



AGENDA REPORT

TO: JOHN FLORES
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Tract No. 8232 Subdivision Map (Phase 2)
MacArthur Transit Village

DATE: April 16, 2015

City Administrator
Approval

Date

4/23/15

COUNCIL DISTRICT: 1

RECOMMENDATION

Staff recommends that the City Council adopt:

Resolution Approving A Final Map (Phase 2) For Tract No. 8232 For The MacArthur Transit Village

OUTCOME

Adopting the resolution will create four (4) lots total:

- One (1) lot, designated thereon as Lot A, for construction of market rate multiple family housing and retail building;
- One (1) lot, designated thereon as Lot B1, for construction of market rate multiple family housing and retail building;
- One (1) lot, designated thereon as Lot B2, for construction of market rate multiple family housing and retail building; and
- One (1) lot, designated thereon as Lot C1, for construction of market rate multiple family housing and retail building.

BACKGROUND/ LEGISLATIVE HISTORY

The MacArthur Transit Village project site is bounded by West MacArthur Boulevard, 40th Street, Telegraph Avenue, and the MacArthur BART station and State Highway 24. All properties in the Phase 2 subdivision are owned by BART and MacArthur Transit Community Partners, LLC (MTCP). The Development Agreement between the City of Oakland and MTCP for the MacArthur Transit Village project provides that the MacArthur Transit Village project will be constructed as a phased development.

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On June 4, 2008, the City Planning Commission certified the MacArthur Transit Village Environmental Impact Report (EIR) and recommended approval of various land use entitlements for the project, and on July 1, 2008 and July 15, 2008, pursuant to Ordinance No. 12883 C.M.S., the City Council affirmed and sustained the Planning Commission decision to approve the development permits for the project and to certify and adopt the Final EIR.

MTCP previously applied to the City of Oakland for a Final Development Permit for Stage 1 of the MacArthur Transit Village project and for a phased Vesting Tentative Tract Map (TTM 8047) to voluntarily merge said parcels and subdivide the platted land into six (6) developable lots. On November 3, 2010, the City Planning Commission recommended approval of the revisions to TTM 8047 and adopted an addendum to the certified MacArthur Transit Village EIR, and on April 5, 2011, the City Council approved the Stage I Final Development Plan Permit (PUDF 10097) and phased vesting tentative tract map 8047, and affirmed the City Planning Commission's CEQA determination. On July 26, 2011, the City Council approved the Final Map (Phase 1) for Tract No. 8047 (TM 8047 Phase 1, Council Resolution 83292 C.M.S.), which was recorded at the County of Alameda on March 23, 2012.

ANALYSIS

MTCP now seeks approval from the City of the Final Map for Phase 2 of Tract No. 8232 (TM 8232 Phase 2) to voluntarily merge the remaining unmerged parcels and to subdivide the platted land into four (4) developable lots.

The Phase 2 subdivision map creates four (4) lots as described below:

- One (1) lot, designated thereon as Lot A, for construction of market rate multiple family housing and retail building;
- One (1) lot, designated thereon as Lot B1, for construction of market rate multiple family housing and retail building;
- One (1) lot, designated thereon as Lot B2, for construction of market rate multiple family housing and retail building;
- One (1) lot, designated thereon as Lot C1, for construction of market rate multiple family housing and retail building.

Circulation access within the project was provided with the Phase 1 Final Map and infrastructure improvements.

As set forth in California Government Code section 66474.1 (Subdivision Map Act), approval of a Final Subdivision Map is an administrative, ministerial, and mandatory action by the City Council once the City Engineer has determined that the Final Subdivision Map conforms substantially with the previously approved Tentative Subdivision Map and is technically correct

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(correct map size and medium, correct metes and bounds, required signatures, required statements, required licensures, etc.).

The controlling discretionary action to be taken by the City relating to a subdivision map is at the Tentative Subdivision Map stage. The purpose of submitting the Final Subdivision Map to the City Council is to ensure that the Council and the public remain informed about development in the City.

PUBLIC OUTREACH/ INTEREST

The adjoining property owners were notified of the project as part of the Tentative Subdivision Map approval process. This item did not require any additional public outreach other than the required posting on the City's web site.

COORDINATION

The Office of the City Attorney has reviewed the resolution for form and legality, and the Controller's Bureau has reviewed this agenda report.

COST SUMMARY/ IMPLICATIONS

Staff costs for processing the Final Subdivision Map and the infrastructure permit have been covered by previously collected fees set by the Master Fee Schedule and paid by the developer. The revenue has been deposited in the Development Service Fund (2415), Engineering: Project Coordination (84432), Public Works Fee: Miscellaneous (45119), Engineering and Architectural Plan Approval (PS30).

SUSTAINABLE OPPORTUNITIES

Economic: The MacArthur Transit Village project will provide affordable and transit-oriented rental housing for the Oakland community.

Environmental: Land use approvals and construction permits for new buildings require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

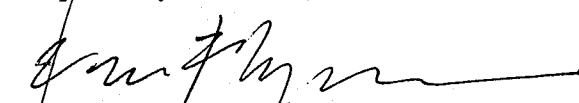
Social Equity: The proposed development will provide housing opportunities, some of which will be affordable housing, and assist the economic revitalization of the City.

CEQA

Approval of the final subdivision map is exempt from CEQA pursuant to Public Resources Code section 21080(b)(1) (ministerial projects) and CEQA Guidelines section 15268 (ministerial projects).

For questions regarding this report, please contact David Mog, Civil Engineer, at 510-238-3892.

Respectfully submitted,



RACHEL FLYNN, Director
Planning and Building Department

Reviewed by: David Harlan, Engineering Manager

Prepared by: David Mog, Civil Engineer

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Introduced by
OFFICE OF THE CITY CLERK
OAKLAND
15 APR 23 PM 2:32
Councilmember

Approved as to Form and Legality

Oliver Chen
Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION APPROVING A FINAL MAP (PHASE 2) FOR TRACT NO. 8232 FOR THE MACARTHUR TRANSIT VILLAGE

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART), a regional transit district established pursuant to California Public Utilities Code section 28500 et seq., is the owner and subdivider of five (5) contiguous parcels identified by the Alameda County Clerk-Recorder as Tract No. 8047, and by the Alameda County Assessor as APNs 012-0967-009-00, 012-0968-055-01, 012-0967-010-01, 012-0967-049-01 and 012-0969-053-03, and by the City of Oakland as 526 West MacArthur Blvd, 516 Apgar Street, 544 West MacArthur Blvd, 515 Apgar Street and 532 39th Street, which comprise, with additional adjoining parcels, the MacArthur Transit Village residential housing project and site; and

WHEREAS, BART previously entered into an agreement with MacArthur Transit Community Partners, LLC (MTCP), a California limited liability company (no. 200419810042), to develop said parcels for a new BART parking garage, multiple family housing, and associated publicly and privately maintained infrastructure; and

WHEREAS, on June 4, 2008, the City Planning Commission certified the MacArthur Transit Village Environmental Impact Report (EIR) and recommended approval of various land use entitlements for the project; and

WHEREAS, on July 1, 2008, the City Council adopted Resolution No. 81422 C.M.S. affirming and sustaining the Planning Commission decision to approve the development permits for the project and to certify and adopt the Final EIR; and

WHEREAS, on July 15, 2008, the City Council adopted Ordinance No. 12883 C.M.S. approving various land use entitlements for the project; and

WHEREAS, on July 21, 2009, the City Council adopted Ordinance No. 12959 C.M.S. authorizing a Development Agreement between the City of Oakland and MTCP for the MacArthur Transit Village project, which provides that the MacArthur Transit Village project will be constructed as a phased development; and

WHEREAS, MTCP applied to the City of Oakland for a Final Development Permit for Stage 1 of the MacArthur Transit Village project and for a phased Vesting Tentative Tract Map (TTM 8047) to voluntarily merge said parcels and subdivide the platted land into six (6) developable lots; and

WHEREAS, on November 3, 2010, the City Planning Commission recommended approval of the revisions to TTM 8047 and adopted an addendum to the certified MacArthur Transit Village EIR; and

WHEREAS, on April 5, 2011, the City Council adopted Resolution No. 83292 C.M.S. approving the Stage I Final Development Plan Permit and phased vesting tentative tract map 8047, and affirmed the City Planning Commission's CEQA determination; and

WHEREAS, MTCP applied to the City of Oakland for the Final Map (Phase 1) for Tract No. 8047; and

WHEREAS, on July 26, 2011, the City Council adopted Resolution No. 83516 C.M.S. approving the Final Map (Phase 1) for Tract No. 8047 (TM 8047 Phase 1), which was recorded at the County of Alameda on March 23, 2012; and

WHEREAS, MTCP now seeks approval from the City of the Final Map for Phase 2 of Tract No. 8232 (TM 8232 Phase 2) to voluntarily merge the remaining unmerged parcels and to subdivide the platted land into four (4) developable lots; and

WHEREAS, said Final Map (TM 8232 Phase 2) proposes the establishment of:

- one (1) lot, designated thereon as Lot A, for construction of market rate multiple family housing and retail building;
- one (1) lot, designated thereon as Lot B1, for construction of market rate multiple family housing and retail building;
- one (1) lot, designated thereon as Lot B2 for construction of market rate multiple family housing and retail building; and
- one (1) lot, designated thereon as Lot C1, for construction of market rate multiple family housing and retail building; and

WHEREAS, the City Engineer of the City of Oakland has determined that:

- the Phase 2 Final Map for Tract No. 8232, delineated diagrammatically in ***Exhibit A***, attached hereto and incorporated herein, is in substantial compliance with the approved Vesting Tentative Map upon which said Final Map is based; and

- the Phase 2 Final Map for Tract No. 8232 complies in all manners with the provisions of Section 66410, et seq. of the California Government Code (Subdivision Map Act), and the City of Oakland's local subdivision ordinance (Oakland Municipal Code Title 16 - Subdivisions); and

WHEREAS, pursuant to California Business and Professions Code section 6731, the City Engineer has further determined that the Phase 2 Final Map for Tract No. 8232 is technically correct and accurately delineates the proposed metes and bounds of the property boundaries separating said four (4) subdivided lots and the on-site public service easements and public right-of-way, the limits of which have been established by a field boundary survey performed by a competent Land Surveyor, who is licensed by the State of California to practice land surveying, and can be re-established from the monuments, property corners, radii, bearings, and distances shown on said Final Map; and

WHEREAS, MTCP has employed a competent design professional, who is licensed by the State of California to practice civil engineering, to prepare plans and specifications for the construction of required surface and subsurface public infrastructure improvements in the public right of way; and

WHEREAS, the City's approval of a final subdivision map is a ministerial action that is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268; now, therefore, be it

RESOLVED: That the Final Map for Tract No. 8232, Phase 2, conforms to all the requirements in Government Code sections 66410 et seq. (Subdivision Map Act), Title 16 of the Oakland Municipal Code, and CEQA, and is hereby approved; and be it

FURTHER RESOLVED: That the City Engineer and the City Clerk of the City of Oakland are hereby authorized to endorse the Phase 2 Final Map for Tract No. 8232; and be it

FURTHER RESOLVED: That upon execution by the City Engineer and the City Clerk, the City Engineer is hereby authorized to cause the fully executed Phase 2 Final Map for Tract No. 8232 to be filed with the Alameda County Clerk-Recorder for recordation; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon its adoption by a sufficient number of affirmative votes of the elected members of Council of the City of Oakland, as provided in the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California