

FILED OFFICE OF THE CITY CLERK

2016 OCT 13 PH 2: 21 AGENDA REPORT

TO:

Sabrina B. Landreth

City Administrator

FROM: Darin Ranelletti.

Interim Director, PBD

SUBJECT:

MacArthur BART Parcels A and C1

DATE:

October 03, 2016

Revision to FDP

City Administrator Approval

Date:

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution, as Recommended by the Planning Commission, Revising the MacArthur BART Parcels A and C1 Final Development Permit (Case File PUDF08/ER01), Relying on the 2008 MacArthur Station Project Environmental Impact Report and Addenda, Finding that No Additional Environmental Review is Needed Pursuant to CEQA Guidelines Sections 15162-15164 and Adopting Related CEQA **Findings**

EXECUTIVE SUMMARY

The purpose of this report is to consider a proposed revision to the MacArthur Transit Village Parcels A and C1 Final Development Permits (FDP) to modify the project's retail space, reduce the amount of on-site parking, and provide an additional project driveway on Telegraph Avenue.

BACKGROUND / LEGISLATIVE HISTORY

The Macarthur Station Project Preliminary Development Plan (PDP) for the Planned Unit Development (PUD) was approved in July 2008 in association with several other approvals as listed below. The PUD/PDP approval authorizes the development on the entire 8.2 acre site of up to 675 residential units, 49,000 square feet of commercial space, 5,000 square feet of community space, a parking structure for BART patrons, and various infrastructure improvements. The PUD/PDP and Development Agreement establish the approved land uses, density, bulk, massing, and design guidelines for the site.

The approved PDP for the MacArthur Station Project includes the demolition of 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 up to 675 residential units (including 108 affordable units), 49,000 square feet of neighborhood-serving retail and commercial uses, 5,000 square feet of community space, and a 480-space parking garage for BART patrons. Parking for residential

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units will be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A. The MacArthur Station Project also includes creation of two new streets, which were approved as part of the Vesting Tentative Tract Map (VTTM) and Stage 1 FDP: 39th Street will provide an east/west connection between Telegraph Avenue and Frontage Road, and Turquoise Street will provide a north/south connection from 39th Street to the southern edge of the project. Frontage Road will be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements will also be constructed.

The project includes five stages of development, each of which is subject to a Final Development Permit (FDP). At this time, FDPs have been approved for four of the five stages of development.

Increased and enhanced access to the BART station is a key component of the approved PUD. 39th Street, 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 will be renovated and a new public plaza will be provided immediately east of the BART plaza and fare gates. The transit village plaza will 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.

Original Land Use Entitlements

The original land use entitlements include:

- 1) **EIR**: The City certified an EIR for the MacArthur Station Project (SCH No. 2006022075) on July 1, 2008.
- 2) **S-15 Text Amendment and Rezoning**: The City approved Ordinance No. 12883 C.M.S. amending Section 17.97.170 of the Oakland Planning Code related to the minimum usable open space requirements in the S-15 zone and rezoning the MacArthur Station Project site to S-15 Transit-Oriented Development Zone on July 1, 2008.
- 3) **PUD/PDP**: The City approved a PUD/PDP permit on July 1, 2008 that guides development of the site in five stages.
- 4) **Major Conditional Use Permit**: The City approved a major conditional use permit to allow the S-15 parking requirements to be exceeded and to allow off-street parking for non-residential uses on July 1, 2008.
- 5) **Design Review**: The City approved preliminary design review for the PUD/PDP on July 1, 2008.
- 6) **Development Agreement**: The City approved Ordinance No. 12959 C.M.S on July 21, 2009 enacting a Development Agreement.

Project Implementation

Consistent with the requirements of the PUD, Final Development Permits (FDPs) have been sought (and approved) for each stage of development, as follows:

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1) Stage 1 BART Garage and Infrastructure Improvements: On April 5, 2011, the City approved the Parcel E Parking Structure/Stage 1 FDP to construct the new BART parking structure and all horizontal infrastructure improvements (including streets and sidewalks) and the Vesting Tentative Tract Map (VTTM). This approval allowed an increase in the garage footprint to accommodate additional parking as required by the Project Conditions of Approval (COA) and adjustments to the plans for Turquoise Street and 39th Street (previously called Village Drive), and modified the PUD/PDP Illustrative Plan. The City relied on the 2008 certified EIR for the MS Project and determined that no new information or changes in the project or project circumstances required subsequent or supplemental environmental review. Construction of the garage was completed in 2014.

- 2) Stage 2 Mural Apartments: On May 17, 2011, the City approved the Stage 2 FDP for the development of Parcel D with 90 residential units and 90 parking spaces. The City relied on the 2008 certified EIR for the Project and determined that no new information or changes in the project or project circumstances required subsequent or supplemental environmental review. Construction of Mural Apartments was completed earlier in 2016.
- 3) Stage 3 and 4: On May 19, 2015, the Oakland City Council approved the Stages 3 and 4 FDP for development of Parcels A and C1. The Stages 3 and 4 FDP entails the construction of two 6-story mixed-use buildings on Blocks A and C1. Block A would include 286 residential units (eight of which would be affordable), 22,287 square feet of ground-floor commercial and building amenity space, and 254 parking spaces. Block A is one structure although it is designed to look like two separate buildings separated by a landscaped mews. The mews would include landscaping, lighting, lounge seating, and café seating. The Block A west portion of the building includes 92 units and the Block A east portion of the building includes 194 units. Block C1 would include 93 residential units (four of which would be affordable), 2,235 square feet of ground-floor commercial space, and 63 parking spaces. Construction of Stages 3 and 4 is expected to commence before the end of 2017.

Current Proposal (Revision to Stage 2 and 4 FDP for Parcels A and C1)

As noted above, the City most recently approved a FDP for Parcels A and C1. Currently, and the subject of this report, the applicant is requesting a revision to the FDP, as described below. It should be noted that the City is also currently processing a proposed revision to the PUD and a new FDP for another parcel in MacArthur Transit Village, specifically Parcel B. As of this writing, the Parcel B application is currently under design review and has not yet been scheduled for decision-making public hearing meetings.

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ANALYSIS AND POLICY ALTERNATIVES

The proposed project is a revision to the MacArthur BART Village Parcels A and C1 FDP. The revision would allow for the eventual, possible substitution of live/work for retail uses and reduces on-site parking. In addition, the proposed project includes a new driveway on Telegraph Avenue.

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At this time, the master developer for the larger PUD wishes to transfer vertical development rights to a site developer (this is a common practice for larger, multi-parcel and multi-phase projects such as MacArthur Transit Village). The anticipated site developer proposes changes to the approved FDP based on their experience and knowledge regarding construction methods, leasing and financing, and also in response to the loss of the Surgery Center site as project parcel. As a result, the applicant is requesting an option to reduce the amount of retail space based on market viability, and is seeking to reduce and consolidate square footage dedicated to parking by eliminating parking spaces and rearranging access to the lower parking level (which consolidates parking spaces in a smaller area while remaining in compliance with City of Oakland parking regulations and PUD requirements).

Under the terms of a proposed amendment to the project Owner Participation Agreement (OPA), the potential site developer has to market the convertible retail space in Building A1 and Building A2 along 40th Street as retail space during the entire 24-month construction period and for 9 months after the completed building on Parcel A has received a temporary certificate of occupancy from the Office of Planning and Building. In the event the site developer is unable to lease all or any portion of this retail space during the retail leasing period, then such unleased space may be converted to live/work units, subject to the written determination by the City Administrator that the site developer has presented sufficient evidence demonstrating its inability to lease such retail space to suitable retail tenants on commercially reasonable terms during the leasing period. In addition, the site developer shall market the approximately 2,200 square feet of convertible retail space located in the interior of Building A2 along the mews as retail space for a period of 18 months, starting at the commencement of construction of Building A2. The proposed amendment to the OPA also stipulates that the site developer will design and construct the convertible retail space in Building A1 in accordance with the following design criteria: all space will have retail-friendly storefronts inviting to pedestrian traffic (e.g., glass/window exteriors maintain at least 50 percent ground-floor transparency at all times, pedestrian scale facades, ventilation, plumbing and gas and electrical power suitable for retail uses, including restaurant use).

Specifically, the proposal includes the following modifications:

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Description of Design Changes

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Change	Approved FDP (2015)	Proposed Revision (2016)	Notes
Façade	Includes shade elements on south and west elevations of parcel C1.	Shade elements on exterior façade on south and west elevations of parcel C1 were deleted. Balconies were added to two units on parcel A (building A1).	Applicant is concerned about performance and maintenance of perforated metal sun screens.
Retail	23,489 SF of Retail	Possible reduction to 7,040 sf ground floor retail (reduction of 16,449 sf);	Ground floor retail space could be converted to live/work space after a specific term and evidence to City Administrator that adequate retail marketing has been undertaken
Parking	323 underground and surface garage parking spaces	273 underground and surface garage parking spaces	Greater than .5 pkg space per unit (192 spaces) so meets zoning regulations
Site Layout	Entrance to below grade parking was located off 39 th Street.	Entrance to below grade parking has been relocated to Telegraph Avenue.	Relocation of ramp allows for consolidation of area dedicated to parking uses
Community Space	5,000 SF	3,886 SF of community space was added on corner of Telegraph & 39 th Street.	Replaces ground floor retail on corner of Telegraph Ave. and 39 th Street
Maximum Building Height	50 – 78.5 feet (up to 85 feet for iconic corner)	52 – 79 feet (up to 82 feet for iconic corner)	Within allowed height
Site Amenities	No Pool	Added pool on podium deck of parcel A (building A2)	NA

Reduction of parking is allowable under the existing zoning regulations. Locating a driveway on Telegraph Avenue and the proposed reduction in retail uses are not ideal. Accommodating and planning for robust retail uses has been a key City objective for this project since its inception. Live/work is a permitted commercial use in the approved PUD; however, it is not the first choice use for the primary street frontages. That said, the applicant has indicated that to deliver the much-needed residential units (and any commercial uses) in this market cycle, the developer needs flexibility to reduce the retail in order to ensure continuous occupancies and rents. Staff believes this may be an appropriate compromise in order to continue build-out of a project that will bring much-needed residential units and result in community-building at a major transit node in Oakland.

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FISCAL IMPACT

The proposed revision to the MacArthur BART Parcels A and C1 FDP has no fiscal impact on the City of Oakland. Indirectly, the City could potentially receive less sales tax revenue from live/work units than from retail space.

PUBLIC OUTREACH / INTEREST

The proposed revision to the MacArthur BART Parcels A and C1 FDP was subject to a duly noticed Planning Commission public hearing and consideration on October 19, 2016. Staff will report the Planning Commission action orally to the Community and Economic Development Committee.

COORDINATION

This agenda report and legislation have been reviewed by the Office of the City Attorney and by the Controller Bureau. In addition, Bureau of Planning staff has coordinated with Project Implementation staff.

SUSTAINABLE OPPORTUNITIES

Economic: The Project would have no direct economic impact. The MacArthur BART Transit Village replaces a surface parking lot with residential and commercial uses immediately adjacent to the MacArthur BART station. Increasing residential and commercial uses contributes to a livable neighborhood with an audience for the vital Temescal commercial area. Enhancing the Temescal area with vibrant, active uses increases the desirability of living, working and doing business in Oakland. Live/work uses diversify the commercial opportunities and provide land use flexibility in the neighborhood, indirectly supporting the economic base of the neighborhood.

Environmental: The Project would not have an adverse effect on the environment. In fact, easing delivery of residential units in a transit-rich neighborhood during a housing crisis benefits the community.

Social Equity: The Project would not affect social equity. In fact, easing delivery of residential units in a transit-rich neighborhood during a housing crisis benefits the community.

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CEQA

On July 1, 2008, the City Council certified an Environmental Impact Report (EIR) for the MacArthur Station Project (SCH No. 2006022075). The City Council also approved an addendum to the 2008 EIR when it approved the Final Development Plan in May 2015. In addition, the Bureau of Planning has prepared a 2016 Addendum to the 2008 EIR to review the currently proposed revision to the FDP (see Attachment B for addended EIR).

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With regard to the reduction of the size of the retail component and the change of the size of the retail component for each parcel, under CEQA Guidelines Sections 15162-15164, no subsequent or supplemental environmental review is required unless there are new or substantially more severe significant impacts resulting from (1) substantial changes to the project; (2) the circumstances surrounding the project; or (3) new information not known and which could not reasonably have been known at the time of the prior EIR.

In reviewing the currently proposed Action, staff has determined that none of the circumstances necessitating further environmental review are present. Specifically, (1) the Action does not affect the physical development previously reviewed in the 2008 EIR and Addenda and is not a change in the project that involves any new significant effects or a substantial increase in the severity of previously identified significant effects; (2) circumstances under which the project is undertaken have not occurred that will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) no new information has come to light that would involve new or substantially more severe effects or feasible alternatives or mitigation measures. Accordingly, no further environmental review is required for this project at this time. The 2008 EIR and Addenda identify impacts and require mitigation measures, and the Project will continue to be required to incorporate the mitigation measures.

The 2008 EIR, previous addenda, and current 2016Addendum were previously distributed to the City Council, and are available for review at 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612 during normal business hours and can also be found on the City's website at:

http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008406.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council Conduct A Public Hearing And Upon Conclusion Adopt A Resolution, as recommended by the Planning Commission, revising the MacArthur BART Parcels A and C1 Final Development Permit (Case File PUDF08/ER01), relying on the 2008 MacArthur Station Project Environmental Impact Report and Addenda, finding that no additional environmental review is needed pursuant to CEQA Guidelines Sections 15162-15164 and adopting Related CEQA findings.

For questions regarding this report, please contact Catherine Payne, Planner IV, at (510) 238-6168 or cpayne@oaklandnet.com.

Respectfully submitted.

Darin Ranelletti, Interim Director Planning and Building Department

Reviewed by:

Robert Merkamp, Development Manager

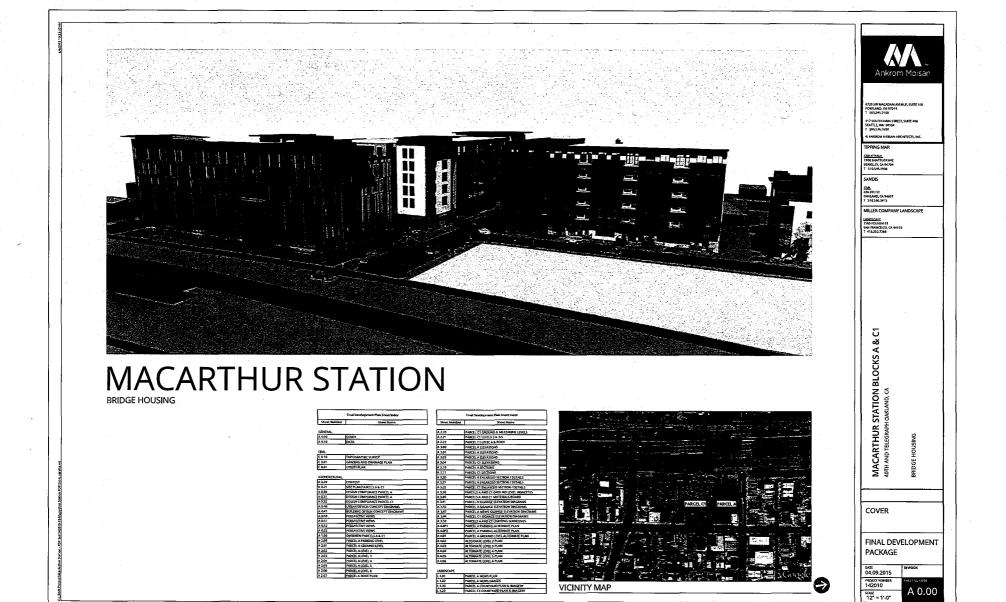
Prepared by: Catherine Payne, Planner IV

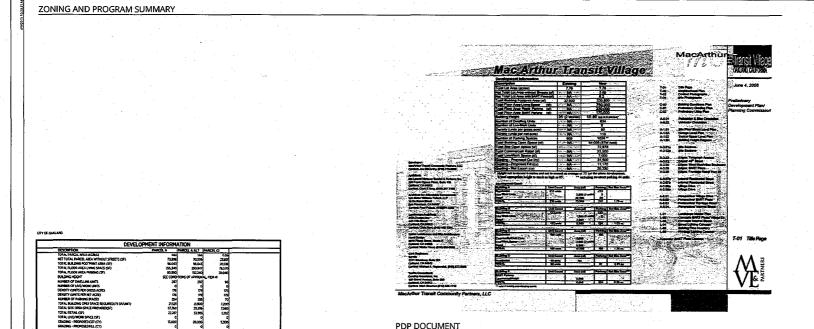
Attachments (2):

- A. Plans
- B. MacArthur Transit Village Project EIR and addenda provided under separate cover to the City Council; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours, and at http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/DOWD008406)

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Hackment A





PDP DOCUMENT

	OAKLAND ZONING SUMMARY								
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41. Building Height.

Plors to approval of any Pinal Development Plan in (PDP) received by the Planning Division on May 38, 2008, buildings within the project area shall vary in height along each street frontage. Permitted building height by street frontage is shown on PDP sheet A-LOI, and letted belief

- (a) Telegraph Avenue, south of 39th Street 55 to 60 feet (b) Telegraph Avenue, north of 39th Street. 50 to 75 feet (c) 39th Street, south ided street and water of Internal Street. 65 to 65 feet (d) 39th Street, south ided of street and seat of Internal Street. 65 to 60 feet (d) 39th Street, north ided of street and seat of Internal Street. 60 to 60 feet (d) 39th Street, north ided of street and seat of Internal Street. 70 to 85 feet (d) 39th Street, north ided of street and seat of Internal Street. 70 to 85 feet (d) 40th Street. 60 to 60 feet (d) 40th Street. 60 to 60 feet (d) 50 to 16 feet (d) 50 f

The height above 45 feet allowed on Telegra

Because the Preliminary Development Plan (PDP) received by the Planning Oldston on May 28, 2008, shows a total of 624 units, and per Condition No. 1 the project is permitted to include a maximum of 675 units based on the Bit Randpuls and the City's detire for increased density, the buildings helpfish shown above may be eightly alkered to accommodate the permitted increase in units. However, any such increase in helpfis shall be reserved as part of the Pinal Development Plan; and no such increase in helpfis shall be permitted or Telegraph Avenue without modification to the PDP.

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MILLER COMPANY LANDSCAPE

LANDSCAPE 1585 FOLSOM ST SAN TRANCISCO, CA 94103 T 415,252,7288

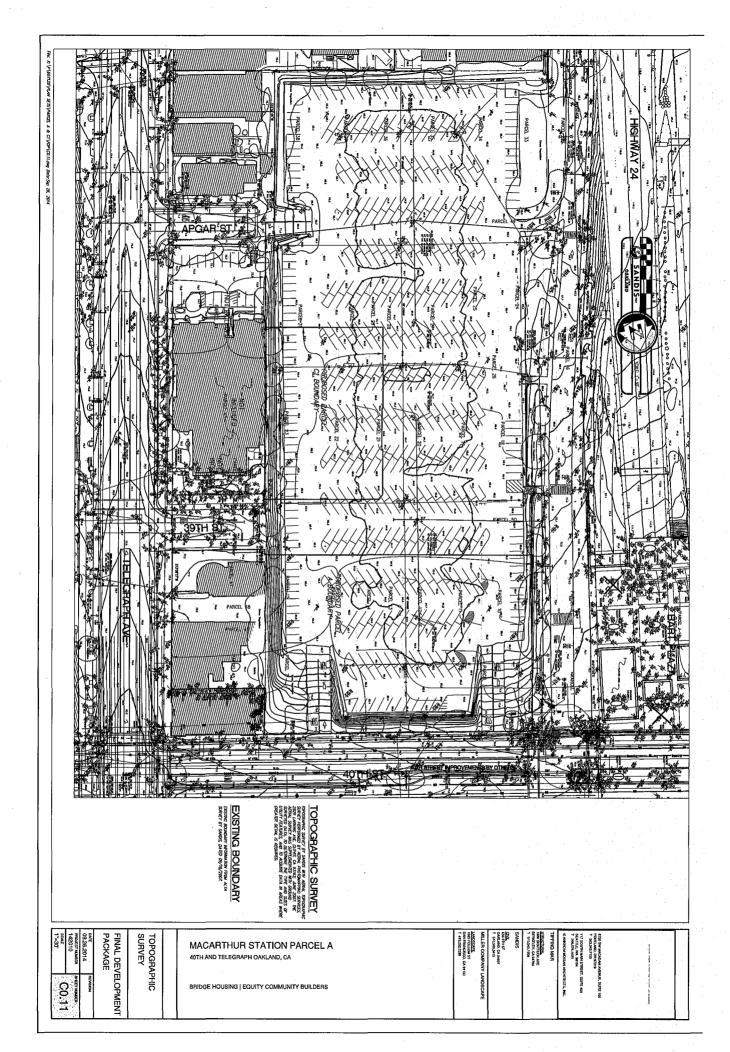
MACARTHUR STATION BLOCKS A & C1 40TH AND TELEGRAPH OAKLAND, CA

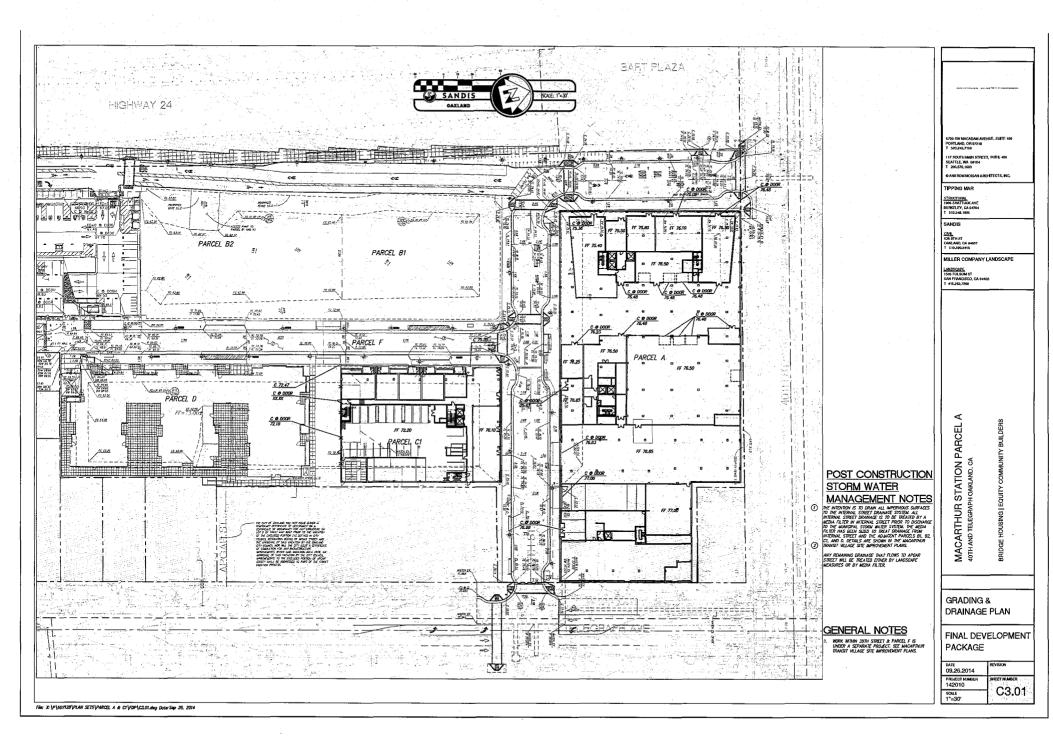
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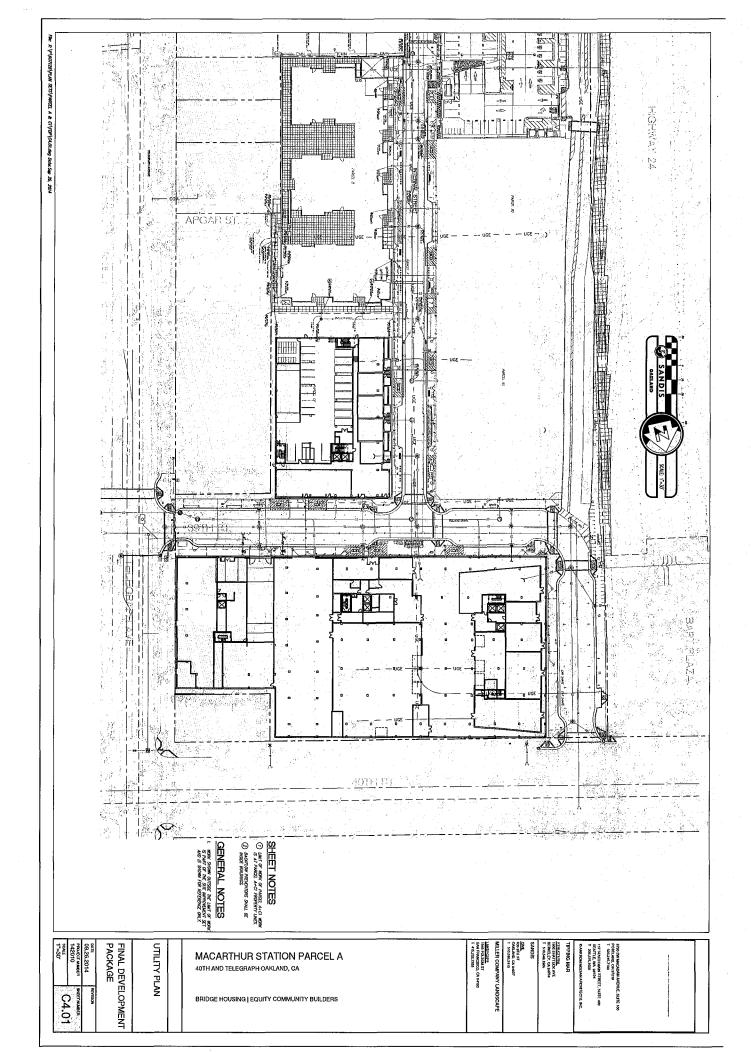
FINAL DEVELOPMENT PACKAGE

DATE 04.09,2015 142010 SCALE 12" = 1'-0"

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1 40th and 24 Highway Looking SE



3 SW CORNER OF TELEGRAPH AND 40TH



7 SW CORNER OF MACARTHUR AND TELEGRAPH



2 NW CORNER OF 40TH AND TELEGRAPH



4 BEEBE MEMORIAL CATHEDRAL ON TELEGRAPH



8 BART PARKING STRUCTURE

MACARTHUR STATION BLOCKS A & C1 40TH AND TELEGRAPH OAKLAND, CA

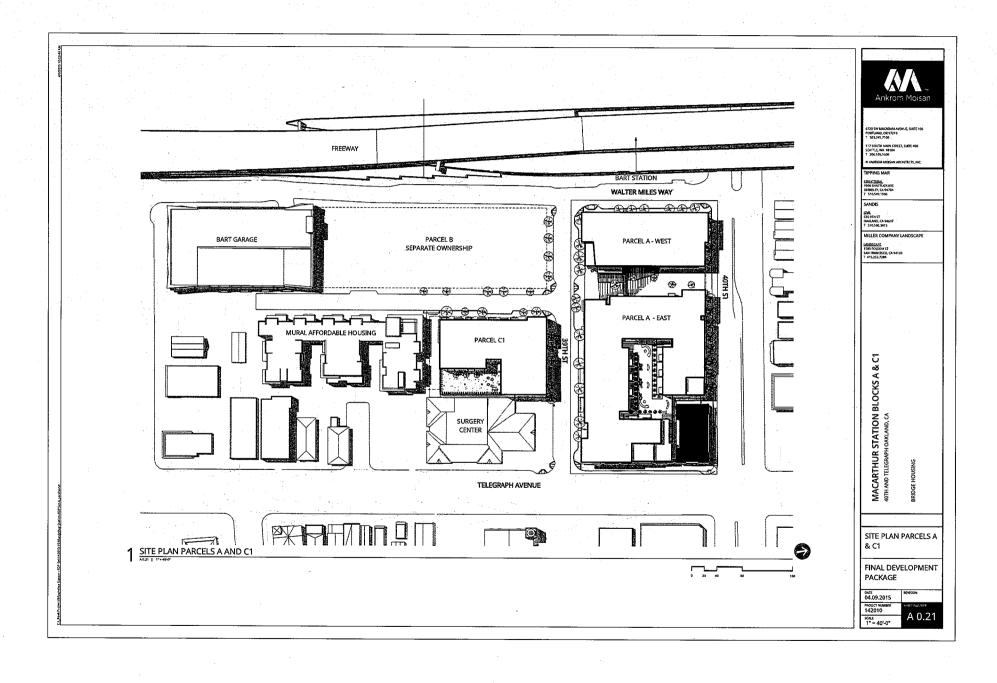
CONTEXT

FINAL DEVELOPMENT PACKAGE

DATE 04,09,2015 PROJECT NUMBER 142010 A 0.20

CONTEXT PHOTOS - SITE

5 THE MURAL - 90 AFFORDABLE FAMILY



ALS STEPSING DOM -TEAST - P A-LEVELS + <u>ئەچەتىنى</u>-ك A - RETAIL

TELEGRAPH AVENUE DESIGN GUIDELINES:

A1.1 Proposed buildings along Telegraph Avenue shall be no more than four to six stories (approximately 50' to 75') with mix of building heights and rooflines and a signature gateway at 39th Street and Telegraph Avenue.

A1.2 Architecture along Telegraph Avenue should acknowledge the traditional proportions of base, middle and top datum lines, to reinforce the urban street edge.

A1.3 Provide a retail corner plaza at the corner of Telegraph and 39th Street to enhance pedestrian activities, outdoor seating opportunities, and create a gateway feature to the Transit Village.

A1.4 Buildings should generally respect the zero PARCEL line building edge along Telegraph Avenue, but provide some street wall articulation for visual interest.

A1.5 Building design should respect and acknowledge the existing building on the corner of Telegraph and 60th Street by stepping down building height to four stoles and by generally aligning with the base height and articulation of the existing building fazede.

A1.6 Establish iconic building corners at the intersection of Telegraph and 39th Street to frame the primary "Front Door" and the view corridor to the BART station.

A1.7 Provide a well defined building base with quality materials to enhance the commercial/retail frontage and provide districtive attractive signage and canopies for the commercial/retail tenants and building lobbies.

A1.8 The commercial/retail facades should have at least 50% transparency, with 75%

A1.9 The ground level of buildings fronting on Telegraph Ave must have predominantly commercial/retail frontage to promote an active public realm. Residential units above retail bays overlooking the street will promote safety through "eyes on the street".

A1.10 The height of commercial/retail space shall be a minimum of 15 floor to floor at PARCEL C and 18 floor to floor at PARCEL A with the Intention of accommodating both in-line and major

A1.11 Provide a variety of architectural characters and styles along Telegraph Avenue that have an authentic urban feel and traditional neighborhood scale, without being historically styltzed or sentimental.plan sheets A 3.02 – 3.08 and A-6.01 – 6.02)

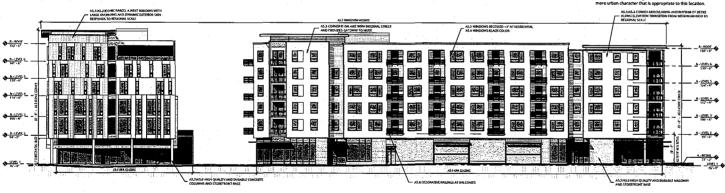
A1.12 Use high quality durable materials, especially at the base of the buildings, to create a strong connection for where relationship the building meets the street, a strong connection to the pedestriar realm and to enhance the neighborhood commercial/retail*

A1.13 Use architectural details such as decorative railings, pot shelves, canopies, and lighting that create visual complexity and interest and reinforce the human scale elements of the proposed mixed use development.

A1.14 Strong cornice treatments should be emphasized regardles of the architectural style or character.

A1.15 Provide a minimum window recess of 2-3 inches for all windows at the groundfloor and upper levels, and consider other means for undulation on the ground floor, such as columns, to further provide interest to the ground level of commercial/retail

A1.16 Avoid white or beige window frames. Dark colors result in a more urban character that is appropriate to this location.



2 PARCEL A DESIGN COMPLIANCE DIAGRAM - 39TH

PARCEL A DESIGN COMPLIANCE DIAGRAM - TELEGRAPH

39th STREET (VILLAGE DR) DESIGN GUIDELINES:

A5.1 The scale of architecture along 39th Street should transition from the more contextual neighborhood scale along Telegraph Avenue building to the larger, more regional scale of the highway and BART station.

A5.2 Building height shall transition from the more contextual neighborhood scale along Telegraph Avenue to more regional scale toward the Highway 24 and the MacArthur BART Station.

AS.3 Each of the corners of the buildings should respond architecturally to their unique position on the site.

AS.4 Any ground floor uses fronting on 39th Street must have commercial/retail storefronts at the ground level. Façade transparency of the groundfloor space should range from 50% to

AS.5 Provide a minimum window recess of 2-3 inches for all storefront and residential windows at the groundfloor and

A5.6 Avoid white or beige window frames. Dark colors result in a more urban character that is appropriate to this location.

A5.7 Provide a substantial building base with quality materials to enhance the retail frontage and provide distinctive attractive signage and canoples for the retail tenants, and building lobby locations.

A5.8 Use a variety of architectural details such as decorative railings, pot shelves, canoples, and decorative lighting to reinforce the human scale elements of the proposed mixed use development.

A5.9 Use high quality durable materials, especially at the base of the buildings, to create a strong connection for where the building meets the street, a strong connection to the pedestrial realm and to enhance the neighborhood retail frontage along

A5.10 The retail space must be a minimum of 15' floor to floo at PARCEL C to accommodate in-line retail tenants, and minimum of 18' floor to floor at PARCEL A to accommodate a

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MILLER COMPANY LANDSCAPE

SAN FRANCISCO, CA 94103 T 415.252.7285

STATION BLOCKS A MACARTHUR S 40TH AND TELEGRAPH O

DESIGN COMPLIANCE PARCEL A

FINAL DEVELOPMENT PACKAGE

04.09.2015 142010

A 0.30

PARCEL A DESIGN COMPLIANCE DIAGRAM - FRONTAGE

FRONTAGE ROAD DESIGN GUIDELINES:

A4.1 PARCELS 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.

A4.2 Due to visibility from the freeway and the BART platform, the architecture of each of the PARCELs 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.

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)

A4.4 Provide artistic metal grals and podestrian scale lighting along the garage edge to provide maximum visibility to promote security. (Exhibit A-3.06)

A4.5 The architectural composition of the building areas vetible to the freeway and BART platform should be designed with bold forms and building materials to promote a sense of arrival at this important chirc place within the City.

40TH ST. GATEWAY DESIGN GUIDELINES:

A7.1 The massing and height of Building A adjacent to the BART Plaza will be the most prominent within the overall hierarchy of the site.

A7.2 The proposed architecture massing fronting the plaza should speak to its cwic location with a strong façade, vibrant and transparent retail base.

A7.3 The architectural modulation, fenestration pattern and detailing of mixed-use PARCEL A should be significantly different than that of the residential PARCEL B to provide a rich variety of architecture fronting onto the plaza.

A7.4 The proposed buildings fronting the plaza must have retail frontage at the ground level with reasonable lease depth (40' to 60).

A7.5 Create an iconic corner at the transit plaza to highlight the prominent public plaza, retail node and gateway into the BART station, both from the neighborhood and to the fast moving traffic at the freeway level.

A7.6 Provide transparent glazing at the retail level to provide maximum visibility and contemporary details to complement the civic character of the transit plaze.

A7.7 All outdoor amenities, signage and fixtures shall be selected and designed as complementary public arts features.



2 PARCEL A DESIGN COMPLIANCE DIAGRAM - 40TH

40TH STREET DESIGN GUIDELINES:

A3.1 The proposed architecture massing and scale must respect the transition from the existing, modest four story building on the corner of Telegraph Avenue to the grand scale of the freeway infrastructure overpass and BART station with a mix of building height and articulation. (plan sheets A-1.0H, A-3.03)

A3.2 The proposed buildings along 40th Street transition from five stories adjacent to Existing building at Telegraph Avenue to a six story maximum adjacent to the BART station (approximately 60° to 80°). (plan sheet A-1,0H)

A3.3 The architecture along the length of 40th Street should be modulated to create a diversity of architectural scales and characters. (plan sheet A-3.03)

A3.4 Consistent with Telegraph Avenue, the distinctive commercial/retail floor to floor ground level height of 18' should be carried along the 40th Street elevation. (plan sheet A-3.03)

A3.5 The placement and style of openings and windows should contribute to a coherent and appealing composition to a façade. Details such as mullions, grillwork prominent stills and trim can also provide visual interest to openings.

A3.6 The proposed buildings fronting on 40th Street must have commercial/retail storefronts at the ground level, with commercial/retail uses fronting on the BART statuon plaza and flex space that supports potential future commercial/retail uses along the 40th Street frontage.

A3.7 Provide a substantial building base with quality materials to enhance the retail frontage and provide distinctive attractive signage and canopy opportunities for potential retail tenants and flex space tenants.

A3.8 Provide an architectural character and style along 40th Street that has an authentic contemporary urban feeL (plan sheet A 3.02 – 3.08 and A-6.01 – 6.02)

A3.9 Creating an iconic corner at the BART Transit plaza will highlight the prominent public plaza, retail node and gateway into the BART station, both from the neighborhood and freeway/platform levels.

A3.10 Use a variety of architectural details such as decorative railings, pot shelves, canopies, and decorative lighting to reinforce the human scale elements of the proposed mixed use development.

A3.11 Use high quality durable materials, especially at the base of the buildings, to create a strong relationship of the building to the pedestrian realm and to enhance the neighborhood retain frontage along 40th Street.

A3.12 Strong cornice treatment should be emphasized regardless of the architectural style or character.

A3.13 Provide a minimum window recess of 2-3 inches for all windows at the groundfloor and upper levels, and consider other means for undulation on the groundfloor, such as columns, to further provide interest to the ground level of commercial/real frontage.

A3.14 Avoid white or beige window frames. Dark colors result in a more urban character that is appropriate to this location.

Ankrom Moisan

6720 SW MACADAM AVENUE, SUITE PORTLAND, OR 97219 T. 503.245.7100

117 SOUTH MAIN STREET, SUITE 400 SEATTLE, WA 58104 T 206,576,1400

TIPPING MAR

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CMB. 636 9731 57 CANLAND, CA 94607 T 510.590.3415

MILLER COMPANY LANDSCAPE

1585 FOUSDM ST SAN FRANCISCO, CA-T 415.252.7289

> MACARTHUR STATION BLOCKS A & C1 40TH AND TELEGRAPH OAKLAND, CA

BIDGE HOUSING

DESIGN COMPLIANCE PARCEL A

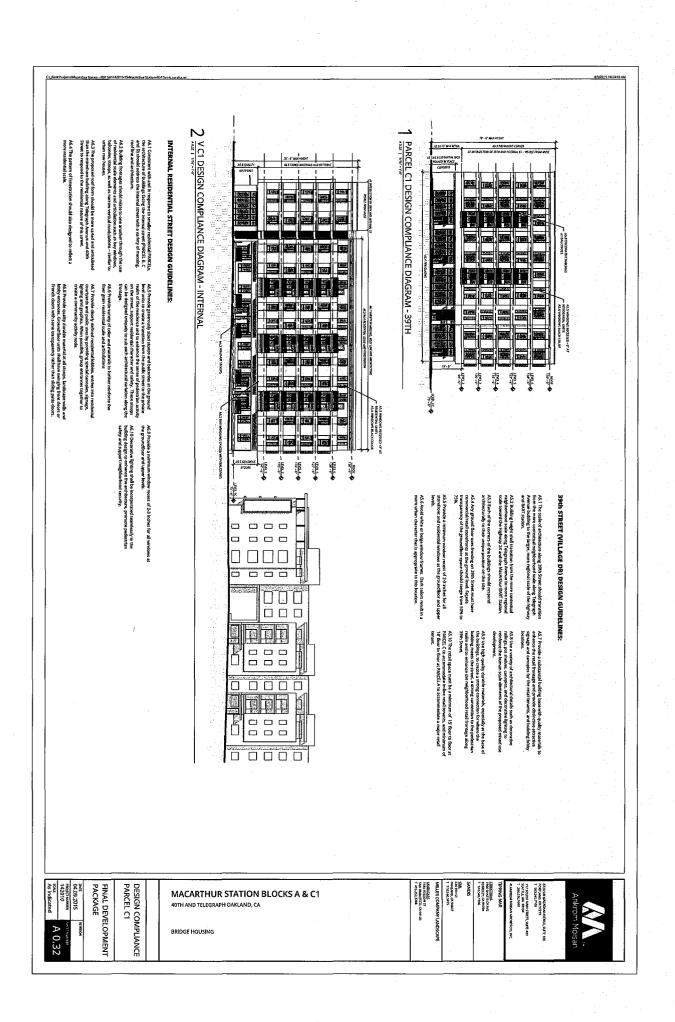
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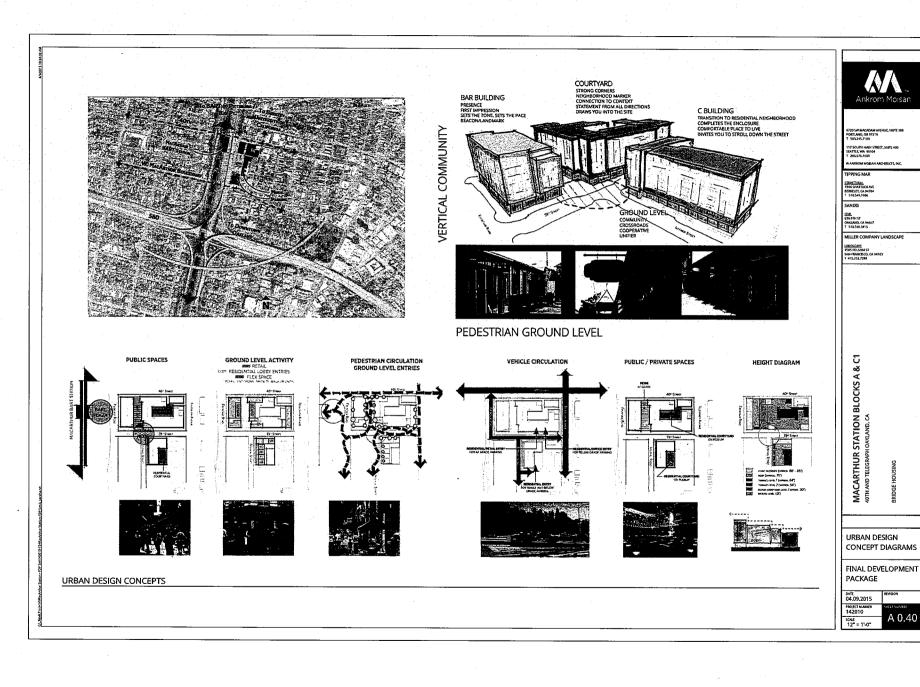
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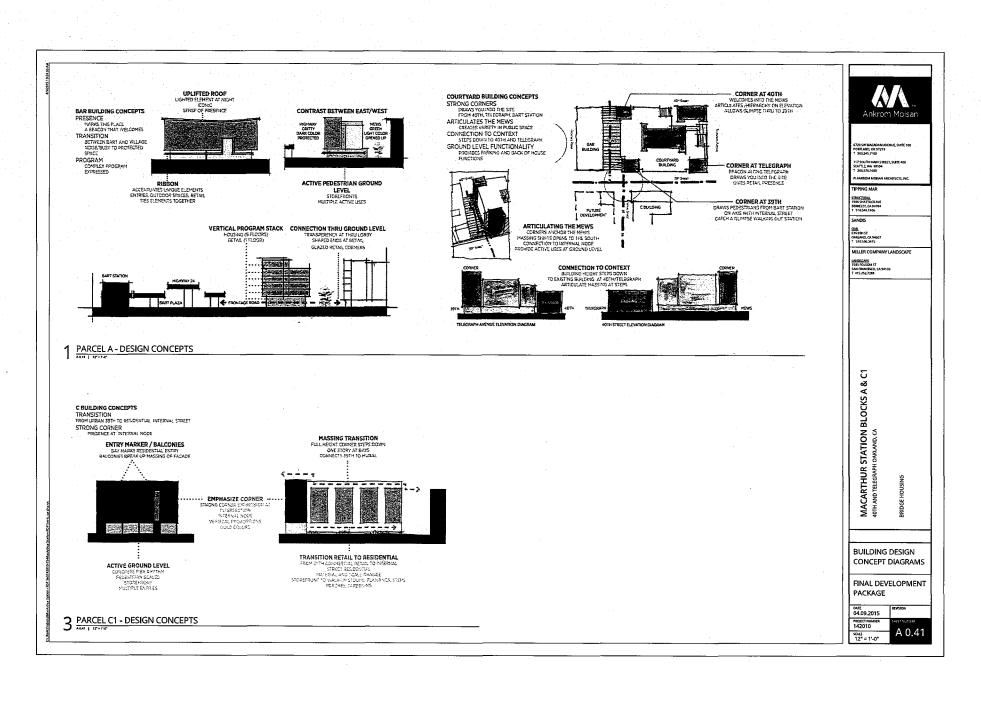
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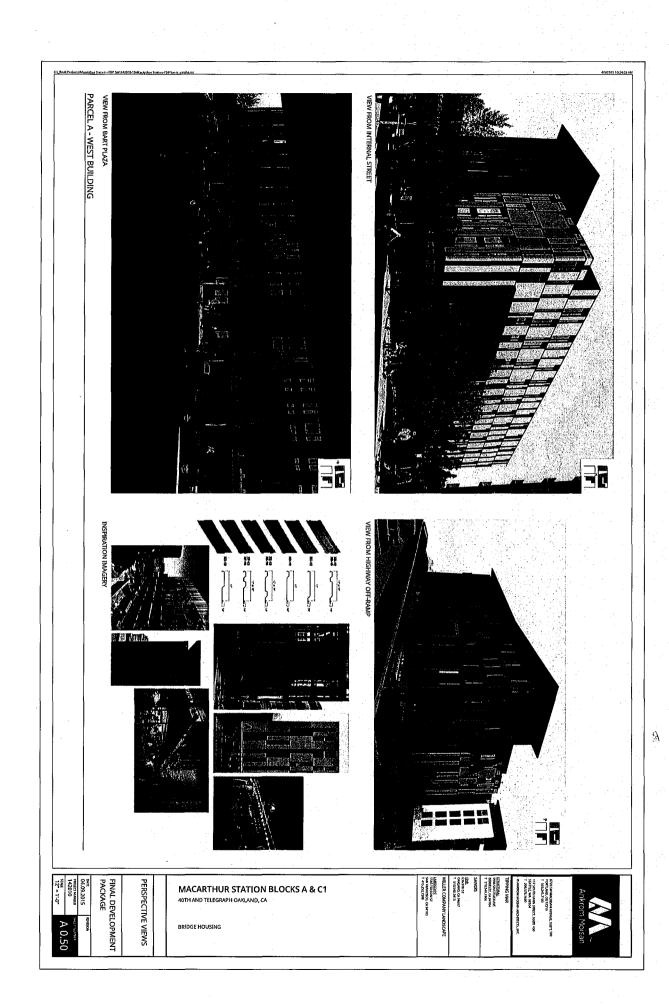
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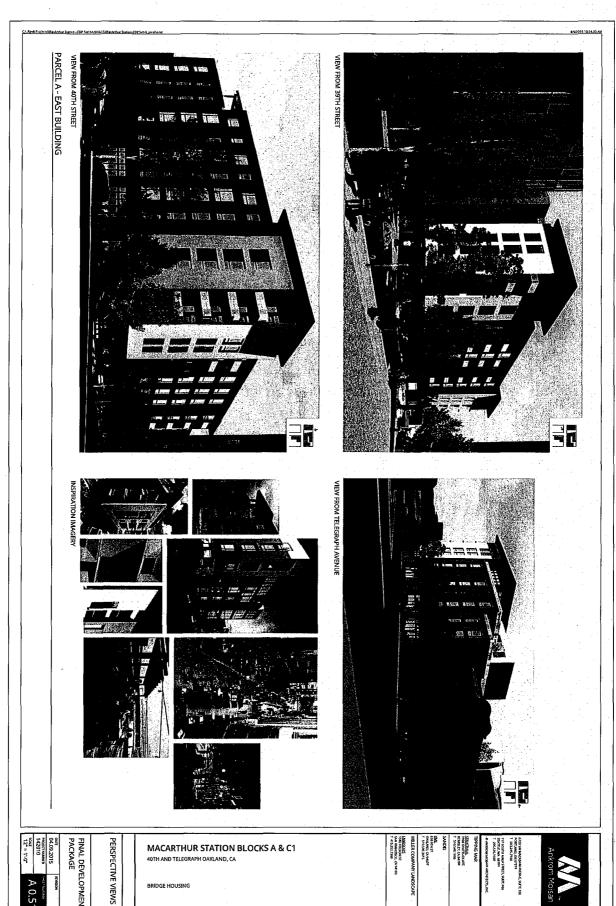
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MACARTHUR STATION BLOCKS A & C1

BRIDGE HOUSING





VIEW FROM INTERNAL STREET

PARCEL C1



VIEW FROM 39TH STREET















MILLER COMPANY LANDSCAPE

MACARTHUR STATION BLOCKS A & C1
40TH AND TELEGRAPH OAKLAND, CA

PERSPECTIVE VIEWS

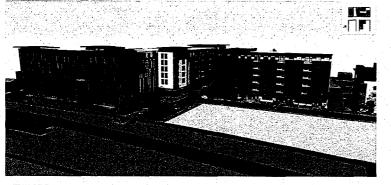
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04.09.2015

MOJECT NUMBER
142010

SCALE
12" = 1'-0"

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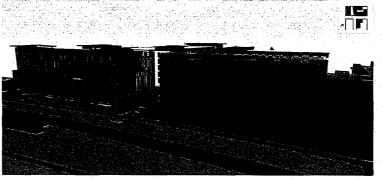


OVERALL DEVELOPMENT



VIEW FROM 39TH STREET

OVERALL DEVELOPMENT - PARCEL B MASSING



OVERALL DEVELOPMENT WITH APPROVED BUILDING MASSING OF FUTURE PARCEL B



VIEW FROM 39TH STREET WITH APPROVED BUILDING MASSING OF FUTURE PARCEL B



MILLER COMPANY LANDSCAPE

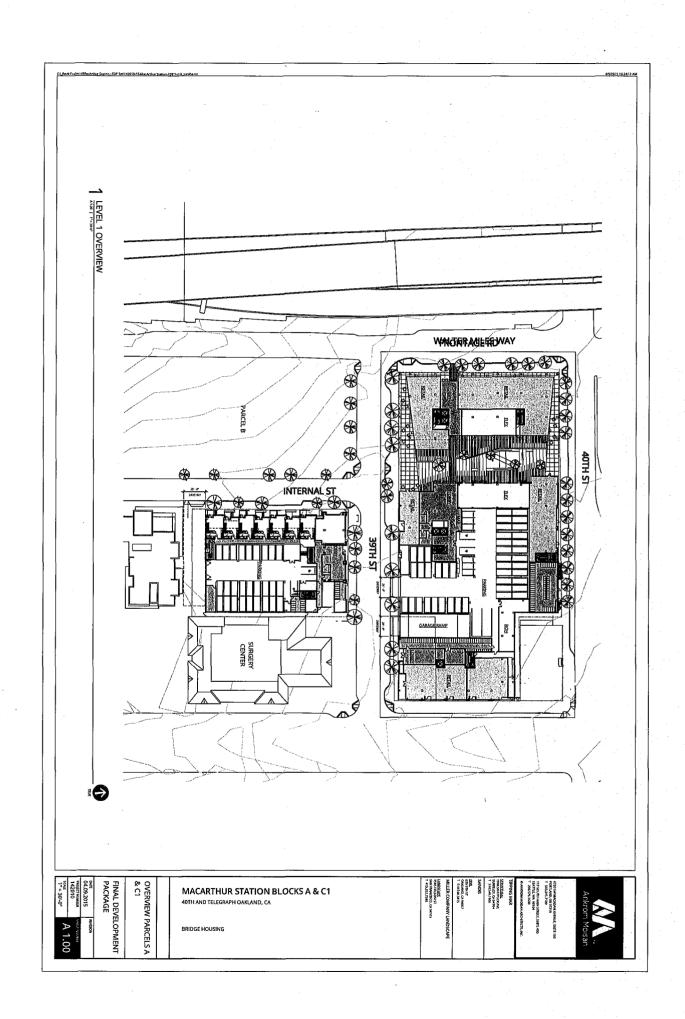
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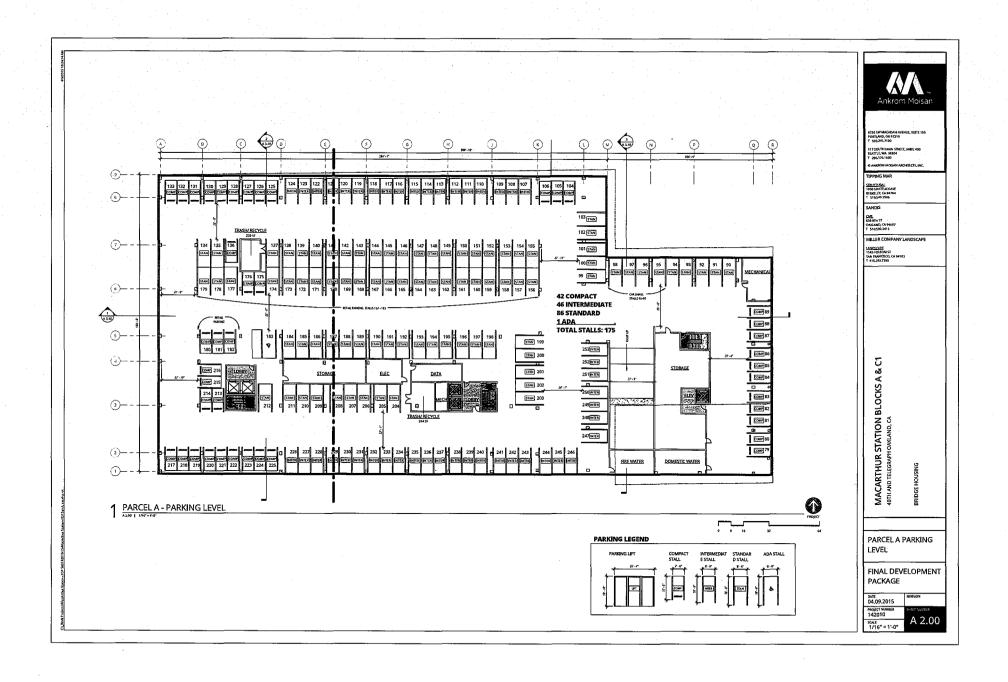
MACARTHUR STATION BLOCKS A & C1 40TH AND TELEGRAPH OAKLAND, CA

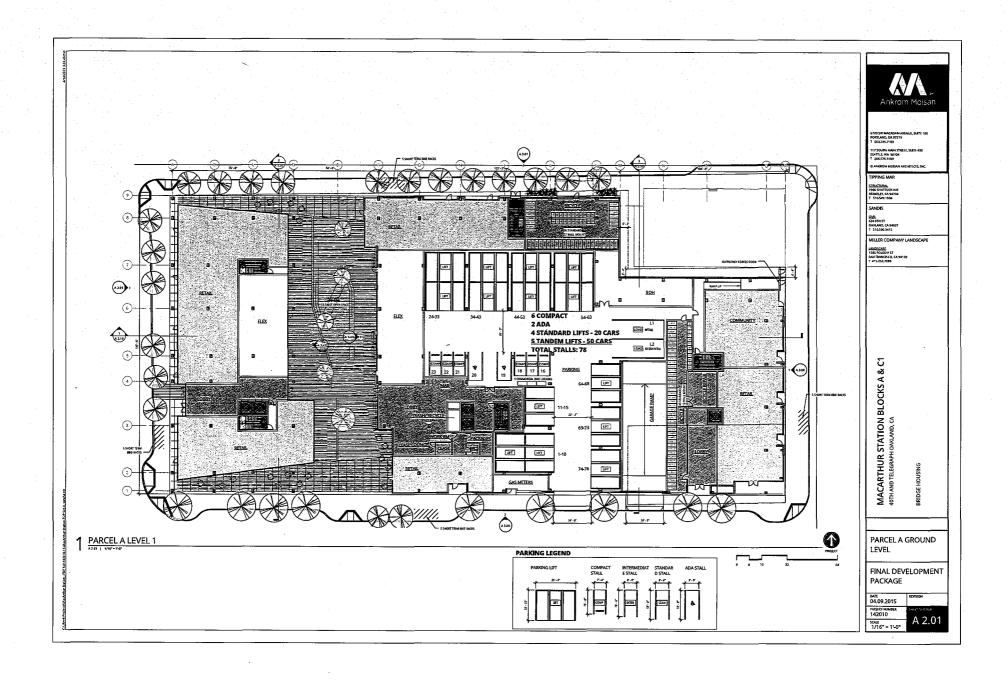
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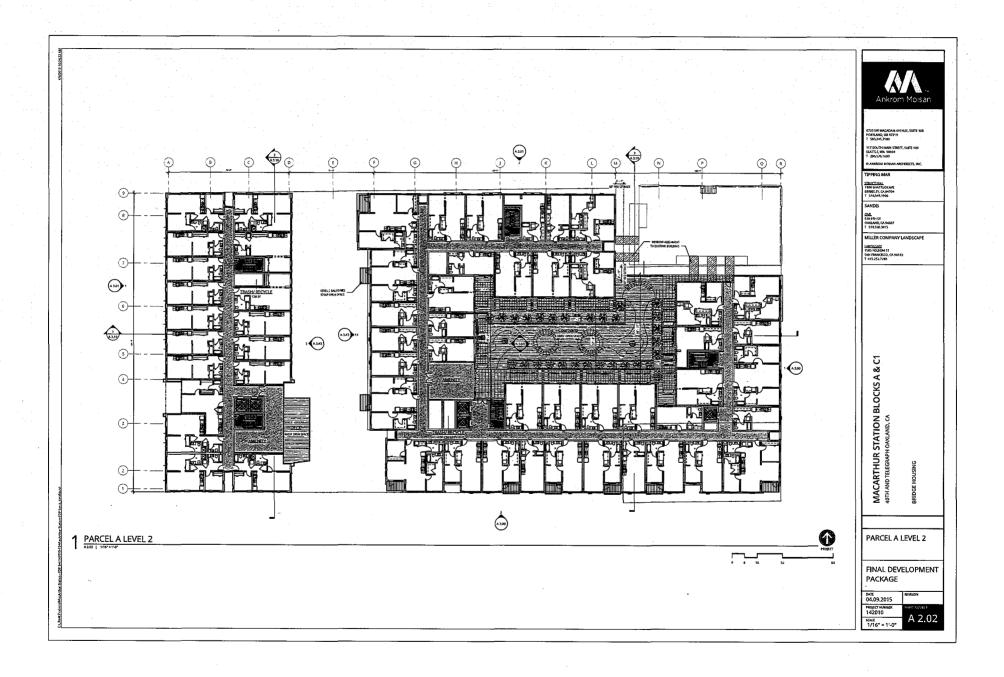
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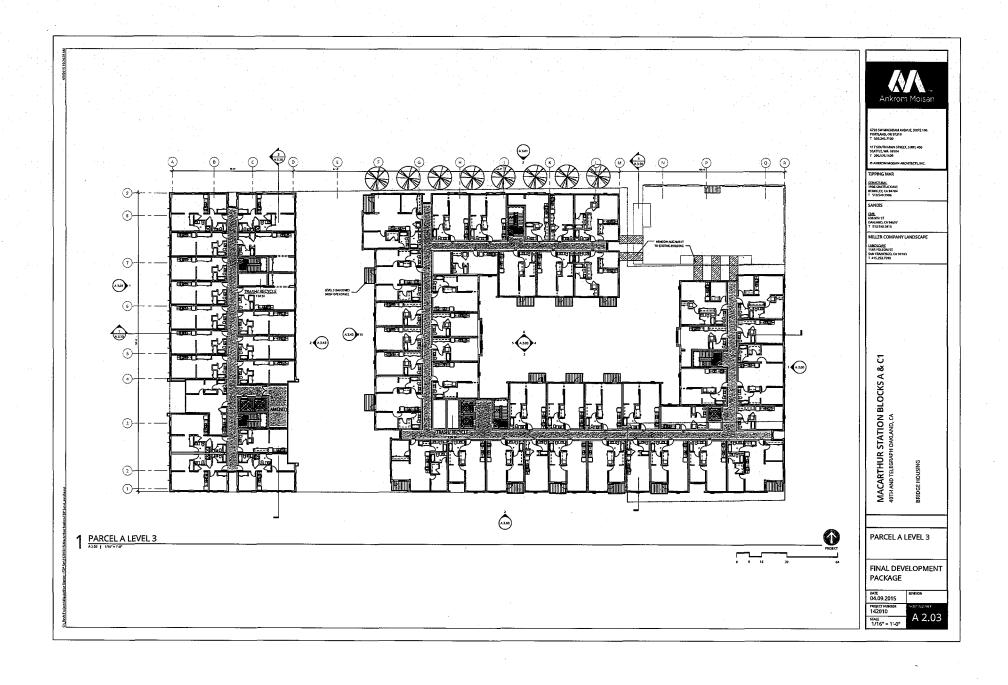
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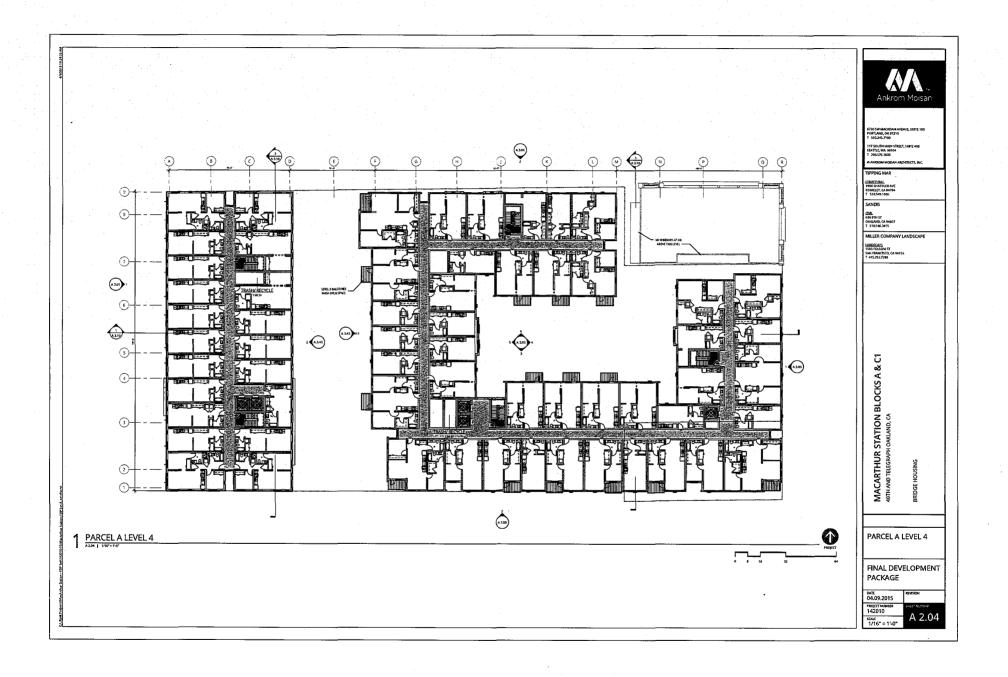


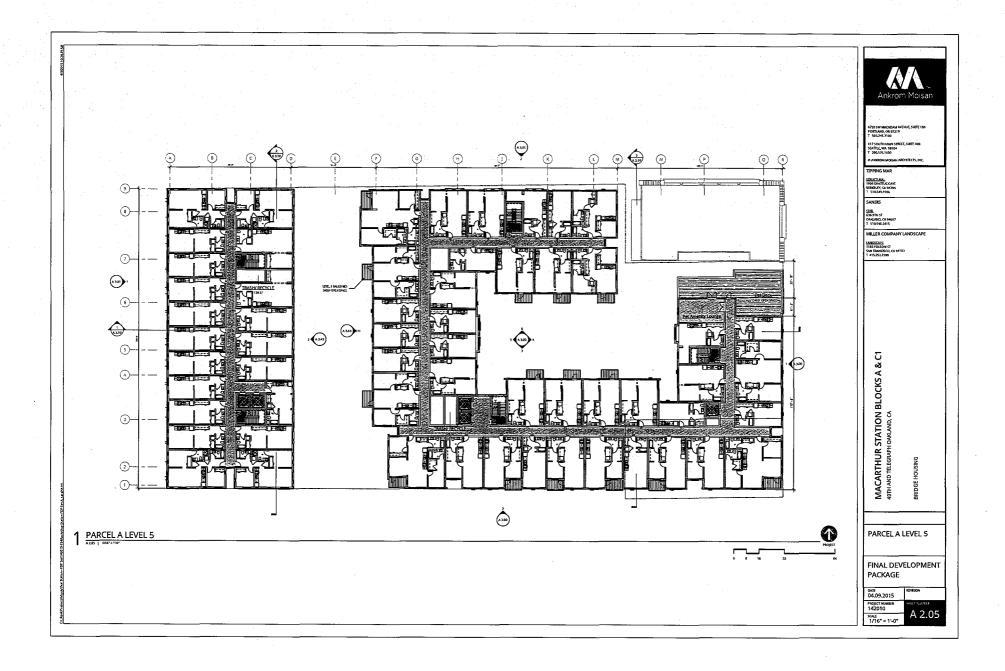


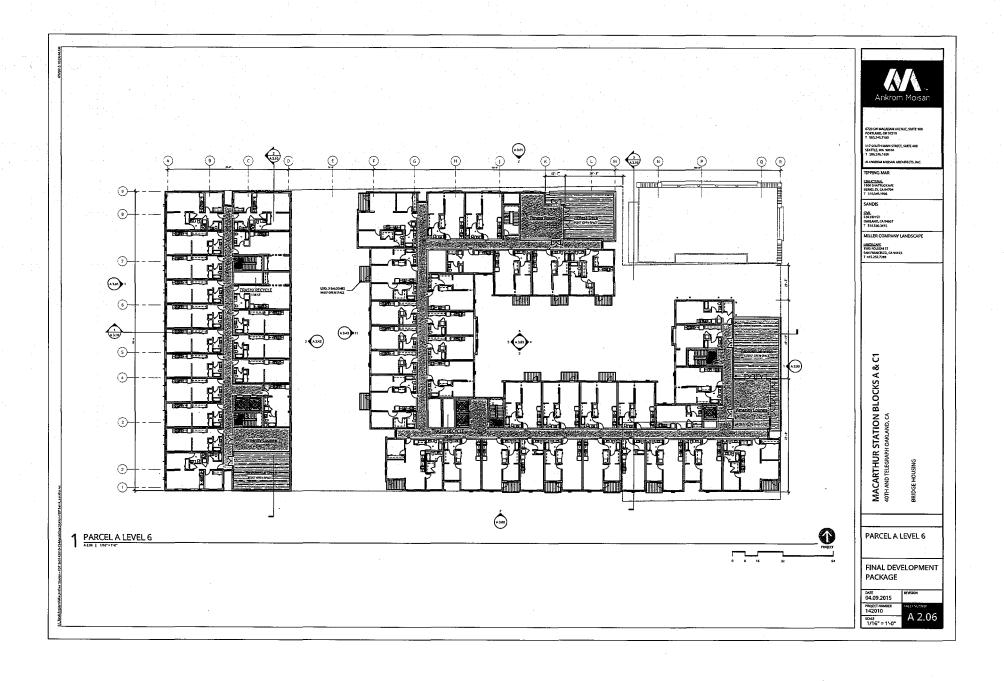


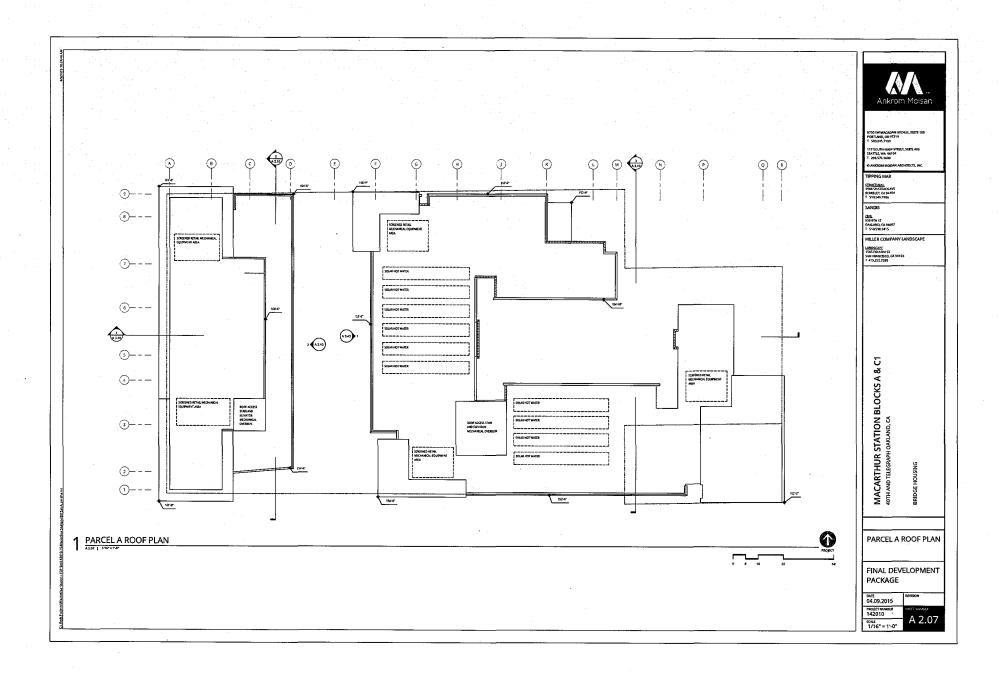


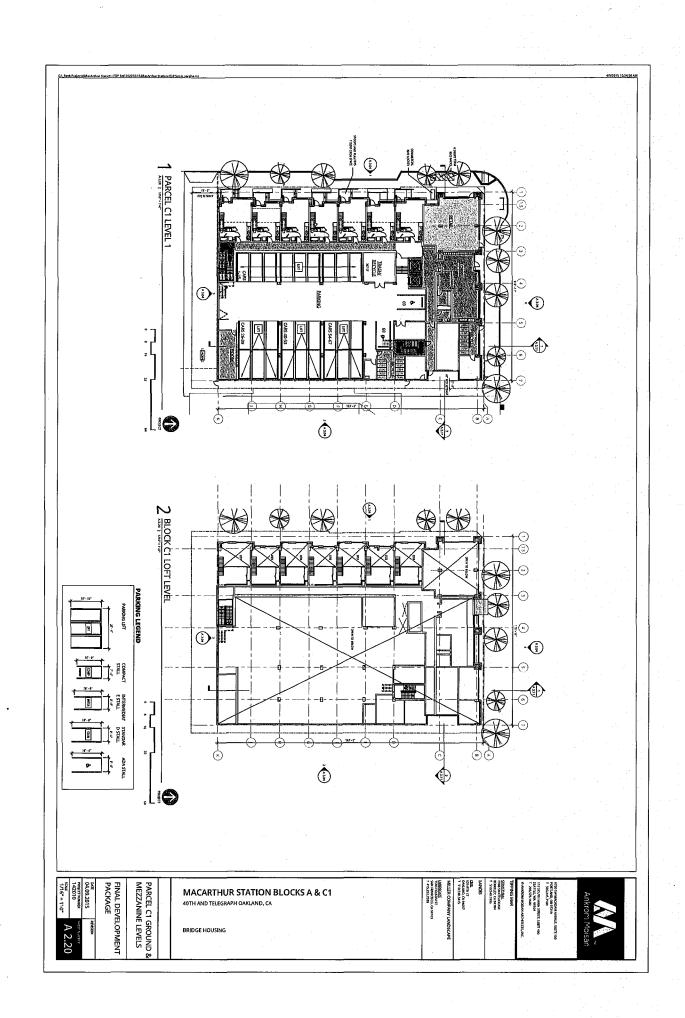


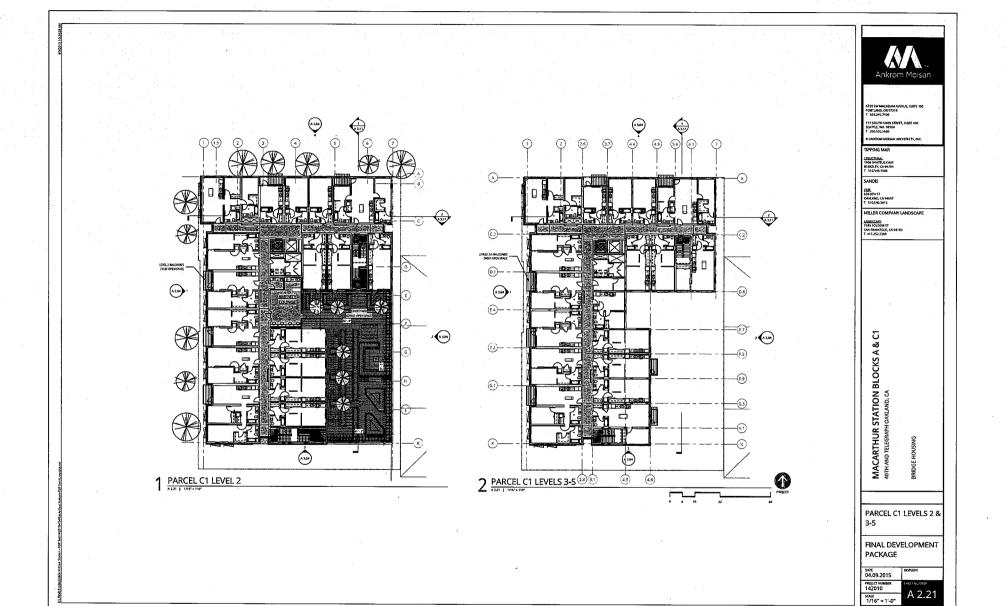


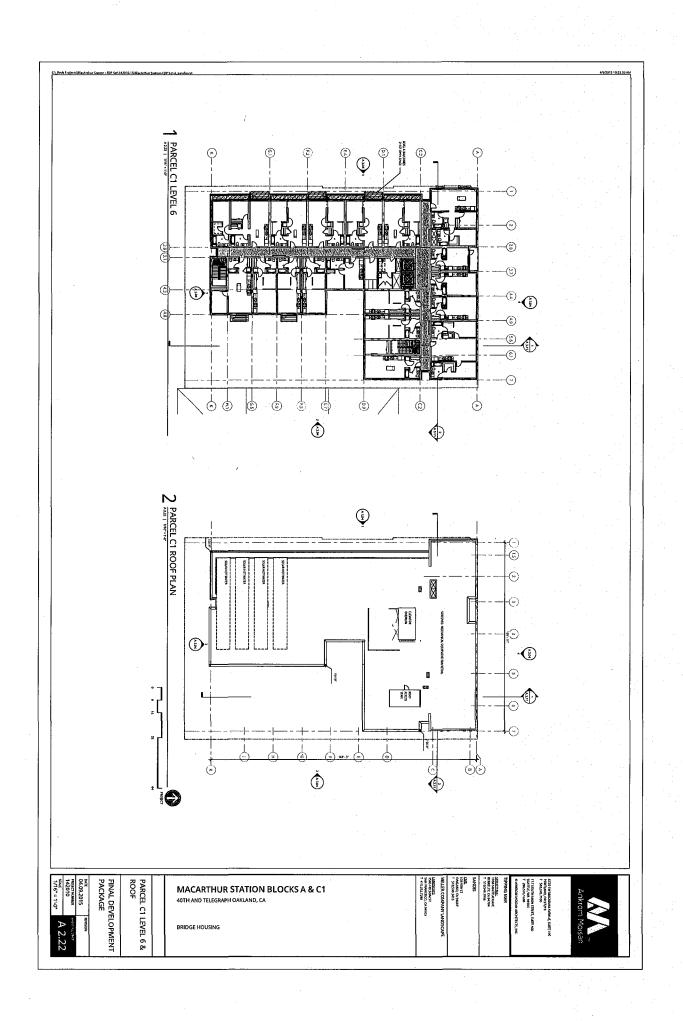


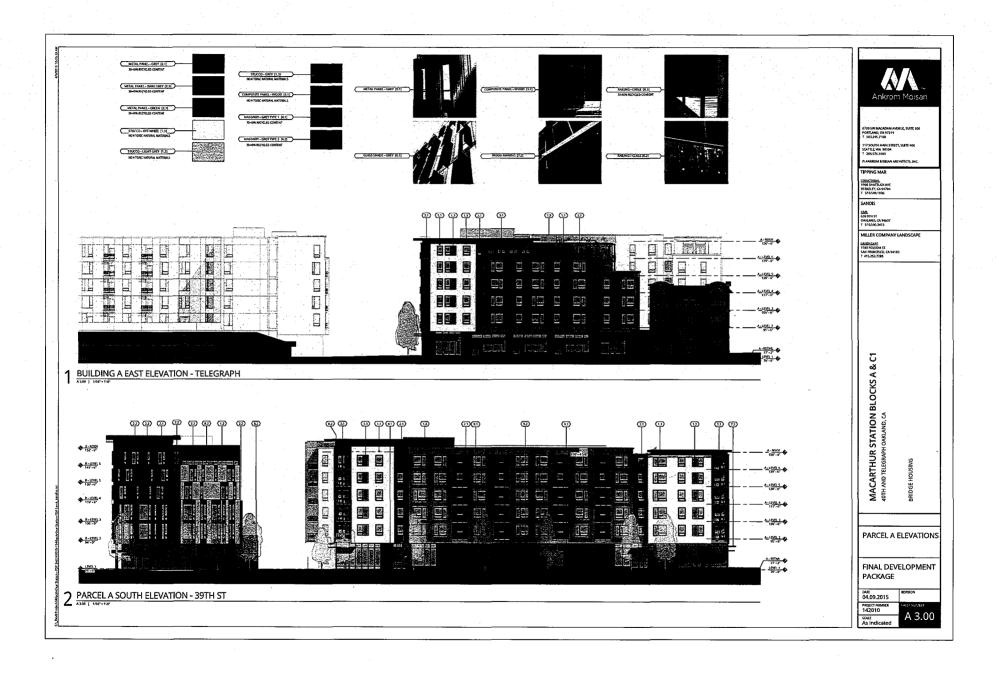


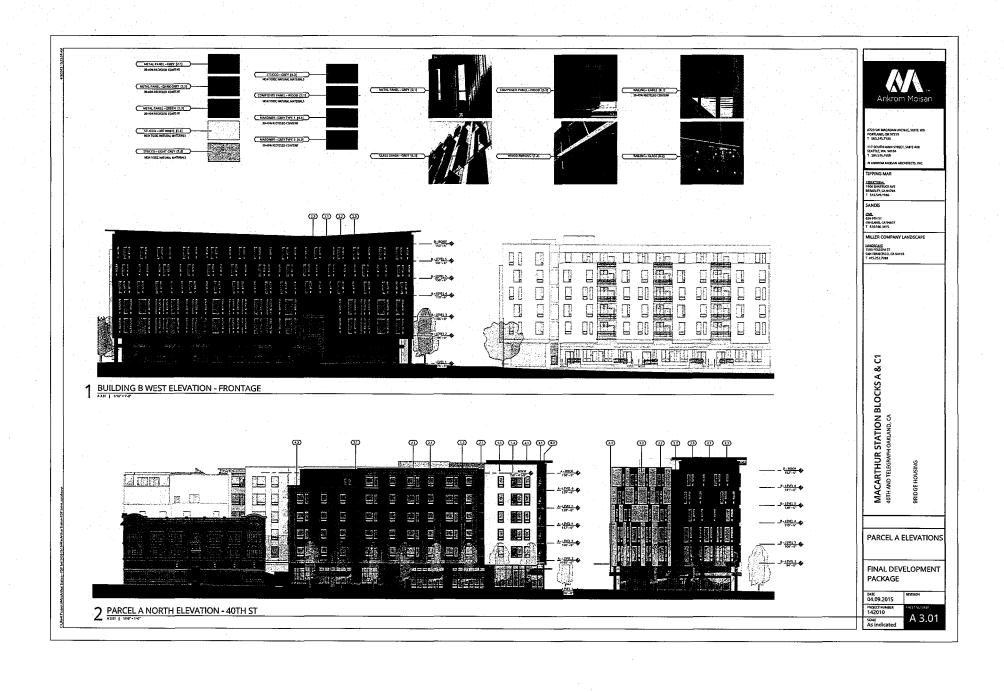


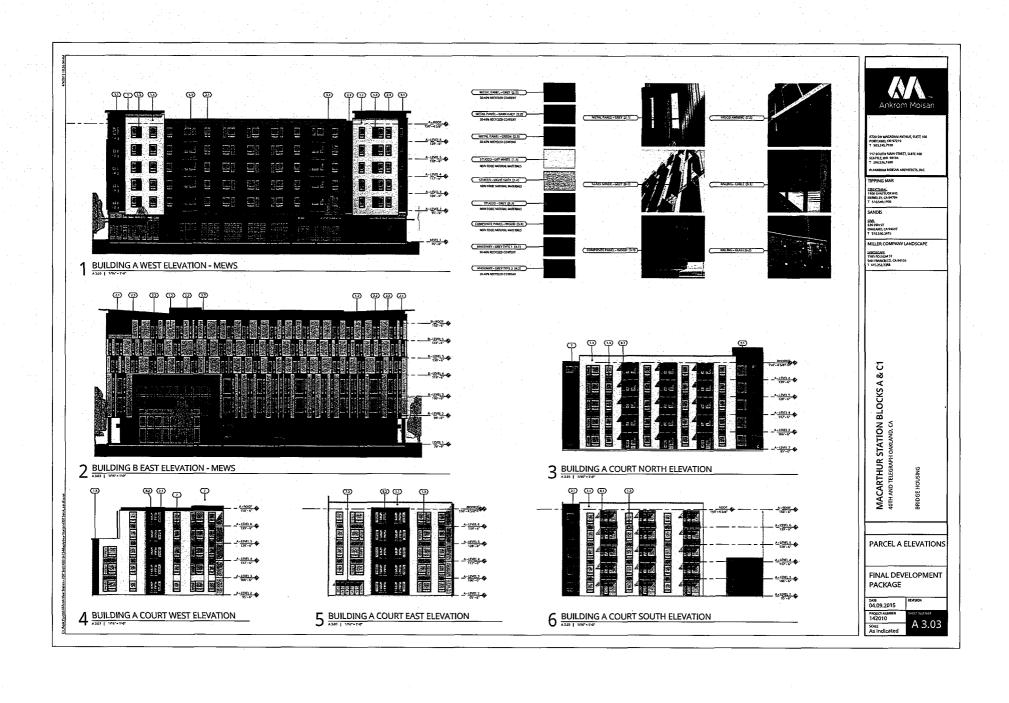


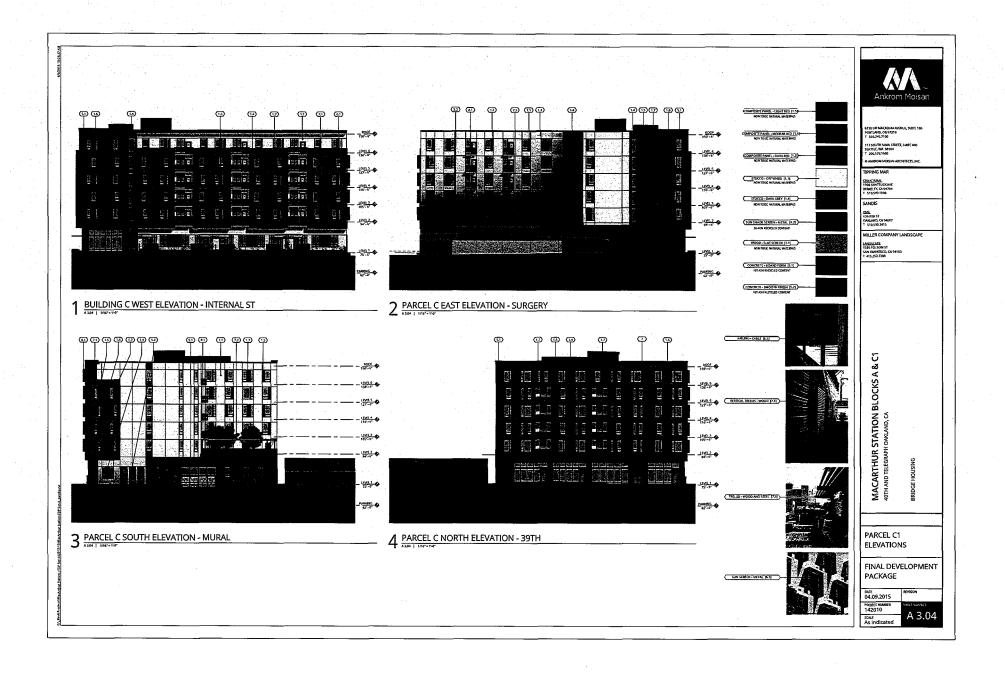


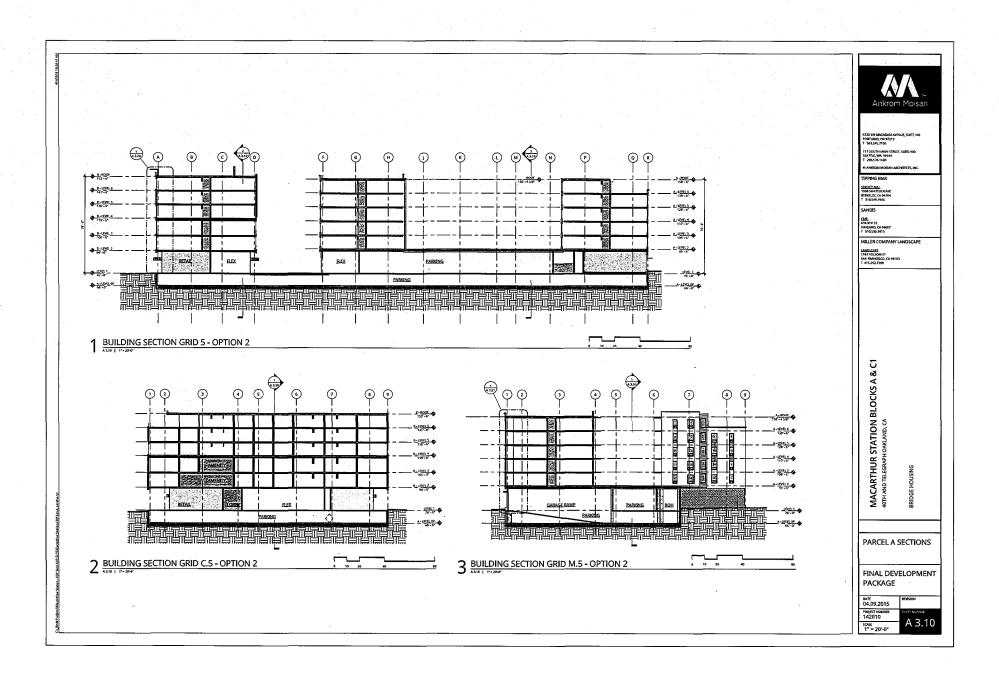


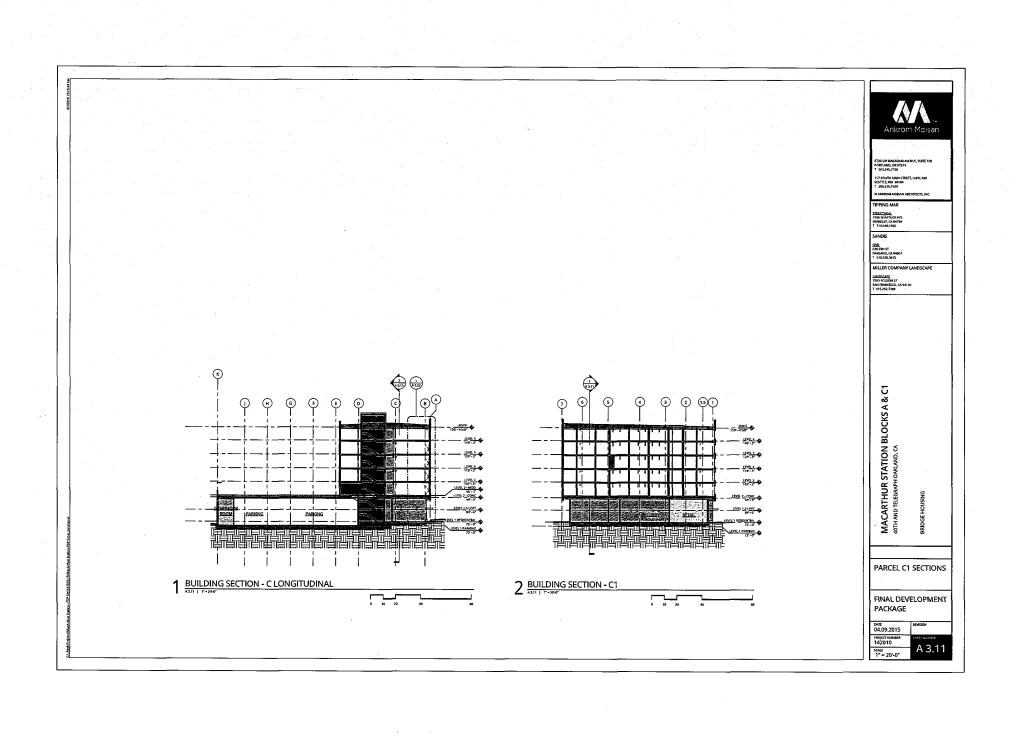


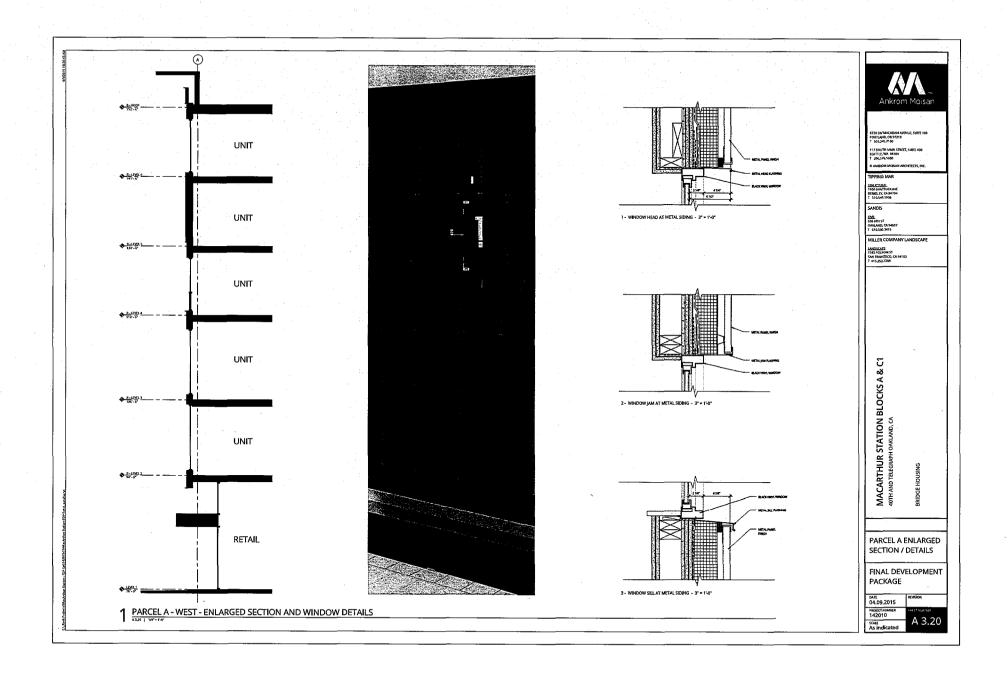


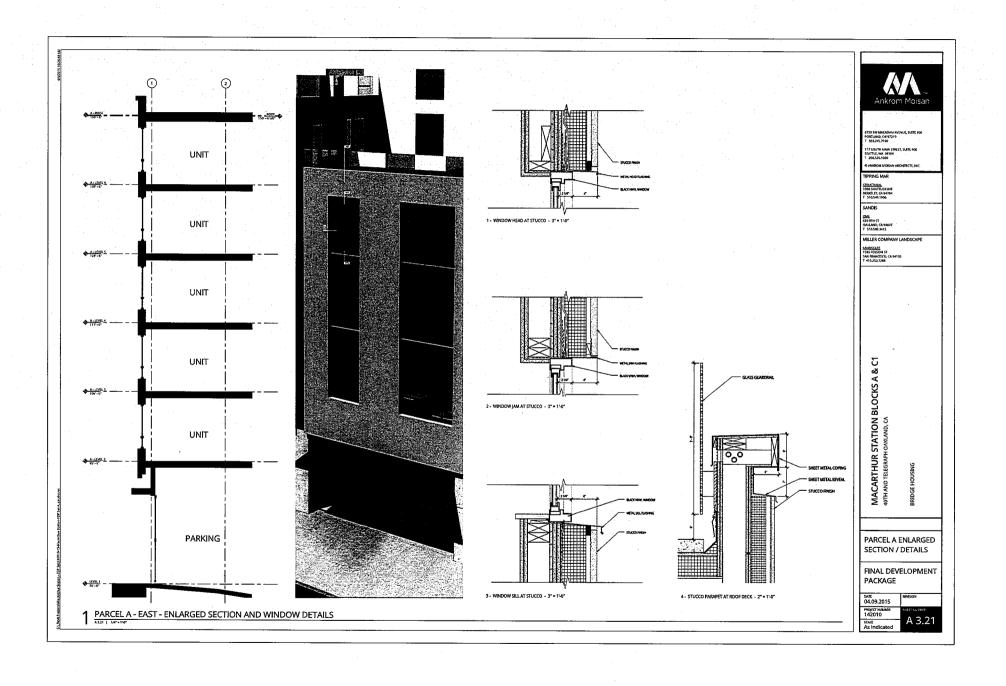


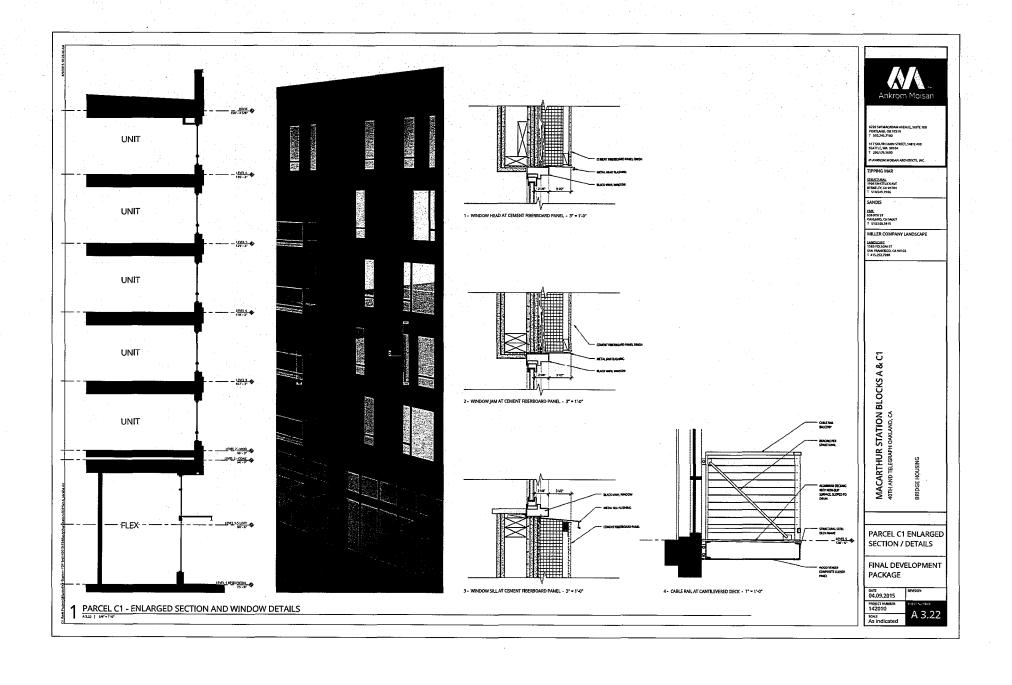




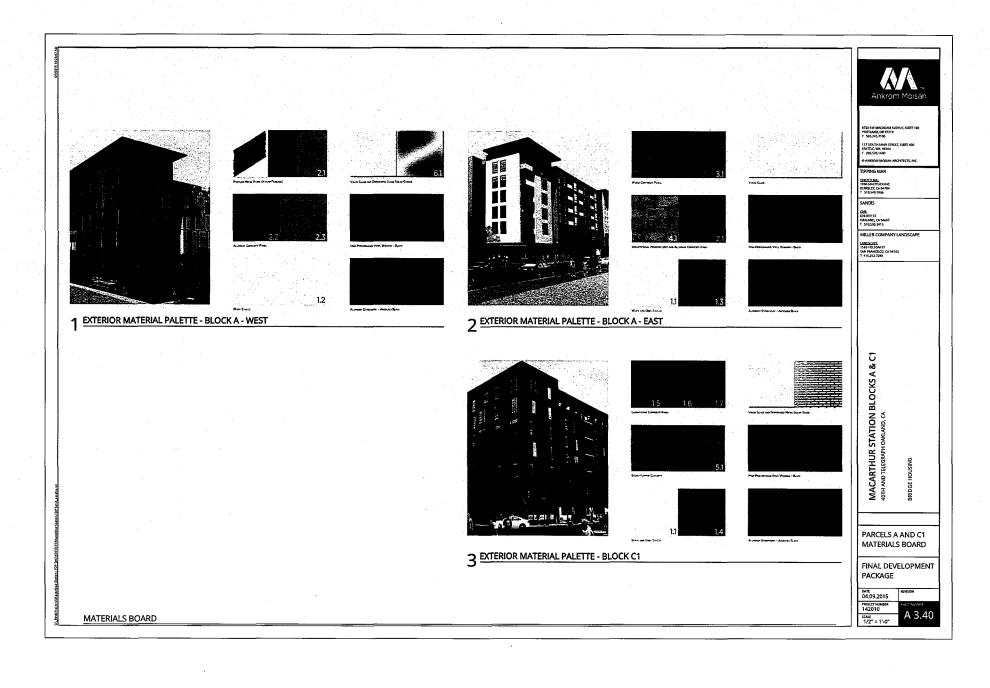




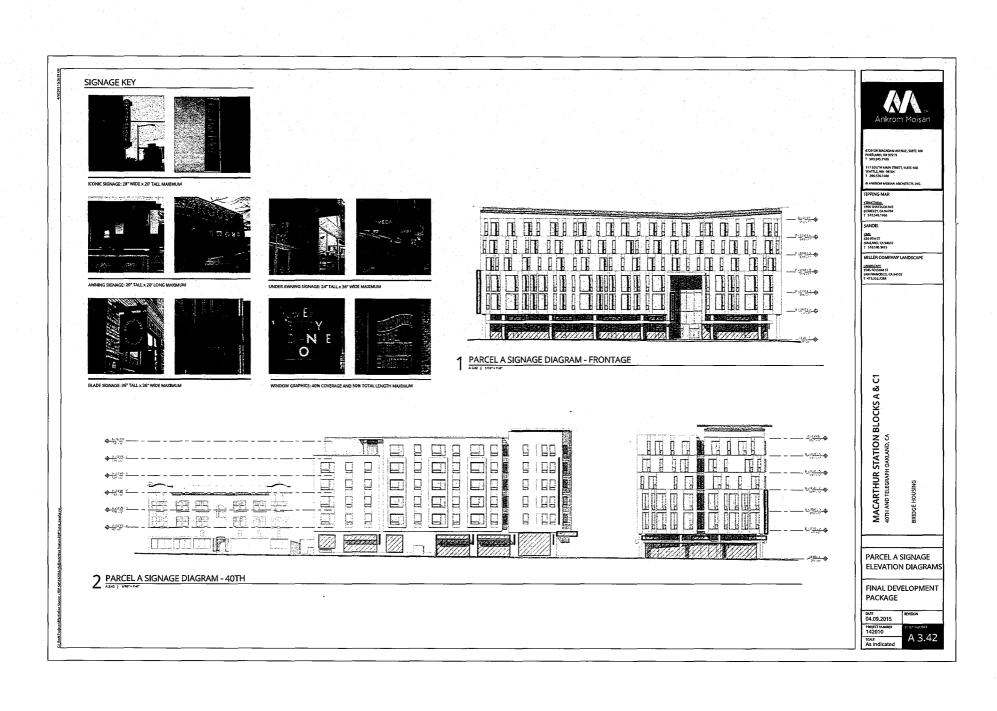












FILED OFFICE OF THE CITY CLERK

Introduced by Councilmember _____

Approved as to Form and Legality

Office of the City Attorney

2016 OCT 13 PM 2: 21

OAKLAND CITY COUNCIL

RESOLUTION NO.	F	C.M.S.

A RESOLUTION, AS RECOMMENDED BY THE PLANNING COMMISSION, REVISING THE MACARTHUR BART PARCELS A AND C1 FINAL DEVELOPMENT PERMIT (CASE FILE PUDF08/ER01), RELYING ON THE 2008 MACARTHUR STATION PROJECT ENVIRONMENTAL IMPACT REPORT AND ADDENDA, FINDING THAT NO ADDITIONAL ENVIRONMENTAL REVIEW IS NEEDED PURSUANT TO CEQA GUIDELINES SECTIONS 15162-15164 AND ADOPTING RELATED CEQA FINDINGS

WHEREAS, on June 4, 2008, the City of Oakland Planning Commission certified the MacArthur Transit Village Environmental Impact Report (EIR), adopted CEQA findings and recommended approval of the MacArthur Transit Village Planned Unit Development (PUD) to the City Council; and

WHEREAS, the Oakland City Council affirmed and adopted the Planning Commission's certification of the EIR, the CEQA-related findings, and approval of the MacArthur Transit Village PUD on July 1, 2008; and

WHEREAS, the Oakland City Council also approved a "Development Agreement by and between the City of Oakland and MacArthur Transit Community Partners, LLC Regarding the Property and Project Known as 'MacArthur Transit Village'" (DA) on July 21, 2009; and

WHEREAS, on May 17, 2016, the City Council approved the MacArthur Transit Village Parcels A and C1 Final Development Permit (FDP) to allow two phases of development and in total includes 383 apartment residential units; 23,489 square feet of ground-floor retail space; 35,320 square feet of open space; and 323 on-site parking spaces; and

WHEREAS, on September 28, 2016, the Applicant submitted an application to revise the FDP to substitute live/work units for ground floor retail uses; decrease on-site parking; and provide project driveway on Telegraph Avenue; and

WHEREAS, the City of Oakland Bureau of Planning prepared a 2016 Addendum to the EIR and determined that not additional environmental review is needed pursuant to CEQA Guidelines Sections 15162-15164; and

WHEREAS, the FDP revision application was subject to a duly noticed public

hearing before the Planning Commission on October 19, 2016; and

WHEREAS, on October 19, 2016, the City Planning Commission, after conducting and closing the public hearing, recommended that the City Council revise the FDP, rely on the 2008 EIR and addenda finding that no additional environmental review is needed pursuant to CEQA Guidelines Sections 15162-15164 and adopt related CEQA findings; and

WHEREAS, the Project was considered at a regular, duly noticed meeting of the City Council's Community and Economic Development Committee on October 25, 2016, which recommended approval of the Project;

WHEREAS, the Project was considered at a regular, duly noticed public hearing of the City Council on November 1, 2016; now, therefore, be it

RESOLVED: that the City Council, as the final decision-making body for the Lead Agency, has independently reviewed, considered, and analyzed the Project and the CEQA findings of the City Planning Commission contained in the Planning Commission report and the October 25, 2016 City Council's Community and Economic Development Committee's Agenda Report and attachments ("City Council Agenda Report"); and be it

FURTHER RESOLVED: that the City Council hereby adopts all of the Project's planning-related permits and approvals, findings and conditions of approval, based on the City Planning Commission Report and the City Council Agenda Report, hereby incorporated by reference, as if fully set forth herein; and be it

FURTHER RESOLVED: that nothing in this Resolution shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law; and be it

FURTHER RESOLVED: that the Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That the record before this Council relating to this Project and Appeal includes, without limitation, the following:

- 1. the Application, including all accompanying maps and papers;
- 2. all plans submitted by the Applicant and its representatives;
- 3. all final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the Application and attendant hearings;
- 4. all oral and written evidence received by the Planning Commission and City Council before and during the public hearings on the Application and Appeal; and all written evidence received by relevant City Staff before and during the public hearings on the Application and Appeal; and
- 5. all matters of common knowledge and all official enactments and acts of the City,

such as (a) the General Plan; (b) the Oakland Municipal Code; (c) the Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable State and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at (a) the Planning and Building Department, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, and (b) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, First Floor, Oakland, California; and be it

FURTHER RESOLVED: That per standard City practice, if litigation is filed challenging this decision, or any subsequent implementing actions, then the time period for obtaining necessary permits for construction or alteration and/or commencement of authorized construction-related activities stated in any applicable conditions of approval or regulations is automatically extended for the duration of the litigation; and be it

FURTHER RESOLVED: That the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA,	
PASSED BY THE FOLLOWING VOTE:	
AYES – BROOKS, CAMPBELL-WASHINGTON, GA PRESIDENT GIBSON MCELHANEY	ALLO, GUILLEN, KALB, KAPLAN, REID AND
NOES -	
ABSENT -	
ABSTENTION -	, ,
	ATTEST:LaTonda Simmons City Clerk and Clerk of the Council of the City of Oakland, California

LEGAL NOTICE:

PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 17.136.090, THIS DECISION OF THE CITY COUNCIL IS FINAL IMMEDIATELY AND IS NOT ADMINISTRATIVELY APPEALABLE. ANY PARTY SEEKING TO CHALLENGE SUCH DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE DATE OF THIS DECISION, UNLESS A DIFFERENT DATE APPLIES.