and revenues are not a part of this analysis.

Sources: BART; MacArthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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**EXHIBIT 2**  
**INCOME / EXPENSE ASSUMPTIONS**  
 Reduced Building/Site Alternative  
 MacArthur Transit Village Project - CEQA Alternatives Analysis  
 April 2008

**INCOME/EXPENSE ASSUMPTIONS**

<b>Market Rate Residential Units</b>	
Average Unit Size	867
Price Per Square Foot - Market Rate	\$531
Price Per Unit - Market Rate	\$460,000
<b>BMR Residential Units</b>	
Average Unit Size	867
Price Per Square Foot - BMR	\$288
Price Per Unit - BMR	\$250,000
<b>Commercial Space</b>	
Monthly Rent Per Square Foot (NNN)	\$3.0
Managemnt Expenses	3.0%
Reserves	2.0%
Stabilized Vacancy/Collection Loss	10.0%

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.  
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**EXHIBIT 2**  
**DEVELOPMENT COST ASSUMPTIONS**  
 Reduced Building/Site Alternative  
 MacArthur Transit Village Project - CEQA Alternatives Analysis  
 April 2008

Cost Component	Total Costs (2008 \$)	Per Unit (or sf)
<b>Direct Development Costs</b>		
Type III Construction Costs	\$56,251,894	281,259
Retail Construction Costs	4,940,000	247
Construction Contingency	6,119,189	30,596
<b>Total Direct Development Costs</b>	<b>\$67,311,083</b>	<b>\$336,555</b>
<b>Indirect Development Costs</b>		
Architecture and Engineering	2,935,755	14,679
Property Taxes During Construction - Lease-up	551,468	2,757
Insurance	2,372,900	11,865
Warranty Reserve	1,209,300	6,047
Financing Costs	5,250,000	26,250
Permits and Development Fees	4,236,526	21,183
Legal Fees	250,000	1,250
DRE Fees	37,000	185
HOA Fees	92,500	463
Testing and Inspections	500,000	2,500
Commercial Tenant Improvements	600,000	30
Retail Commissions and Marketing	200,000	10
Project Contingency	1,823,545	9,118
<b>Total Indirect Development Costs</b>	<b>20,058,995</b>	<b>96,335</b>
<b>Total Development Costs (Excluding Land)</b>	<b>\$87,370,078</b>	<b>\$432,890</b>

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.  
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**EXHIBIT 2**  
**Reduced Building/Site Alternative**  
**MacArthur Transit Village Project - CEQA Alternatives Analysis**  
**83% MARKET RATE UNITS / 17% BMR UNITS**  
**ASSUMES STABILIZED OCCUPANCY**

**Stabilized Operating Statement - Market Rate (2008 \$s)**

Average Market Rate Sales Prices	\$460,000 per unit	\$76,360,000
Less: Marketing Expenses	4.5%	(3,436,200)
<b>Market Rate Net Sales Proceeds</b>		<b>72,923,800</b>
Average BMR Sales Prices	\$250,000 per unit	\$8,500,000
Less: Cost to Sell	4.5%	(382,500)
<b>BMR Net Sales Proceeds</b>		<b>\$8,117,500</b>
<b>Total Residential Value</b>		<b>\$81,041,300</b>

**Stabilized Operating Statement - Retail (2008 \$s)**

<b>Retail Gross Income</b>		
Potential Gross Rental Income	\$36 per sf/year	\$720,000
Less Vacancy And Collection Loss	10.0% of Gross Rental Income	(72,000)
<b>Total Effective Gross Income (EGI)</b>		<b>\$648,000</b>
Less Operating Expenses	3.0% of EGI	(19,440)
Less Reserves	2.0% per year	(12,960)
<b>Net Operating Income</b>		<b>\$615,600</b>
Capitalization		9.0%
<b>Indicated Value</b>		<b>\$6,840,000</b>

<b>Total Value</b>		<b>\$87,881,300</b>
<b>Less: Development Costs</b>		<b>(\$87,370,078)</b>
<b>Less: Developer Profit (15% of Cost)</b>		<b>(\$13,105,512)</b>
<b>Residual Land Value</b>		<b>(\$12,594,290)</b>
<b>Land Value per Square Foot</b>		<b>(\$52)</b>

Sources: BART; MacArthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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**EXHIBIT 3**  
**Existing Zoning Alternative**  
**MacArthur Transit Village Project - CEQA Alternatives Analysis**  
**83% MARKET RATE UNITS / 17% BMR UNITS**

**HORIZONTAL PRO FORMA**

**MTCP Revenue/Sources Summary**

Residential Land Revenue (From Exhibit 1)	\$1,643,300
Affordable Housing Contributions	\$14,833,333
City and Redevelopment Agency Funding	\$14,300,000
Proposition 1C Funding	\$31,767,000
BART related credits and grants	\$1,313,000
Other sources	\$2,085,939
<b>Total Gross Revenue</b>	<b>\$65,942,572</b>

**MTCP Cost Summary**

Building Construction Cost (Affordability Gap)	\$17,065,833
Entitlement and Acquisition Cost	\$15,000,000
Sitework, Infrastructure and Environmental Remediation	\$12,858,934
Transportation Improvements (including BART Plaza)	\$5,177,957
300 Space BART Parking Garage	\$20,249,954
Contingency	\$3,133,278
<b>Total Costs</b>	<b>\$73,485,956</b>

<b>Developer Profit</b>	<b>(\$7,543,384)</b>
<b>Developer Profit Margin</b>	<b>-10.27%</b>

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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**EXHIBIT 3**  
**Reduced Building/Site Alternative**  
**MacArthur Transit Village Project - CEQA Alternatives Analysis**  
**83% MARKET RATE UNITS / 17% BMR UNITS**

**HORIZONTAL PRO FORMA**

**MTCP Revenue/Sources Summary**

Residential Land Revenue (From Exhibit 1)	(\$12,594,290)
Affordable Housing Contributions	\$5,005,556
City and Redevelopment Agency Funding	\$7,105,556
Proposition IC Funding	\$31,767,000
BART related credits and grants	\$1,313,000
Other sources	\$1,042,970
<b>Total Gross Revenue</b>	<b>\$33,639,792</b>

**MTCP Cost Summary**

Building Construction Cost (Affordability Gap)	\$10,000,000
Entitlement and Acquisition Cost	\$6,320,000
Sitework, Infrastructure and Environmental Remediation	\$9,639,024
Transportation Improvements (including BART Plaza)	\$5,177,957
300 Space BART Parking Garage	\$20,249,954
Contingency	\$3,133,278
<b>Total Costs</b>	<b>\$54,520,213</b>
<b>Developer Profit</b>	<b>(\$20,880,421)</b>
<b>Developer Profit Margin</b>	<b>-38.30%</b>

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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27-May-08

Wagner, Charity L.

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From: Kleinbaum, Katherine (Kathy) [KKleinbaum@oaklandnet.com]  
Sent: Tuesday, May 20, 2008 11:03 AM  
To: 'Ken'  
Cc: Wagner, Charity L.  
Subject: RE: Missed 5/16 MacArthur TV meeting :(

Attachments: PlanningCommissionAgendaJune42008.pdf



PlanningCommission  
AgendaJune42...

Ken,

The next meeting is on June 4th at the City's Planning Commission. See attached agenda. I will add you to the email list for remainders for upcoming meetings.

Kathy Kleinbaum  
City of Oakland  
CEDA, Redevelopment Division  
250 Frank Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
Ph: (510) 238-7185  
Fax: (510) 238-3691

-----Original Message-----

From: notify@yahoogroups.com [mailto:notify@yahoogroups.com] On Behalf Of Ken  
Sent: Tuesday, May 20, 2008 9:58 AM  
To: Kleinbaum, Katherine (Kathy)  
Subject: Missed 5/16 MacArthur TV meeting :(

Hi Ms. Kleinbaum,

I got the notice too late and missed this month's meeting regarding the MacArthur BART transit village.

I fully support higher density and wish the project were 20-story towers. In any case, please let me know when the next meeting is!

Thank you,  
Ken Ott  
557-9150