

from the proposed project would be approximately 134,300 gpd, an increase of approximately 127,000 gpd over the existing on-site demand of 7,300 gpd. The proposed project would not change EBMUD's 2030 water demand projection and would not result in a new significant increase in water use. While the project would require water main extensions to create service connections to new buildings on each development site, which would be coordinated and financed by the project sponsors, the project would not exceed existing or projected water supply or result in the need for new or expanded water facilities.

In addition, the City's master planning for the distribution system that conveys potable water to customers takes into account future demand projected in the *Urban Water Management Plan*. Adequate capacity of existing water mains to accommodate increased demand generated by the proposed project would be assessed prior to approval of final development plans.<sup>23</sup> If line improvements are required due to the age and condition of the existing lines, upgrades would be made during the project construction period and would not be anticipated to result in significant environmental impacts. Increased water deliveries to the project site would not require additional storage or pumping capacity or require substantial modifications to the existing water lines located within the project site. As such, the proposed project would have a less-than-significant impact on water distribution infrastructure.

Additionally, minimum fire flow requirements (for the purpose of fighting fires) would be assessed at the time of project funding. As previously described, the OFD maintains a minimum fire flow standard of 1,500 gpm.

**(2) Wastewater Treatment and Collection.** The City of Oakland *Sanitary Sewer Design Guidelines* include average daily flow rates for specific types of development. The average daily flow rate for apartments/condominiums ranges between 150 and 250 gallons per day per unit (gpd/unit)<sup>24</sup> for residential uses and 100 gallons per day per 1,000 gross square feet of commercial uses. Average daily flow rates for the proposed project are shown in Table IV.J-1. As shown, development of the proposed project would result in the generation of approximately 134,250 gpd of wastewater (approximately 0.13 mgd).

Wastewater generated by the proposed project represents less than 0.07 percent of the MWWTP's secondary treatment capacity. This wastewater would be accommodated by the MWWTP, which is currently operating at 48 percent of its secondary treatment capacity. The increase in wastewater generated by the proposed project is not substantial in the context

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<sup>23</sup> Kirkpatrick, William R., 2007. Manager of Water Distribution Planning, East Bay Municipal Utility District. Letter to Charity Wagner, Contract Planner, City of Oakland. Comments on Revised Notice of Preparation of a Draft EIR for the MacArthur Transit Village Project. June 22.

<sup>24</sup> City of Oakland, 2005. *Public Works Agency Standards, Sanitary Sewer Design Guidelines*, Effective: November 2004, revised August 18.

of the entire volume of wastewater processed by EBMUD's Main Wastewater Treatment Plant. EBMUD has sufficient capacity to treat wastewater flows from the proposed project during dry weather<sup>25</sup> and would not require or result in construction of new wastewater treatment facilities or expansion of existing facilities. As such, the proposed project would have a less-than-significant impact on wastewater treatment facilities.

The proposed project would connect to existing 36-inch sanitary sewer lines located beneath 40<sup>th</sup> Streets and Telegraph Avenue. Wastewater would flow to 36-inch lines beneath 34<sup>th</sup> and 36<sup>th</sup> Streets, which empty into EBMUD's interceptors. The project site is located in Subbasin 50-01 and 50-04, and the City of Oakland PWA has indicated that these basins do not have enough capacity to take the project's projected sewer base flow. In response, PWA has indicated that the project sponsor would be required to pay for an off-site sewer rehabilitation project to off-set the increase in sewer flow.

The subbasin allocation system is the method by which EBMUD and the City of Oakland ensure that the City does not exceed its city-wide allocation as part of the Wet Weather program. The City has determined that with the proposed project it would exceed its subbasin allocation. Therefore, portions of unused allocation would be re-allocated, through coordination with agreements with EBMUD, to the relevant subbasins to accommodate the project's projected demand. As of the date of publication of this Draft EIR, this re-allocation has not occurred. As there is sufficient system-wide conveyance and treatment capacity dedicated to the City of Oakland, the fact that the project would cause Subbasin 50-01 and 50-04 to exceed its wet weather allocation prescribed by the City, is not a physical impact.

Implementation of the City's Stormwater and Sewer Standard Condition of Approval (see COA UTIL-2 on page 388) would ensure that the required impact fees are paid and no significant physical impacts occur.

In addition, all new and upgraded sanitary sewer infrastructure would be designed in accordance with the City's *Sanitary Sewer Design Guidelines* and would adhere to accepted

**Table IV.J-1 Projected Wastewater Generation**

Proposed Use	Number of Units/Square Footage	Generation Rate	Total GPD <sup>a</sup>
1-Bedroom Condo	203 Units	150 gpd	30,450
2-Bedroom Condo	382 Units	200 gpd	76,400
3-Bedroom Condo	90 Units	250 gpd	22,500
Commercial	44,000 Sq.Ft.	100 gpd per 1,000 Sq.Ft.	4,400
Community Space	5,000 Sq.Ft.	100 gpd per 1,000 Sq.Ft.	500
<b>Total</b>			<b>134,250</b>

<sup>a</sup>GPD = gallons per day.

Source: City of Oakland, 2005. *Public Works Agency Standards, Sanitary Sewer Design Guidelines*.

<sup>25</sup> Kirkpatrick, William R., 2007, op. cit.

engineering principles. In all newly developed areas and/or in all existing area where new sanitary sewers are required, the design is required to include the provisions that the sewer system size and capacity can adequately accommodate the ultimate anticipated conditions.

**(3) Storm Drainage.** The proposed project is not expected to substantially change the amount of impervious surface cover on the project site. However, new or reconfigured storm drainage facilities may be required to direct stormwater to the City-maintained storm drain located beneath Telegraph Avenue. The project applicant would comply with the City's *Storm Drainage Design Guidelines* and any facility improvements would be reviewed by the Public Works Agency as part of the standard approval process. Implementation of the City's Stormwater and Sewer Standard Condition of Approval (see COA UTIL-2 on page 388) would ensure that the construction of new or reconfigured storm drainage facilities would result in a less-than-significant impact.

**(4) Solid Waste.** The proposed project would be served by landfills with the capacity to handle solid wastes generated by both the demolition and operational phases of the proposed project.

As previously described, the CIWMB estimates an average waste generation rate of 2.5 pounds per 1,000 square feet per day for commercial uses and 5 pounds per multi-family residential unit per day. Although solid waste generation rates can vary substantially by specific use, these generation rates can be used to approximate the amount of waste that would be generated by the proposed project. The proposed project would result in the construction of up to 675 high density residential units and approximately 49,000 square feet of commercial uses (including a 5,000 square foot community center space). This would amount to an estimated addition of 3,498 pounds per day (approximately 1.75 tons per day) of solid waste. This represents less than 0.03 and 0.02 percent of the total daily permitted throughput for the Davis Street Transfer Station and the Altamont Landfill, respectively. The amount of solid waste generated by operation of the proposed project would not exceed the capacity of the Davis Street Transfer Station or the Altamont Landfill and would therefore not require the construction or expansion of landfill facilities. As such, operation of the proposed project would have a less-than-significant impact on solid waste facilities.

Demolition activities associated with the removal of existing structures, paved asphalt areas, and utilities would be subject to City of Oakland waste reduction and recycling requirements. Compliance with the City's Waste Reduction and Recycling Standard Condition of Approval (see COA UTIL-1 on page 387) and the Oakland Municipal Code Chapter 15.34, which requires implementation of a Recycling and Waste Reduction Plan for construction and demolition activities, would reduce the amount of waste generated during the construction phase of the proposed project.

In addition, California Waste Solutions currently provides recycling services to the project site. These services contribute to a reduction in solid waste generated by proposed development. The design and location of on-site recycling bins serving new development would be subject to City review and approval prior to issuance of building permits. The proposed project would comply with existing solid waste reduction requirements and would not violate applicable federal, State, and local solid waste statutes and regulations.

**(5) Energy.** The proposed project would be subject to Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings and would not violate applicable regulations related to energy standards. The proposed project is located in an area that currently receives electrical and natural gas services. Connecting new buildings to existing lines would involve relatively minor improvements to the existing energy infrastructure. Energy consumption would primarily be associated with the provision of housing and commercial uses on the site. The project components would not require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects. As such, the proposed project would have a less-than-significant impact on the provision of electrical services and energy consumption.

**c. Significant Utilities and Infrastructure Impacts.** The proposed project would not result in any significant impacts to utilities and infrastructure. Implementation of the City's Standard Conditions of Approval would ensure that potential impacts associated with storm drainage, sanitary sewer infrastructure, and demolition wastes are reduced to a less-than-significant level.

**d. Cumulative Utilities and Infrastructure Impacts.** The following paragraphs provide the cumulative analysis, including a description of the geographic area for each of the utility and infrastructure topics discussed above.

**(1) Water Supply and Distribution.** The geographic area considered for cumulative water supply impacts is the planning area for EBMUD as it is the water district that serves the City of Oakland and many other East Bay cities. As discussed above, EBMUD accounted for water demands associated with the project within the 2005 Urban Water Management Plan (UWMP), and has prepared a water supply assessment confirming that there is an adequate water supply and infrastructure to accommodate the proposed development together with past, present, existing, pending and reasonably foreseeable future development projects. The UWMP includes an analysis of past, present, existing, pending and reasonably foreseeable future development projects based on the Association of Bay Area Governments' (ABAG's) Projections 2005. Based on the ABAG Projections, the UWMP acknowledges that Oakland is continuing to see revitalization of its downtown area and additional redevelopment is forecasted, with the City of Oakland accounting for the largest share of Alameda County's household growth. The UWMP assumes that almost 45,000



households will be added to Oakland between 2000 and 2030. As a result, no significant cumulative impacts related to water are anticipated to occur.

(2) **Wastewater.** The geographic area considered for the wastewater treatment cumulative analysis is the City of Oakland as the City owns, operated and maintains the wastewater collection system for the City of Oakland. The project site is located within Sub-basin 50-01 and 50-04. EBMUD allocates a certain amount of sewer flow that may be discharged into the interceptor system. Each sub-basin encompasses a specific physical area, and its sewer flows are assigned to a single discharge point from the City's collection system into the EBMUD South Interceptor. The sub-basin allocation system is the method by which EBMUD and the City of Oakland ensure that the City does not exceed its city-wide allocation as part of the Wet Weather program. The City has determined that with the proposed project would exceed its sub-basin allocation. Therefore, portions of unused allocation would be re-allocated, through coordination with agreements with EBMUD, to the relevant sub-basins to accommodate the project's projected demand. As there is sufficient system-wide conveyance and treatment capacity dedicated to the City of Oakland, the fact that the project would cause Subbasin 50-01 and 50-04 to exceed its wet weather allocation prescribed by the City, is not a physical impact and it would not be considered a significant cumulative impact. The allocation system utilized enables EBMUD to ensure that the capacity of its wastewater transport and treatment system is adequate to serve past, present, existing, pending and reasonably foreseeable future development projects.

Inabilities to handle wet weather flows are also a concern of EBMUD. The City of Oakland implements an inflow and infiltration correction program (IICP) to reduce wet weather overflows into its sanitary sewer system. The IICP sets a maximum allowable peak wastewater flow from each sub-basin within the City. The IICP is expected to increase the capacity of the collection system to allow an approximately 20 percent increase in wastewater flows. The City's Public Works Department has stated that it can accommodate the Project-related increases in sewer flows, both under average dry-weather and peak wet weather conditions, within their existing sewage collection and transport system. Similarly, EBMUD has also stated that it can accommodate the projected increases in sewer flow within their wastewater treatment system. Furthermore, the City's implementation of its Standard Conditions of Approval and adherence to the provisions of the IICP would help decrease the amount of inflow and infiltration into the existing wastewater transport system. As a result, past, present, existing, pending and reasonably foreseeable future development projects are not anticipated to require or result in the construction of new wastewater treatment facilities or the expansion of existing facilities; as a result, no significant cumulative impact would occur.

(3) **Solid Waste.** The proposed project together with past, present, existing, pending and reasonably foreseeable future development projects would result in a net increase of solid waste. As discussed above, the waste generated by the proposed project would

amount to an estimated addition of 3,498 pounds per day (approximately 1.75 tons per day) of solid waste. This represents less than 0.03 and 0.02 percent of the total daily permitted throughput for the Davis Street Transfer Station and the Altamont Landfill, respectively. The amount of solid waste generated by operation of the proposed project together with past, present, existing, pending and reasonably foreseeable future development projects is would not exceed the capacity of the Davis Street Transfer Station or the Altamont Landfill and would therefore not require the construction or expansion of landfill facilities. The landfill is projected to have sufficient capacity to operate until at least 2031 and potential to operate through 2071, depending on waste flows and waste reduction measures. As such, the project would not result in a significant cumulative impact related to solid waste. Additionally, demolition activities associated with the removal of existing structures, paved asphalt areas, and utilities for development projects would be subject to City of Oakland waste reduction and recycling requirements. Compliance with the City's Waste Reduction and Recycling Standard Condition of Approval (see COA UTIL-1 on page 387) and the Oakland Municipal Code Chapter 15.34, which requires implementation of a Recycling and Waste Reduction Plan for construction and demolition activities, would help reduce the amount of waste generated during the construction of all new development projects.

**(4) Energy.** The proposed project together with past, present, existing, pending and reasonably foreseeable future development projects would increase demand for electricity and natural gas as land uses intensify and covert to higher density uses within the City of Oakland, but not to the extent that energy providers have identified a significant adverse cumulative impact. As discussed above, the project would be required to meet current state and local codes concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the City's Department of Building Inspection. The project therefore would not violate applicable statutes and regulations related to energy standards. No significant adverse cumulative energy impacts are expected and the project would not be expected to cause or contribute to any such impact.



## K. CULTURAL AND PALEONTOLOGICAL RESOURCES

The purpose of this section is to: (1) describe the baseline conditions for cultural and paleontological resources of the MacArthur Transit Village project area; (2) describe the legal significance of identified historic architectural, archaeological, and paleontological resources within the project area; and (3) identify potentially-significant impacts to such resources that may result from project implementation, and recommend mitigations to reduce significant impacts.

Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value for the historical significance they may possess. Cultural resources include a broad range of resources ranging from archaeological materials, to historic roadways and railroad tracks, to buildings of architectural significance. Generally, for a cultural resource to be considered a historical resource (i.e., eligible for listing in the California Register of Historical Resources) it must be 50 years or older.<sup>1</sup>

Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks.

CEQA requires that effects to cultural and paleontological resources be considered in the planning process for discretionary projects.

### 1. Cultural Resources Setting

This section presents the results of the cultural resources analysis conducted for the project area. The following sections provide: (a) regulatory setting; (b) methods of the analysis; (c) an overview of the area's historical setting; (d) a description of the existing conditions of project area cultural resources; and (e) an overview of the area's archaeological sensitivity.

**a. Regulatory Context.** The following describes the CEQA and the City of Oakland Historic Preservation Element of the General Plan regulatory and policy requirements for cultural resources.

**(1) CEQA Requirements.** In the City of Oakland, an "historical resource" under CEQA is a resource which meets any of the following criteria:

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<sup>1</sup> California Office of Historic Preservation, 2006:3. *California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)*. Technical Assistance Series No. 6. California Department of Parks and Recreation, Sacramento.

- A resource listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register);
- A resource included in Oakland's Local Register of historical resources, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- A resource identified as significant (e.g., rated 1-5) in a historical resource survey recorded on Department of Parks and Recreation Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- Meets the criteria for listing on the California Register of Historical Resources; or
- A resource that is determined by the Oakland City Council to be historically or culturally significant even though it does not meet the other four criteria listed here.

A historical resource consists of:

"Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.... Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources"  
*CEQA Guidelines* Section 15064.5(a)(3).

In accordance with *CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment. A substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The significance of a historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, a historical resource list.

CEQA requires a Lead Agency to determine if an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the Lead Agency must determine whether an archaeological cultural resource meets the definition of a historical resource in *CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, then it is treated like any other type of historical resource in accordance with *CEQA Guidelines* Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the lead agency determines if it meets the definition of a unique archaeological resource as defined

at CEQA Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.<sup>2</sup> Should the archaeological cultural resource meet the definition of a unique archaeological resource, then it must be treated in accordance with CEQA Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, then effects to the resource are not considered significant effects on the environment (*CEQA Guidelines* Section 15064.5(c)(4)).

California Health and Safety Code (HSC) Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Public Resources Code (PRC) Section 5097.5 provides for the protection of cultural and paleontological resources. This PRC section prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any public lands under the jurisdiction of State or local authorities.

**(2) Historic Preservation Element.** The Historic Preservation Element (HPE) of the Oakland General Plan presents goals, policies, and objectives that guide historic preservation efforts in Oakland. HPE policies define the criteria for legal significance that must be met by a resource before it is listed in Oakland's local register of historical resources, and would, therefore, be considered a historical resource under CEQA. Based on a city-wide preliminary architectural inventory, the Oakland Cultural Heritage Survey (OCHS), pre-1945 properties have been assigned a significance rating of A, B, C, D, or E and assigned a number (1, 2, or 3) which indicates its district status. The ranking system, described in Table IV.K-1, indicates a property's status as a historical resource and identifies those properties warranting special consideration in the planning process. The Individual Property Rating of a building is based on the following criteria:

Visual Quality/Design: Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.

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<sup>2</sup> Bass, Ronald E., Albert I. Herson, and Kenneth M. Bogdan, 1999:105. *CEQA Deskbook: A Step-by-Step Guide on how to Comply with the California Environmental Quality Act*. Solano Press Books, Point Arena, California.



**Table IV.K-1 Oakland Cultural Heritage Survey Significance Ratings**

Rating Level	Description
<b>A: Properties of Highest Importance</b>	This designation applies to properties considered clearly eligible for individual National Register and City Landmark designation. Such properties consist of outstanding examples of an important style, type, or convention, or intimately associated with a person, organization, event, or historical pattern of extreme importance at the local level or of major importance at the state or national level.
<b>B: Properties of Major Importance</b>	These are properties of major historical or architectural value but not sufficiently important to be rated "A." Most are considered individually eligible for the National Register, but some may be marginal candidates. All are considered eligible for City Landmark designation and consist of especially fine examples of an important type, style, or convention, or intimately associates with a person, organization, event, or historical pattern of major importance at the local level or of moderate importance at the state or national level.
<b>C: Properties of Secondary Importance</b>	These are properties that have sufficient visual/architectural or historical value to warrant recognition but do not appear individually eligible for the National Register. Some may be eligible as City Landmarks and are superior or visually important examples of a particular type, style, or convention, and include most pre-1906 properties
<b>D: Properties of Minor Importance</b>	These are properties which are not individually distinctive but are typical or representative examples of an important type, style, convention, or historical pattern. The great majority of pre-1946 properties are in this category.
<b>E, F, or *: Properties of No Particular Interest</b>	Properties that are less than 45 years old or modernized.
District Status	Description
1	A property in an Area of Primary Importance (API) or National Register quality district. An API is a historically or visually cohesive area or property group identified by the OCHS which usually contains a high proportion of individual properties with ratings of "C" or higher.
2	A property in an Area of Secondary Importance (ASI) or a district of local significance. An ASI is similar to an API except that an ASI does not appear eligible for the National Register.
3	A property not within a historic district.

Note: Properties with ratings of "C" or higher or are contributors to or potential contributors to an API or ASI are considered Potential Designated Historic Properties (PDHP) that may warrant consideration for preservation by the City. The OCHS has assigned some properties a contingency rating, indicated by a lower-case letter. A contingency rating is a potential rating under some condition, such as "if restored" or "when older" or "with more information."

History/Association: Association of person or organization, the importance of any event, association with patterns, and the age of the building.

Context: Continuity and familiarity of the building within the district.

Integrity and Reversibility: Evaluation of the building's condition, its exterior and interior alterations, and any structural removals.

The HPE also establishes the following policy with respect to historical resources under CEQA:

- Policy 3.8: For the purposes of environmental review under CEQA, the following properties will constitute the City of Oakland's Local Register:
  - All "Designated Historic Properties," i.e., those properties that are City Landmarks, which contribute to or potentially contribute to Preservation Districts, and Heritage Properties;
  - Those "Potential Designated Historic Properties" that have an existing rating of "A" or "B" or are located within an "Area of Primary Importance;"
  - Until complete implementation of Action 2.1.2 (Redesignation), the "Local Register" will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

The HPE includes other policies that seek to encourage the preservation of Oakland's significant historic resources within the context of balanced development and growth. These policies are presented below.

- Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions. The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary actions.
- Policy 3.4: City Acquisition of Historic Preservation Where Necessary. Where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or Potential Designated.

Historic Properties, or portions thereof, in order to preserve them. Such acquisition may be in fee, as conservation easements, or a combination thereof.

- Policy 3.5: Historic Preservation and Discretionary Permit Approvals. For any project involving the complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.
- Policy 3.7: Property Relocation Rather than Demolition. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties,

the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.

Although the HPE focuses primarily on built environment resources, prehistoric and historical archaeological resources are also considered under the following policy:

- **Policy 4.1: Archaeological Resources.** To protect significant archaeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas. This policy entails that mitigation measures are typically incorporated into the project as part of the environmental review process, which can include a surface reconnaissance by an archaeologist to identify archaeological deposits; monitoring of ground disturbance during construction to identify archaeological resources and stopping work if necessary to provide recommendations for the treatment of uncovered archaeological materials; and performing limited pre-construction archaeological excavations to determine whether archaeological materials are present.

**(3) City of Oakland's Standard Conditions of Approval.** The City's Standard Conditions of Approval relevant to this impact topic are listed below for reference. The conditions of approval will be adopted as requirements of the proposed project if the project is approved by the City to help ensure no significant impacts (for the applicable topic) occur, as a result they are not listed as mitigation measures.

**COA CULT-1: Archaeological Resources.** *Ongoing throughout demolition, grading, and/or construction*

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.

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.

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 shall 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.

**COA CULT-3: Paleontological Resources.** *Ongoing throughout demolition, grading, and/or construction*

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.

**b. Methods.** Background research for this cultural resources analysis included a records search, literature review, and consultation with the Native American Heritage Commission (NAHC) and historical organizations. This research was conducted to identify cultural resources studies of or cultural resource within or immediately adjacent to the project area, and to prepare the archaeological, ethnographic, and historical setting of the project area.

**(1) Records Searches.** A records search (File #06-1717) was completed at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, Rohnert Park, of the project area and a ¼-mile radius on

May 4, 2007. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official state repository of cultural resources records and reports for Alameda County.

As part of the records search LSA reviewed the following State of California inventories for cultural resources in and adjacent to the project area:

- *California Inventory of Historic Resources* (California Department of Parks and Recreation 1976);
- *Five Views: An Ethnic Historic Site Survey for California* (California Office of Historic Preservation 1988);
- *California Historical Landmarks* (California Office of Historic Preservation 1996);
- *California Points of Historical Interest* (California Office of Historic Preservation 1992);
- *Directory of Properties in the Historic Property Data File* (California Office of Historic Preservation March 28, 2007). The directory includes the listings of the National Register of Historic Places, National Historic Landmarks, the California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.

On May 22 and October 2 2007, records searches of the project area and adjacent buildings were conducted at the Oakland Cultural Heritage Survey (OCHS). The OCHS is a division of the Oakland Community and Economic Development Agency and has completed Historic Resources Inventory and/or California Department of Parks and Recreation 523 forms for numerous buildings and structures of historical interest throughout the City.

On May 16, 2007, LSA faxed a letter describing the project and a map depicting the project area to the Native American Heritage Commission (NAHC) in Sacramento requesting a review of their sacred land file for any Native American cultural resources that might be affected by the proposed project. The NAHC is the official state repository of Native American sacred site location records.

**(2) Literature Review.** LSA reviewed prehistoric, ethnographic, and historical literature and maps for information about the project area. Materials reviewed are listed in the Cultural Resources technical report available for review at the City of Oakland Community and Economic Development Agency.

**(3) Consultation.** Consultation with the Alameda County Historical Society and Oakland Museum occurred as follows:

**Alameda County Historical Society.** On May 16, 2007, LSA sent a letter describing the project and a map depicting the project area to the Alameda County Historical Society (Society) requesting information or concerns regarding historical sites in the project area. On June 6, 2007, LSA contacted the Society by telephone to determine if the organization

has any information or concerns about historical sites in the project area. The receptionist stated that the Society has no concerns or comments.

**Oakland Museum.** On May 16, 2007, LSA sent a letter describing the project and a map depicting the project area to Lori Fogarty, Executive Director of the Oakland Museum of California (Museum). On June 6, 2007, LSA made a follow-up phone call to Lori Fogarty. Ms. Fogarty's assistant stated that Ms. Fogarty did not have any concerns regarding the project, but would ask her to call if she does have concerns or questions. No call has been received from Ms. Fogarty to date.

**(4) Field Survey.** An architectural historian with LSA conducted field reviews to identify historical architectural resources in and immediately adjacent to the project area on May 23 and June 6, 2007.

The parking lot and buildings covering most of the project area precluded an effective archaeological survey, and an archaeological field survey was not conducted.

**c. Prehistoric and Ethnographic Settings.** The Paleo-Archaic-Emergent cultural sequence developed by Fredrickson<sup>3</sup> is commonly used to interpret the prehistoric occupation of Central California. The sequence consists of three broad periods: the Paleoindian Period (10,000-6000 B.C.); the three-staged Archaic Period, consisting of the Lower Archaic (6000-3000 B.C.), Middle Archaic (3000-500 B.C.), and Upper Archaic (500 B.C.-A.D. 1000); and the Emergent Period (A.D. 1000-1800).

The Paleo Period began with the first entry of people into California. These people probably subsisted mainly on big game, minimally processed plant foods, and had few or no trade networks. Current research, however, is indicating more sedentism, plant processing, and trading than previously believed. During the Lower Archaic, milling stones appear in abundance and hunting is less important than plant foods. Artifacts are made predominantly from local materials, suggesting that few if any extensive trade networks were established at this time. During the Middle Archaic, the subsistence base begins to expand and diversify with a developing acorn economy, as evidenced by the mortar and pestle, and the growing importance of hunting. Status and wealth distinctions are evidenced in the Upper Archaic archaeological record; regional exchange networks are well established at this time with exchange of goods and ideas, such as obsidian and Kuksu ceremonial practices involving spirit impersonations. Increasing social complexity continued during the Lower Emergent. Territorial boundaries were well established by this time with regularized inter-group exchanges involving more and varied goods, people, and ideas. Bow and arrow technology was also introduced. By the Upper Emergent, a monetary system based on the

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<sup>3</sup> Fredrickson, David A., 1974. Cultural Diversity in Early Central California: A View from the North Coast Ranges. *Journal of California Anthropology* 1(1):41-53.



exchange of clamshell disk beads was established. Native population reached its zenith during this time, as evidenced by high site densities and large village sites in the archaeological record.

Historically, archaeological excavations along the eastern San Francisco bayshore have focused on shellmounds. These sites contain a rich, diverse assemblage of dietary remains, artifacts, and human remains. Excavations at two major shellmounds near the project area—the Emeryville Shellmound, CA-ALA-309, and the West Berkeley Shellmound, CA-ALA-307—have helped refine our understanding of the Bay Area’s earliest inhabitants. Excavations at the Emeryville Shellmound<sup>4, 5, 6</sup> have identified hundreds of human burials, groundstone (e.g., mortars, pestles, and “charmstones”), flaked stone (e.g., obsidian and chert projectile points and flaking debris), bone tools, and dietary debris, including clams, mussels, oysters, and land and sea mammal bones. Uhle,<sup>7</sup> Nelson,<sup>8</sup> and Bennyhoff<sup>9</sup> have identified temporal changes in artifact types, dietary refuse, and human internments in multiple strata at the site. Excavations at the West Berkeley Shellmound<sup>10</sup> have identified an assemblage as diverse as the Emeryville Shellmound’s, with two cultural components at the site. The oldest component at the West Berkeley Shellmound is believed to predate 2000 B.C. and the earliest known occupation of the Emeryville Shellmound.<sup>11</sup>

Prior to the historic period, the project area was situated within territory occupied by Costanoan—also commonly referred to as Ohlone—language groups. Ohlone territories were comprised of one or more land holding groups that anthropologists refer to as “tribelets.” The tribelet, a nearly universal characteristic throughout native California, consists of a principle village, which was occupied year round, and a series of smaller

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<sup>4</sup> Nelson, Nels C., 1996. *Excavation of the Emeryville Shellmound, 1906: Nels C. Nelson’s Final Report*, transcribed and prefaced by Jack M. Broughton. Contributions of the University of California Archaeological Research Facility, Number 54. Berkeley.

<sup>5</sup> Schenck, W. Egbert, 1926. The Emeryville Shellmound Final Report. *University of California Publications in American Archaeology and Ethnology* 23(3):147-282. Berkeley.

<sup>6</sup> Uhle, Max, 1907. The Emeryville Shellmound. *University of California Publications in American Archaeology and Ethnology* 7(1):1-106. Berkeley.

<sup>7</sup> Ibid.

<sup>8</sup> Nelson, Nels C., 1996.

<sup>9</sup> Bennyhoff, James A., 1986. *The Emeryville Site, Viewed 93 Years Later*. In *Symposium: A New Look at Some Old Sites: Papers from the Symposium Organized by Francis A. Riddell*. Coyote Press Archives of California Prehistory 6:65-74. Coyote Press, Salinas, California.

<sup>10</sup> Wallace, William J., and Donald W. Lathrap, 1975. *West Berkeley (CA-ALA-307): A Culturally Stratified Shellmound on the East Shore of San Francisco Bay*. Contributions of the University of California Archaeological Research Facility, Number 29. Berkeley.

<sup>11</sup> Wallace, William J., and Donald W. Lathrap, 1975:55, 58.

hamlets and resource gathering and processing locations occupied intermittently or seasonally.<sup>12</sup> Populations of tribelets ranged between 50 and 500 persons and were largely determined by the carrying capacity of a tribelet's territory. According to Milliken,<sup>13</sup> the *Huchiun* tribelet occupied the Oakland area at the time of Spanish contact.

By the late eighteenth century, Spanish exploration and settlement of the Bay Area transformed Ohlone culture. Spanish settlers moved into northern California and established the mission system. Mission records indicate that the first *Huchiun* was baptized in 1787 with the first large group from that tribelet arriving at Mission San Francisco in the fall of 1794.<sup>14</sup> Following the secularization of the missions in 1834, many Ohlone worked as manual laborers on ranchos.<sup>15</sup>

**d. Historical Setting.** The project site is entirely within the Rancho San Antonio land grant, which was originally granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. His 43,000-acre rancho included what are now the cities of Oakland, Berkeley, Alameda, and parts of San Leandro and Piedmont. Peralta's land grant was confirmed after Mexico's independence from Spain in 1822, and this title was honored when California entered the Union by treaty in 1848. Despite this acknowledged title, squatters moved in to use the vast amounts of Peralta's undeveloped land. Cattle were stolen and slaughtered, and trees were removed by squatters and people traveling to and from the gold fields.<sup>16</sup> Peralta Hacienda Historical Park at 34<sup>th</sup> Avenue in Oakland incorporates the headquarters of Luis Maria Peralta's Rancho San Antonio.

In 1850, Andrew Moon, Horace W. Carpentier, and Edson Adams built a house on Peralta's property at the foot of Broadway, near the banks of an estuary. This house site was in what is now Jack London Square. Vicente Peralta attempted to legally evict the group, but eventually relented and allowed them to lease the land. Instead of complying with the terms of their lease, Moon, Carpentier, and Adams hired Julius Kellersberger, a Swiss engineer, to survey the land and lay out the town that became Oakland. The area was encompassed by Fallon, Market, First, and Fourteenth streets. The City of Oakland was incorporated in 1852, and officially recognized by the state in 1854.<sup>17</sup>

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<sup>12</sup> Kroeber, Alfred L., 1955. Nature of the Land-Holding Group. *Ethnohistory* 2:303-314.

<sup>13</sup> Milliken, Randall, 1995:243. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area, 1769-1810*. Ballena Press, Menlo Park, California.

<sup>14</sup> Milliken, Randall, 1995:243.

<sup>15</sup> Levy, Richard, 1978:486.

<sup>16</sup> Hoover, Mildred, Hero E. Rensch, Ethel G. Rensch, and William N. Abeloe, 1990:18-19. *Historic Spots in California*. Stanford University Press, Stanford, California.

<sup>17</sup> Ibid.

Oakland grew around its waterfront, with development limited only by the available modes of transportation. Steam ferry service to San Francisco was established in 1850, and by 1869 the first horse-car followed a route from the estuary up Telegraph Avenue to 40<sup>th</sup> Street. On November 8, 1869, the transcontinental railroad's first west bound trip rolled through Oakland along Central Pacific tracks, which terminated at the new 7<sup>th</sup> Street station. By 1891, Oakland's first street car ran along Broadway to the City of Berkeley.<sup>18</sup>

Subsequent to the devastation of the 1906 earthquake and fire in San Francisco, numerous refugees lived for months in tents set up in Lakeside Park on the shores of Lake Merritt. The influx of people to Oakland escaping the devastation from across the bay prompted the development of new residential areas in Oakland to accommodate displaced San Francisco residents. Older neighborhoods became more densely populated as new apartment buildings and related growth became part of Oakland's residential fabric.<sup>19</sup> Around this time, the project area became a more densely populated area, with new in-fill construction of residences on vacant lots.<sup>20</sup>

Throughout the 20<sup>th</sup> century, commercial enterprises and industrial development, particularly the Port of Oakland and the Oakland Municipal Airport, played a vital role in Oakland's growth. During World War II, the Port provided land and facilities to the Army and Navy. By 1943, Oakland had become the largest shipping center on the West Coast and within two decades was the largest container terminal on the West Coast. As suburbs grew outward during the 1950s, the inner core of the City began to decline as residents left for the outlying areas. The perception of Oakland, as with many large cities during the 1960s and 1970s, was that of a neglected urban core with high unemployment, racial tension, and reduced economic opportunity.<sup>21</sup> This trend began to reverse in the 1980s as reinvestment and redevelopment helped to invigorate the City's image and prospects. In 1995, California's "Golden Triangle," which included Oakland, San Jose and San Francisco, was named by *Fortune Magazine* as the best place to do business in the United States.<sup>22</sup>

**e. Existing Conditions.** The existing cultural resources conditions for this project are described below.

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<sup>18</sup> Oakland History Room of the Oakland Public Library, 2003. *Oakland History Timeline*, revised by the City of Oakland Community and Economic Development Agency <[www.oaklandnet.com/celebrate/historytimeline.htm](http://www.oaklandnet.com/celebrate/historytimeline.htm)>. Website accessed 9 January 2007.

<sup>19</sup> Woodbridge, Sally, 1984:11-12. Historical and Architectural Resources. In *Oakland Central District Development Program*. City of Oakland Planning Department, Oakland, California.

<sup>20</sup> Sanborn Fire Insurance Company Maps, 1902, 1911.

<sup>21</sup> Bagwell, Beth, 1982. *Oakland, Story of a City*. Presidio Press, Novato, California.

<sup>22</sup> Oakland History Room of the Oakland Public Library, 2003.

**(1) Records Search Results.** An overview of the records search results is provided below. A review of the Northwest Information Center (NWIC) database identified several cultural resource studies have been completed for seismic retrofit work on the BART system, including the MacArthur station.<sup>23, 24, 25, 26</sup> No prehistoric or historical archaeological sites are recorded within or immediately adjacent to the project area. The NWIC did not have any records of historical architectural resources in or immediately adjacent to the project area.

The *Directory of Properties in the Historic Property Data File* (March 28, 2007) was reviewed at the NWIC. The *Directory of Properties* indicates that the California Office of Historic Preservation (OHP) has assigned a Historical Resource Status Code of “6Y” to a building within the project area at 3901 Telegraph Avenue and a rating of “6Z” for a building adjacent to the project area at 3723 Telegraph Avenue. A 6Y Status Code indicates a property that was found ineligible for listing in the National Register by consensus through the Section 106 process but that the building was not evaluated for its eligibility for listing in the California Register or a local register of historical resources. A 6Z Status Code indicates a property that was found ineligible for the National Register, California Register, or Oakland Register through survey evaluation.

The project site includes seven existing buildings; five of these structures are included on the OCHS, as listed in Table IV.K-2. The building at 3875 Telegraph Avenue was under construction at the time of the OCHS survey in 1986 and has not been assigned a property rating by the City. Figure IV.K-1 shows the location of these buildings. None of the buildings are within or contributors to an historic district. The OCHS survey maps identify the buildings at 3901, -15, -17, -19, and -21 Telegraph Avenue and 526 and 544 West MacArthur Boulevard with a “✓” (check-mark), which indicates that these buildings were (1) less than 50 years old at the time of the OCHS survey, and/or (2) were preliminarily considered to be “D” rated properties at the time of the OCHS survey. D-rated buildings are considered to be Properties of Minor Importance under the City’s Historic Preservation

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<sup>23</sup> Caltrans, 2005a. *Archaeological Survey Report, BART Seismic Retrofit Project, Berkeley Hills Tunnel to Montgomery Street Station, Caltrans District 4, Alameda and San Francisco Counties, California*. California Department of Transportation, Oakland.

<sup>24</sup> Caltrans, 2005b. *Finding of No Adverse Effect, BART Seismic Retrofit Project, Berkeley Hills Tunnel to Montgomery Street Station, Caltrans District 4, Alameda and San Francisco Counties, California*. California Department of Transportation, Oakland.

<sup>25</sup> Caltrans, 2005c. *Historic Property Survey Report, BART Seismic Retrofit Project, Berkeley Hills Tunnel to Montgomery Street Station, Caltrans District 4, Alameda and San Francisco Counties, California*. California Department of Transportation, Oakland.

<sup>26</sup> Caltrans, 2005d. *Historical Resources Evaluation Report, BART Seismic Retrofit Project, Berkeley Hills Tunnel to Montgomery Street Station, Alameda and San Francisco Counties, California*. California Department of Transportation, Oakland.

**Table IV.K-2 Property Ratings/Historical Resource Status for Buildings Within Project Site**

Address	OCHS Rating	OHP Rating	Eligible for Historical Register?	CEQA Historical Resource?
1. 3875 Telegraph Avenue	Not Rated	Not Rated	No—Less than 50 years	No
2. 3901 Telegraph Avenue	D3	6Y	No	No
3. 3915, -17, -19, -21 Telegraph Avenue	D3	Not Rated	No	No
4. 526 West MacArthur Boulevard	✓	Not Rated	No	No
5. 544 West MacArthur Boulevard	✓	Not Rated	No	No

Note: OHP = Office of Historic Preservation.

Source: OCHS, 2007.

Element. The property ratings and historical resource status of buildings within the project area are summarized in Table IV.K-2.

The property ratings and historical resource status of buildings immediately adjacent to the project area are summarized in Table IV.K-3 and the locations are shown in Figure IV.K1. None of these buildings are listed in the Oakland Register, although, as indicated on the OCHS survey map, the building at the southwest corner of 40<sup>th</sup> Street and Telegraph Avenue intersection (3927, -29, -31, and -33 Telegraph Avenue) may qualify as a “B” rated property and would therefore qualify for listing in the Oakland Register. None of the buildings immediately adjacent to the project area are within or contributors to a recorded historic district.

Katy Sanchez, Native American Heritage Commission Program Analyst, responded in a faxed letter on May 16, 2007, that a review of the sacred land file did not indicate any “Native American cultural resources in the immediate project area.”

**(2) Prehistoric and Historical Archaeological Resources.** A review of the NWIC database did not indicate the presence of recorded prehistoric or historical archaeological deposits or ethnographic sites in or immediately adjacent to the project area. Background research did, however, indicate the possibility of subsurface historical archaeological deposits that predate the construction of the BART station and State Route 24 (SR-24). (See Historic Archaeological Sensitivity section below.)

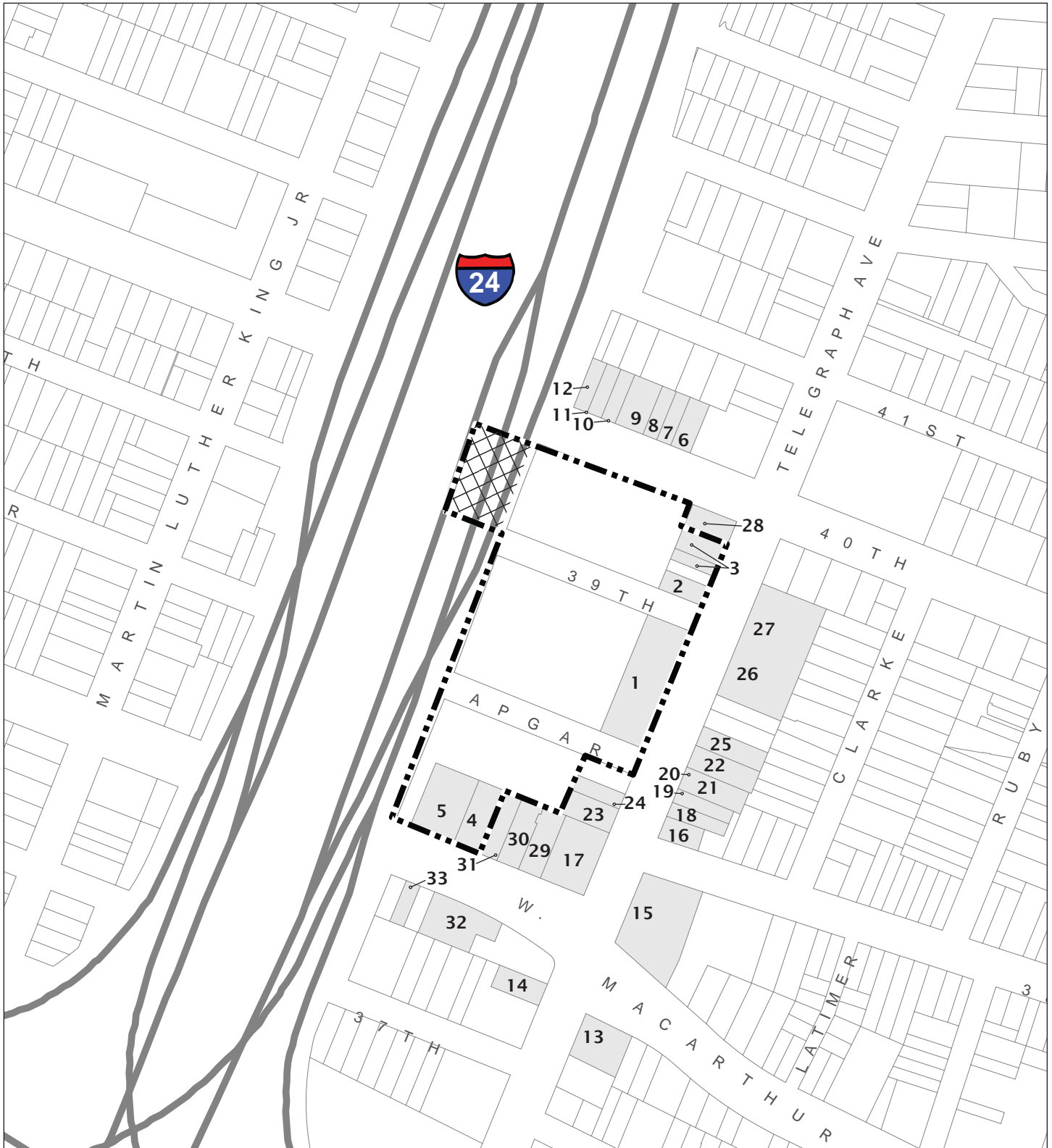


FIGURE IV.K-1

## Legend

-  Project site
-  BART Plaza
-  Parcel lines



**MacArthur Transit Village Project EIR**  
**OCHS Properties Within and**  
**Adjacent to the Project Site**

SOURCE: CITY OF OAKLAND, 2005.

N:\1407011 MacArthur BART Transit Village EIR\Graphics\MacArthur BART EIR Graphics Files\figures (11/07/07)



**Table IV.K-3 Property Ratings/Historical Resource Status for Buildings Adjacent to Project**

Address	OCHS Rating	OHP Rating	Eligible for Historical Register?	CEQA Historical Resource?
6. 518 40 <sup>th</sup> Street	✓	Not Rated	No	No
7. 522 40 <sup>th</sup> Street	✓	Not Rated	No	No
8. 526 40 <sup>th</sup> Street	✓	No Rated	No	No
9. 530 40 <sup>th</sup> Street	✓ <sup>a</sup>	Not Rated	No	No
10. 542 40 <sup>th</sup> Street	✓	Not Rated	No	No
11. 548 40 <sup>th</sup> Street	✓	Not Rated	No	No
12. 554 40 <sup>th</sup> Street	✓	Not Rated	No	No
13. 3720 Telegraph Avenue	✓	Not Rated	No	No
14. 3723 Telegraph Avenue	✓	6Z	No	No
15. 3770 Telegraph Avenue	✓	Not Rated	No	No
16. 3800 Telegraph Avenue	Cb+	Not Rated	No	No
17. 3801 Telegraph Avenue	✓	Not Rated	No	No
18. 3810 Telegraph Avenue	✓	Not Rated	No	No
19. 3816 Telegraph Avenue	Dc3	Not Rated	No	No
20. 3820, -22, and -24 Telegraph Ave.	✓	Not Rated	No	No
21. 3830 Telegraph Avenue	✓	Not Rated	No	No
22. 3832 Telegraph Avenue	✓	Not Rated	No	No
23. 3833 Telegraph Avenue	✓ <sup>b</sup>	Not Rated	No	No
24. 3837, -39, -41, and -43 Telegraph	C3	Not Rated	No	No
25. 3838 and -40 Telegraph Avenue	✓	Not Rated	No	No
26. 3900 Telegraph Avenue	F	Not Rated	No	No
27. 3910-36 (even numbers)	✓	Not Rated	No	No
28. 3927, -29, -31, and -33 Telegraph	C3/B3 <sup>c</sup>	Not Rated	Unknown	Unknown
29. 508, -10 W. MacArthur	✓	Not Rated	No	No
30. 514 W. MacArthur	Dc3	Not Rated	No	No
31. 518 W. MacArthur	C3	Not Rated	No	No
32. 531 W. MacArthur	✓	Not Rated	No	No
33. 537, -39, -43, and -45 MacArthur	C3	Not Rated	No	No

Notes: OHP = Office of Historic Preservation.

✓ = Building was (1) less than 50 years old at the time the OCHS survey, and/or (2) was preliminarily considered to be "D" rated at the time of the OCHS survey.

<sup>a</sup> This building has a possible property rating of Dc3, as indicated on the OCHS survey map.

<sup>b</sup> This building has a possible property rating of C, as indicated on the OCHS survey map.

<sup>c</sup> This building was assigned a C3 property rating by OCHS. A marginal note on the OCHS survey map states, however, that "surely this [building] is a B!".

**Prehistoric Archaeological Sensitivity.** A predictive model for subsurface prehistoric archaeological deposits was completed for the BART seismic retrofit project in 2005 that is relevant for determining the potential for encountering subsurface prehistoric archaeological deposits in the project area.<sup>27</sup> This model was developed using site location data, information from recent archaeological investigations in the vicinity, soils and geological maps, and historical maps showing pre-urbanization creek pathways and bay shoreline. Based on the distribution of prehistoric archaeological sites recorded in the vicinity of the BART system in the Oakland area, it was determined that prehistoric sites were located within 623 feet from water (e.g., creeks, marshes, and shoreline). The MacArthur BART station does not fall within 623 feet of an unmodified course of a creek, marsh, or shoreline and is, therefore, in an area of low sensitivity for subsurface prehistoric archaeological deposits.<sup>28</sup>

**Historic Archaeological Sensitivity.** A sensitivity assessment was done of the project area to determine the likelihood of project activities encountering potentially-significant subsurface historical archaeological deposits. The assessment consisted of a review of Sanborn Fire Insurance maps to identify non-extant buildings that were in the project area and that may have a subsurface archaeological component (e.g., hollow-filled features, trash deposits, and foundations). This information was used to predict the type and nature of archaeological remains that may be within the project area.

Documentary research indicates that historical archaeological deposits within the project area will most likely include archaeological remains representing residential and commercial land use. The review of Sanborn Fire Insurance maps dating from 1902 to 1951 indicates that the project area was predominately residential for the first half of the twentieth century. In 1902, approximately half of the lots in the project area were occupied by residences, with two stores and a saloon fronting Telegraph Avenue between 39<sup>th</sup> and 40<sup>th</sup> streets. By 1911 additional residences and apartments had been built on vacant lots in the project area. The largest occupied lot in the project area by 1911 contained a two-story dwelling, garage, green house, and windmill and tank northwest of the intersection of Telegraph Avenue and Apgar at the current location of the Surgery Center and parking lots. This lot roughly corresponds to the "site of Apgar Mansion" as depicted on the OCHS survey maps. Businesses were located along Telegraph Avenue, including the previously mentioned saloon and a recently constructed carpenter shop at the approximate location where the parking lot at 3911 and building at 3915 Telegraph Avenue are today. By 1951, lots in the project area were still mostly occupied by residences and apartments, with the exception of lots along Telegraph Avenue, which were mostly occupied by businesses, including a tamale factory at the current location of the Surgery Center, a drive-in restaurant (now Lee's Auto

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<sup>27</sup> Caltrans, 2005a.

<sup>28</sup> Caltrans, 2005a:33.

Laundry), a furniture shop (currently a parking lot at 3911 Telegraph Avenue), and the present-day storefronts at 3915, -17, -19, and -21 Telegraph Avenue.

An aerial photograph from 1969 shows that portions of the project area had been graded, and many of the residences and associated buildings in the project area had been demolished or removed from the site for construction of the BART parking lot and station, and SR-24, which resulted in the parking lot area being excavated approximately 5 to 13 feet<sup>29</sup> below street grade.<sup>30</sup> Although the site has been previously graded and excavated; there is still some potential for intact subsurface archaeological deposits associated with the demolished buildings in the project area.

**(3) Historical Architectural Resources.** The project area includes buildings over 45 years old.<sup>31</sup> This section summarizes the National Register and California Register eligibility of the buildings in the project area and whether these buildings are listed in Oakland's Local Register of Historical Resources (Oakland Register).

Four parcels in the project area at 012-0967-049-01 (515 Apgar Street), 012-0968-055-01 (516 Apgar Street), 012-0969-053-02 (3911 Telegraph Avenue), and 012-0969-053-03 (532 39<sup>th</sup> Street) consist of modern asphalt parking lots used by BART commuters and adjacent businesses. These parking lots do not meet the minimum age requirements to qualify for listing in either the California or National registers nor do they otherwise qualify as historical resources under CEQA. The parcel at 012-0968-003-01 (3875 Telegraph Avenue) consists of a ca. 1987 medical building. This building does not meet the minimum age requirements for listing in either the California or National register nor does it otherwise qualify as an historical resource under CEQA.

**(#4) 526 West MacArthur Boulevard (Rio Motel).** The single, multi-unit building at 526 West MacArthur Boulevard (parcel number 012-0967-009-00) is in a dense residential and light commercial area. The period of significance for this building is from 1956 in the local context of post World War II automobile related lodging in Oakland and the Bay Area. Known as the "Rio Motel," this is a three-story, multi-unit wood framed, ell-shaped building with individual rooms, a parking area to the rear of the property, and an attached manager's

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<sup>29</sup> The BART parking lot was excavated approximately 5 to 13 feet below street grade in the late 1960s.

<sup>30</sup> Mitchell, William A., and Glenn S. Young, 2002:7. Phase I Environmental Site Assessment, MacArthur BART Transit Village Project, Oakland, California. SCI Subsurface Consultants, Inc, Oakland.

<sup>31</sup> The State of California Office of Historic Preservation recommends documenting, and taking into consideration in the planning process, any cultural resource that is 45 years or older (California Office of Historic Preservation 1995:2).

office. It is located on the north side of West MacArthur Boulevard and faces south. The building, constructed in 1956, is 51 years old, and is one of two motels located on the project site. The motel displays traits of Modern architectural style, prominent in the United States from approximately 1935 to the present.



*526 West MacArthur Boulevard*

The OCHS did not assign a property rating to the Rio Motel as it was less than 50 years old at the time of its survey in 1986. The California Office of Historic Preservation (OHP) has not assigned a Historical Resource Status Code to the building. The building meets the minimum age requirement (50 years) for listing in the California and National registers, but lacks integrity of design, materials, and workmanship, due to structural alterations after the period of significance. The Rio Motel is not significant under any criterion for listing in either the California Register or National Register. The Rio Motel is not listed in the Oakland Register nor does it otherwise constitute an historical resource for purposes of CEQA.

**(#5) 544 West MacArthur Boulevard (Sleepy Hollow Motel).**

The single, multi-unit building at 544 West MacArthur Boulevard (parcel number 012-00967-010-01) is located in a dense residential and light commercial area. The period of significance for this building is in 1955 in the local context of automobile related lodging in Oakland and the Bay Area. Known as the "Sleepy Hollow Motel," it is a two-story U-shaped building with individual rooms and an attached manager's office at the south, street facing, facade. The Sleepy Hollow Motel surrounds a common paved courtyard to accommodate guest parking. The motel is located on the north side of West MacArthur Boulevard and faces south. The building was constructed in 1955, is 52 years old, and is one of two motels on the project site. The motel displays a vernacular or homogenized motel style with elements of Spanish or Mission Revival.



*544 West MacArthur Boulevard*

The OCHS did not assign a property rating to the Rio Motel as it was less than 50 years old at the time of its survey in 1986. The OHP has not assigned a Historical Resource Status Code to the building. The building meets the minimum age requirement (50 years) for listing in the California and National registers, but lacks sufficient integrity of design, setting, materials, and workmanship due to later structural alterations. The Sleepy Hollow Motel is not significant under any criterion for listing in either the California Register or National Register. The Sleepy Hollow Motel is not listed in the Oakland Register nor does it otherwise constitute an historical resource for purposes of CEQA.

**(#2) 3901 Telegraph Avenue (Lee's Auto Laundry).** This structure is located at 3901 Telegraph Avenue (parcel number 012-0969-004). It is a single story commercial structure located on the west side of Telegraph and faces east. The period of significance for this building is 1946 to 1956 in the context of the rise of the automobile following World War II. Called Lee's Auto Laundry, the structure is made of wood and brick and



*3901 Telegraph Avenue*

prominently features a curved front façade with a wide flat overhang. The structural layout and features suggest an Art Moderne building, a style in use from the mid 1930s to the late 1940s. Art Moderne architectural characteristics include the use of rounded corners, a flat roof with a deep curved canopy, a smooth wall finish, and the placement of horizontal bands of windows creating a streamlined look that evokes a feeling of movement or speed. This building was built after 1945, making it a later expression of Art Moderne.

The OCHS assigned Lee's Auto Laundry a 'D' rating, indicating that it is a building of Minor Importance. In March 2006, the California OHP assigned a rating of 6Y to the building, indicating that it was found ineligible for listing in the National Register by a consensus determination through the Section 106 process. The building meets the minimum age requirement (50 years) for listing in the California and National registers, but subsequent changes in ownership, purpose, and necessary maintenance have diminished distinctively unique Art Moderne decorative elements such as signage, lighting, and curvilinear decorative accents. Integrity of design is compromised with a currently larger rear service-oriented section than the original, which results in the front curved section out of original proportion. Integrity of materials is lost with modern siding, windows, and filled in window casements on the south or 39<sup>th</sup> Street facing façade. The building is not significant under any criterion for listing in either the California Register or National Register. Lee's Auto Laundry is not listed in the Oakland Register nor does it otherwise constitute an historical resource for purposes of CEQA.



**(#3) 3915, -17, -19, and -21 Telegraph Avenue (Abyssinia Market, Bin's Coffee and Tea, Chef Yu Chinese Restaurant, and Braids by Betty).** This building is a joined single story commercial block building located on the east side of Telegraph Avenue (parcel numbers 012-0969-003-01 and 012-0969-002-00). The period of significance for these buildings is 1914 to 1940 in the context of local commercial development. The string of individual stores encompassing 3915, 3917, 3719, and 3721 Telegraph was originally constructed as a single three store facility in 1914 for W.M. MacKinnon, who commissioned local carpenter C.M. Maloof to build the structure. Records indicate the architect as a "J.W." (no last name is given). The research did not indicate information that MacKinnon or Maloof were historically significant. With the exception of 3915 Telegraph, which is a two-story, the buildings are single story with low pitched roofs behind false fronts of varying design and height. They are commercial vernacular and display no significant architectural design or style.

The OCHS assigned the commercial building block at 3915, 3917, 3919, and 3921 Telegraph Avenue a 'D' rating, indicating that it is a building of Minor Importance. The OHP has not assigned a Historical Resource Status Code to the building. The building meets the minimum age requirement (50 years) for listing in the California and National registers, but the building's integrity of original style, form, materials, and workmanship is lost due to decades of alterations that include new windows, siding, signage, and the addition of "Permastone" to the main façade. These alterations have covered up the original structural style and appearance. The building is not significant under any criterion for listing in either the California Register or National Register. The commercial building block is not listed in the Oakland Register nor does it otherwise constitute an historical resource for purposes of CEQA.



*3915, 3917, 3919, and 3921 Telegraph Avenue*

## **2. Paleontological Resources Setting**

This section presents the results of a paleontological resources study conducted for the project. The following sections provide: (1) the study methods, and (2) a brief description of the project area's geological and paleontological setting.

**a. Methods.** The paleontological resources study consisted of: (1) a fossil locality search conducted by staff at the Museum of Paleontology at the University of California, Berkeley (UCMP) to identify paleontological resources within or adjacent to the project area; and (2) a



review of literature on file at LSA to determine the geological and paleontological history of the project area.

**(1) Fossil Locality Search.** A fossil locality search was conducted on May 8, 2007, by the staff at the University of California Museum of Paleontology (UCMP), Berkeley. No fossil localities were identified within or adjacent to the project area. The locality search identified 20 fossil localities within a 10-mile radius of the project area. These localities contain a wide variety of specimens from the Pleistocene, such as giant ground sloths, horses, bison, deer, mammoths, mastodons, short-faced bears, camels, rodents, reptiles, amphibians, birds, and fish.

**(2) Literature Review.** LSA reviewed paleontological and geological literature relevant to the project area and its vicinity. This review identified the project area as being underlain by Holocene-aged (present to 10,000 years old) alluvial fan deposits, as well as Pleistocene alluvial fan deposits.<sup>32</sup> The Pleistocene alluvial fan deposits are sensitive for significant paleontological resources, and underlie the Holocene-aged alluvial fan deposits present in the project area at an unknown depth.

**b. Paleontological Setting.** The project area is situated on Holocene-aged (present to 10,000 years old) alluvial deposits. Due to the recent age of such deposits, this alluvium is not sensitive for paleontological resources. Underlying the Holocene alluvium at an unknown depth is Pleistocene-aged (10,000 to 1.5 million years old) alluvium, which is sensitive for significant paleontological resources. The Franciscan Assemblage, which composes much of the hills east of Oakland, is probably the project area's deepest formation. The geologic formations, from youngest to oldest, are described below.

**(1) Soils.** The project area consists of urban land soils of the Danville Complex.<sup>33</sup> Danville soils are derived from sedimentary sources and tend to be very deep and well drained, and urban soils have been heavily altered or mixed by construction activities.

**Holocene Alluvial Fan Deposits (present to 10,000 years old).** These deposits are brown to tan, dense gravelly sands that grade upward to silty clay. These surficial deposits

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<sup>32</sup> Graymer, R.W., 2000. Geologic Map and Map Database of the Oakland Metropolitan Area, Alameda, Contra

Costa, and San Francisco Counties, California. U.S. Geological Survey, Miscellaneous Field Studies MF-2342. U.S.

Geological Survey, Washington D.C.

<sup>33</sup> Welch, Lawrence E., 1981:25. *Survey of Alameda County, California, Western Part*. United States Department of Agriculture, Soil Conservation Service, Washington D.C.

cover the majority of the Oakland metropolitan area, and are too young to contain significant paleontological resources. These deposits may be as much as 10 feet deep or more.

**Pleistocene Alluvial Fan Deposits (10,000 to 1.5 million years old).** This very thick layer of alluvium is probably present the project area. Nearby studies have shown it to be at least 150 feet thick,<sup>34</sup> but there is no data on the thickness of the overlying Holocene alluvial deposits in the project area. This alluvium is weakly consolidated and irregularly inter-bedded with clay, silt, sand, and gravel, and can locally contain fossils of fresh water gastropods and bivalves, and such Pleistocene mega-fauna as horse, camel, bison, sloth, and mammoth.<sup>35,36,37</sup>

**Franciscan Assemblage (65 to 144 million years old).** The Franciscan Assemblage is a formation of various igneous and sedimentary rocks formed in the Cretaceous period, and forms the deepest geological formation of the project area. It is buried under at least hundreds of feet of sediments. It has been known to contain radiolarian fossils in its chert layers, as well as marine invertebrate fossils and trace fossils in other sedimentary layers.<sup>38,39,40,41</sup> It is not known for containing vertebrate fossils.<sup>42,43</sup>

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<sup>34</sup> Graymer, R.W., op. cit.

<sup>35</sup> Bell, C.J., E.L. Lundelius, Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez, Jr., H.S. Semken, Jr., S.D. Webb, and R.J. Zakrzewski, 2004. The Blancan, Irvingtonian, and Rancholabrean Mammal Ages. In *Late Cretaceous and Cenozoic Mammals of North America*, edited by M.O. Woodburne, pp. 232-314. Columbia University Press, New York.

<sup>36</sup> Helley et al., op. cit.

<sup>37</sup> Savage, D.E., 1951. *Late Cenozoic Vertebrates of the San Francisco Bay Region*. University of California Bulletin of the Department of Geological Science 28(10):215-314. Berkeley.

<sup>38</sup> Armstrong, C.F., and Kathy Gallagher, 1977. Fossils from the Franciscan Assemblage Alcatraz Island. *California Geology* 30:134-135.

<sup>39</sup> Little, Crispin T.S., Richard J. Herrington, Rachel M. Haymon, Taniel Danelian, 1999. Early Jurassic Hydrothermal Vent Community from the Franciscan Complex, San Rafael Mountains, California. *Geology* 27(2):167-170.

<sup>40</sup> Miller III, William, 1989. Paleontology of Franciscan Flysch at Point Saint George, Northern California. In *Geologic Evolution of the Northernmost Coast Ranges and Western Klamath Mountains, California: 28<sup>th</sup> International Geological Congress, Field Trip Guidebook T308*, edited by K.R. Aalto and G.D. Harper, pp. 47-52. American Geophysical Union, Washington D.C.

<sup>41</sup> Schlocker, Julius, 1974. *Geology of the San Francisco North quadrangle, California*. U.S. Geological Survey Professional Paper 782. U.S. Geological Survey, Washington D.C.

<sup>42</sup> Armstrong and Gallagher, op. cit.

<sup>43</sup> Camp, C.L., 1942. Ichthyosaur Rostra from Central California. *Journal of Paleontology* 16(3):362-371.

### 3. Impacts and Mitigation Measures

Implementation of the proposed project has the potential to significantly impact cultural and paleontological resources. Impact avoidance is the most desirable option, but this is not always feasible in a densely-built and populated urban area such as Oakland. If avoidance is not feasible, mitigation measures must be implemented that will offset significant impacts or reduce them to a less-than-significant level.

Project activities that have the potential to significantly impact cultural and paleontological resources include: (1) soil excavation and grading for semi-subterranean parking facilities and building utilities; (2) demolition of existing buildings; (3) construction of new buildings; and (4) enhancement of lighting and streetscape features on street frontages around the project area.

Potentially-significant impacts to paleontological and cultural resources that may occur as a result of project implementation are discussed below. Mitigation measures are then provided to reduce impact significance, where possible, to less-than-significant levels.

**a. Criteria of Significance.** Implementation of the project would have a significant impact on cultural and paleontological resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5. Specifically, substantial adverse changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired”. The significance of a historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, a historical resource list.

In the City of Oakland, an historical resource under CEQA is a resource that meets any of the following criteria:

- (1) A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources;
- (2) A resource included in Oakland’s Local Register of historical resources (defined below), unless , the preponderance of evidence demonstrates that it is not historically or culturally significant;
- (3) A resource identified as significant (e.g., rated 1-5) in a historical resource survey recorded on Department of Parks and Recreation Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;

(4) Meets the criteria for listing on the California Register of Historical Resources; or

(5) A resource that is determined by the Oakland City Council to be historically or culturally significant even though it does not meet the other four criteria listed here.

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

The City of Oakland's Local Register (Historic Preservation Element Policy 3.8) includes the following:

- All Designated Historic Properties (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties); and
- Those Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.

**b. Less-than-Significant Cultural and Paleontological Resources Impacts.** The following describes the cultural and paleontological less-than-significant impacts. The project will not have a significant impact on historical architectural resources as none of the buildings in the project area qualify as historical resources under CEQA.

**(1) Prehistoric Archaeological Materials.** The project area is not in an area considered to be of high sensitivity for prehistoric archaeological materials. Nonetheless, the possibility of encountering such materials during ground-disturbing activities cannot be ruled out. Implementation of the City's Archaeological Resources Standard Condition of Approval (see COA CULT-1 on page 402 for treatment of the accidental discovery of archaeological deposits would reduce project impacts to a less-than-significant level.

**(2) Archaeological Resources.** Prior to the construction of SR-24 and the MacArthur BART station, the project area was primarily occupied by homes, apartments, and commercial establishments (Sanborn Fire Insurance Company 1902, 1911). Although grading for and construction of the MacArthur BART station and facilities may have removed or adversely affected the integrity of deposits associated with the historical neighborhood, the project area still has the potential to contain subsurface historical archaeological deposits associated with these former buildings. Such deposits may include wood, stone, concrete, footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

Implementation of the City's Standard Archaeological Resources Condition of Approval (see COA CULT-1 on page 402 for treatment of the accidental discovery of historical archaeological resources during demolition grading and construction would ensure no significant impacts would occur.

**(3) Historical Resources.** No historical resources exist on the project site as described in detail in the Cultural Resources technical report available for review at the City of Oakland Community and Economic Development Agency. A building adjacent to the project site (3927, -29, -31, and -33 Telegraph Avenue) at the southwest corner of the Telegraph Avenue/40<sup>th</sup> Street intersection may qualify as an historical resource under CEQA since it is possibly a B-rated property (a property of Major Importance as defined in the City's HPE), as indicated on the OCHS survey map.

The proposed project will not demolish, destroy, or relocate the building at the southwest corner of the Telegraph Avenue and 40<sup>th</sup> Street intersection. The project's construction of the Block A development will; however, affect this building's immediate surroundings due to the proximity and scale of the new construction to the historical resource. Effects will occur from new construction to the west and south, within approximately 5 feet of the historical resource, which will be from 10 to 20 feet taller than the existing historical building. The proximity of the proposed construction may detract somewhat from the existing streetside view of a historical building southwest of the Telegraph Avenue/40<sup>th</sup> Street intersection.

These project effects on the building at the southwest corner of the Telegraph Avenue/40<sup>th</sup> Street intersection; however, will be less than significant. The historical building is not within or adjacent to an historic district and existing adjacent construction consists of modern or older buildings whose appearance and historical integrity have been greatly altered from modern remodels and additions (e.g., 3915, -17, -19, and -21 Telegraph Avenue), and currently have the appearance of modern buildings. Modern, post-ca. 1970 construction is visible from the Telegraph Avenue/40<sup>th</sup> Street intersection, including the MacArthur BART station, parking lots, a medical office building at 3875 Telegraph Avenue, and elevated roadways to the west. While the proposed project will change the overall setting and configuration of the neighborhood adjacent to the historical building, these effects will not result in significant new alterations to the historical values of the existing urban streetscape.

**(4) Paleontological Resources.** The Pleistocene sediments that underlie the project area are sensitive for the occurrence of significant, nonrenewable paleontological resources. Excavation could inadvertently damage such resources and result in a significant adverse impact. The City's Standard Paleontological Resources Condition of Approval (see COA CULT-1 on page 402) will ensure no significant paleontological impacts would result.

**(5) Human Remains.** The proposed project is not anticipated to disturb human remains. Nonetheless, the possibility of encountering human remains during ground-disturbing activities cannot be ruled out. Implementation of the City's Human Remains Standard Condition of Approval (see COA CULT-2 on page 403 for the treatment of human remains would reduce project impacts to a less-than-significant level.

**c. Significant Cultural and Paleontological Resources Impacts.** No significant impacts to cultural resources would result from implementation of the project.

**d. Cumulative Cultural and Paleontological Resources Impacts.** The geographic area considered for the cultural and paleontological resources cumulative analysis is the City of Oakland. Construction activities associated with the proposed project and past, present existing, pending and reasonably foreseeable future projects could result in significant impacts to archaeological, historic and paleontological resources, and human remains. However, like the proposed project, past, present and future projects have or would be subject to the City's Standard Conditions of Approval designed to protect cultural and paleontological resources. The conditions of approval also include provisions to ensure the discovery of human remains is reported to the proper authorities. The proposed project would not result in the demolition of significant historic architectural resources. Therefore, the proposed project together with the impact of past, present and reasonably foreseeable future development would not contribute to a cumulative cultural or paleontological resources impact.





## L. AESTHETIC RESOURCES

This section evaluates the effects of the MacArthur Transit Village Project on the visual and aesthetic resources in the vicinity of the project site. The analysis also considers the proposed project's consistency with applicable visual resources-related policies.

This section is based on: (1) field surveys of the project site that were conducted in the summer of 2007; (2) a review of the data provided by the City and the project applicant, including aerial photographs, site plans, and planning documents; and (3) visual simulations that show "before" and "after" representations of the proposed project. Visual simulations, based on schematic drawings of the proposed project, were prepared for six representative public vantage points in the vicinity of the project site. The visual simulations are intended to convey a realistic impression of the project in terms of building location, scale and massing. However, because the architectural details of the proposed structures have not been finalized, the simulations do not portray the exact architectural design of the proposed project.

### 1. Setting

The following section includes a description of the visual quality of the project site and its surroundings, and views in the vicinity of the site.

**a. Local Context.** The physical environment immediately around the project site is characterized by low rise buildings ranging in height from one to three stories. Building setbacks from the street vary from no setback to setbacks that have parking areas in the front of the building. On-street parking is allowed on both sides of the streets. There are a number of prominent billboards within the vicinity of the project site. Existing land uses in the area are varied, and include commercial, public, and residential uses along major streets in the area. Single-family, duplex, and multi-family residential uses are the predominate uses on the local streets.

**b. Visual Character of the Site.** The project site can be generally described by three visual components: the BART parking lot and Frontage Road; the BART plaza; and the existing structures along Telegraph Avenue and West MacArthur Boulevard. These three components are described in more detail below.

**(1) BART Parking Lot.** The existing BART parking lot comprises the majority of the project site. The parking lot is located below the Telegraph Avenue and 40<sup>th</sup> Street street level, but is at street level along West MacArthur Boulevard. Ramps leading down to the parking lot are provided off of 40<sup>th</sup> Street and Apgar Street. Where there is a grade difference between the parking area and the Frontage Road area, stairs are provided.

The parking spaces within the parking lot are generally angled spaces, with perpendicular spaces located along the perimeter of the parking lot. Lighting and informational signage is provided throughout the parking lot. There is no landscaping within the parking lot, but there is ornamental landscaping, mature trees, and ground cover along the perimeter of the parking area.

Frontage Road, an internal roadway that is located to the west of the parking lot, provides vehicle access between 40<sup>th</sup> Street and West MacArthur Boulevard. Sidewalks and trees are provided on both sides of the street. This street is used by transit providers and BART patrons. Photographs of the BART parking lot and Frontage Road are provided in Figure IV.L-1.

**(2) BART Plaza.** The BART Plaza is located immediately west of Frontage Road and provides access to the BART fare gates. Two State Route 24 (SR-24) overpasses are immediately over the BART Plaza, which limits the natural light within the plaza.

The BART Plaza contains a mixture of hardscape and landscaping. Benches, a bicycle parking area, informational signage, newspaper racks, vendors, and public art are the predominant visual focal points of the BART Plaza area. Photographs of the BART Plaza are provided in Figure IV.L-2.

**(3) Existing Buildings.** Existing buildings within the project site can be described in three groupings: buildings that front on Telegraph Avenue between 40<sup>th</sup> Street and 39<sup>th</sup> Street; the building that fronts on Telegraph Avenue between 39<sup>th</sup> Street and Apgar Street; and the buildings on West MacArthur Boulevard. Photographs of some of the existing buildings within the project site are shown in Figure IV.L-3.

The buildings within the project site between 40<sup>th</sup> Street and 39<sup>th</sup> Street are one to two stories in height. The majority of the buildings have no setback along Telegraph Avenue, and contain a mixture of wood siding and faux stone work. The building on the corner of Telegraph Avenue and 39<sup>th</sup> Street is a single story commercial structure with features that suggest an Art Moderne building, including a flat roof with a deep curved canopy, a smooth wall finish, and the placement of horizontal bands of windows. This building contains an auto service establishment, so cars are generally parked within the front setback area.

The building located between 39<sup>th</sup> Street and Apgar Street is a newly constructed single-story brick building that is used as a medical office. Parking is provided onsite and occupies roughly half of the parcel.

There are two motels located on West MacArthur Boulevard that are included within the project site. One motel is a three-story, multi-unit wood framed, "L"-shaped building with individual rooms and a parking area to the rear. The other motel is a two-story U-shaped



Photo 1: View looking east of MacArthur BART parking lot



Photo 2: View looking south of MacArthur BART parking lot, Frontage Road, and Highway 24

FIGURES IV.L-1

## **MacArthur Transit Village Project EIR** **MacArthur BART Parking Lot and Frontage Road**





Photo 3: View looking south of BART Plaza



Photo 4: View looking west of BART Plaza

FIGURES IV.L-2

## MacArthur Transit Village Project EIR MacArthur BART Plaza



Photo 5: View looking west of existing commercial buildings on the project site



Photo 6: View looking west of the existing medical office on the project site

FIGURES IV.L-3

## MacArthur Transit Village Project EIR Existing Buildings on the Project Site



building with individual rooms and a parking area within the courtyard formed by the building.

**c. Visual Character of the Surrounding Area.** Given the urban nature of the project area, views from the project site of the surrounding area are generally limited to the immediate developed area adjacent to the site. From the project site, SR-24 is the dominant view to the west. Single-family residential uses and a mini-mall are located north of the project site. A church and commercial buildings are located east of the project site. All the surrounding streets include some landscaping including street trees, shrubs and ground cover; although the pattern of the landscaping is relatively varied and not consistent along any of the frontages. Distant views of the Oakland Hills are available intermittently depending on intervening development and the location of the view on the project site. Views of Downtown Oakland are available when looking down Telegraph Avenue to the south. Figure IV.L-4 shows views of the surrounding area.

**d. Regulatory Setting.** The main documents that are applicable to aesthetics and visual quality within and around the project site are the Land Use and Transportation Element of the General Plan, the Oakland Planning Code; and applicable Standard Conditions of Approval.

**(1) Land Use and Transportation Element.** The Land Use and Transportation Element (LUTE) is intended to guide development within the City of Oakland. Applicable aesthetic resources policies are listed below.

- Policy I/C4.3 Reducing Billboards. Billboards should be reduced or eliminated in commercial and residential areas in Oakland neighborhoods through mechanisms that minimize or do not require the expenditure of city funds.
- Policy T2.2 Guiding Transit-Oriented Development. Transit-oriented developments should be pedestrian-oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.
- Policy T6.2 Improving Streetscapes. The city should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented and include lighting, directional signs, trees, benches, and other support facilities.
- Policy N1.5 Designing Commercial Development. Commercial development should be designed in a manner that is sensitive to surrounding residential uses.
- Policy N1.8 Making Compatible Development. The height and bulk of commercial development in "Neighborhood Mixed-Use Center" and "Community Commercial" areas should be compatible with that which is allowed for residential development.



Photo 7: View looking west of the project site, Apgar Street, and Highway 24 in the distance



Photo 8: View south of Telegraph Avenue and Downtown Oakland in the distance

FIGURES IV.L-4

## MacArthur Transit Village Project EIR Views of Surrounding Areas



- Policy N3.8 Required High-Quality Design. High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.
- Policy N3.9 Orienting Residential Development. Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighborhood buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.
- Policy N3.10 Guiding the Development of Parking. Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.
- Policy N7.1 Ensuring Compatible Development. New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.
- Policy N7.4 Designing Local Streets. Local streets should be designed to create an intimate neighborhood environment and not support high speed nor large volumes of traffic. Providing on-site parking for cars and bicycles, planting and maintaining street trees, and landscaping, minimizing the width of driveway curb cuts, maintaining streets, bike routes, and sidewalks, and orienting residential buildings toward the street all contribute to the desired environment.
- Policy N7.8 Developing Transit Villages. "Transit Village" areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transit facilities, such as light rail, train, ferry stations, or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment. (See discussion of Transit-Oriented Districts in the Transportation section in this chapter.)
- Policy N8.2 Making Compatible Interfaces Between Densities. The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.
- Policy N12.7 Billboard Reduction. Billboards should be reduced or eliminated in commercial and residential areas in Oakland neighborhoods through mechanisms that minimize or do not require the expenditure of city funds.

**(2) Open Space, Conservation, and Recreation Element.** This element promotes the preservation and good design of open space, and the protection of natural resources to improve aesthetic quality in Oakland. The following objectives and policies are relevant to visual resources concerns associated with the proposed project:

- Policy OS-9.3: Gateway Improvements. Enhance neighborhood and city identity by maintaining or creating gateways. Maintain view corridors and enhance the sense of arrival at the major entrances to the city, including freeways, BART lines, and the airport entry. Use public art, landscaping, and signage to create stronger City and neighborhood gateways.

- **Policy OS-10.1: View Protection.** Protect the character of existing scenic views in Oakland, paying particular attention to: (a) views of the Oakland Hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations.
- **Policy OS-10.2: Minimizing Adverse Visual Impacts.** Encourage site planning for new development which minimizes adverse visual impacts and takes advantage of opportunities for new vistas and scenic enhancement.
- **Policy OS-10.3: Underutilized Visual Resources.** Enhance Oakland's underutilized visual resources, including the waterfront, creeks, San Leandro Bay, architecturally significant buildings or landmarks, and major thoroughfares.

**(3) Oakland Planning Code.** The design of new projects in Oakland are subject to the following performance criteria that are utilized as part of the City's design review process.

**A. For Residential Facilities.**

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
3. That the proposed design will be sensitive to the topography and landscape.
4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;
5. 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.

**B. For Nonresidential 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;
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;
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.

**(4) City of Oakland's Standard Conditions of Approval.** The City's Standard Conditions of Approval relevant to this impact topic are listed below for reference. The conditions of approval will be adopted as requirements of the proposed project if the

project is approved by the City to help ensure no significant impacts (for the applicable topic) occur, as a result they are not listed as mitigation measures.

**COA AES-1: Lighting Plan.** *Prior to the issuance of an electrical or building permit*

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.

**COA AES-2: Tree Removal Permit.** *Prior to issuance of a demolition, grading, or building permit*

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit, and abide by the conditions of that permit.

**COA AES-3: Tree Replacement Plantings.** *Prior to issuance of a final inspection of the building permit*

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- d) Minimum planting areas must be available on site as follows:
  - For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
  - For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

**COA AES-4: Tree Protection During Construction.** *Prior to issuance of a demolition, grading, or building permit*

Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced

off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

- b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

## 2. Impacts and Mitigation Measures

This section discusses potential impacts on aesthetic resources that could result from implementation of the proposed project. The section begins with the criteria of significance, which establish the thresholds used to determine whether an impact is significant. The latter part of this section presents the impacts associated with the proposed project and identifies mitigation measures, if appropriate. To guide the assessment of whether the chance would reasonably constitute a demonstrable negative effect, the analysis includes computer-generated photo simulations illustrating “before” and “after” views and vistas across the project site. Figure IV.L-5 shows the view point locations. Figures IV.L-6 through IV.L-11 show photosimulations.



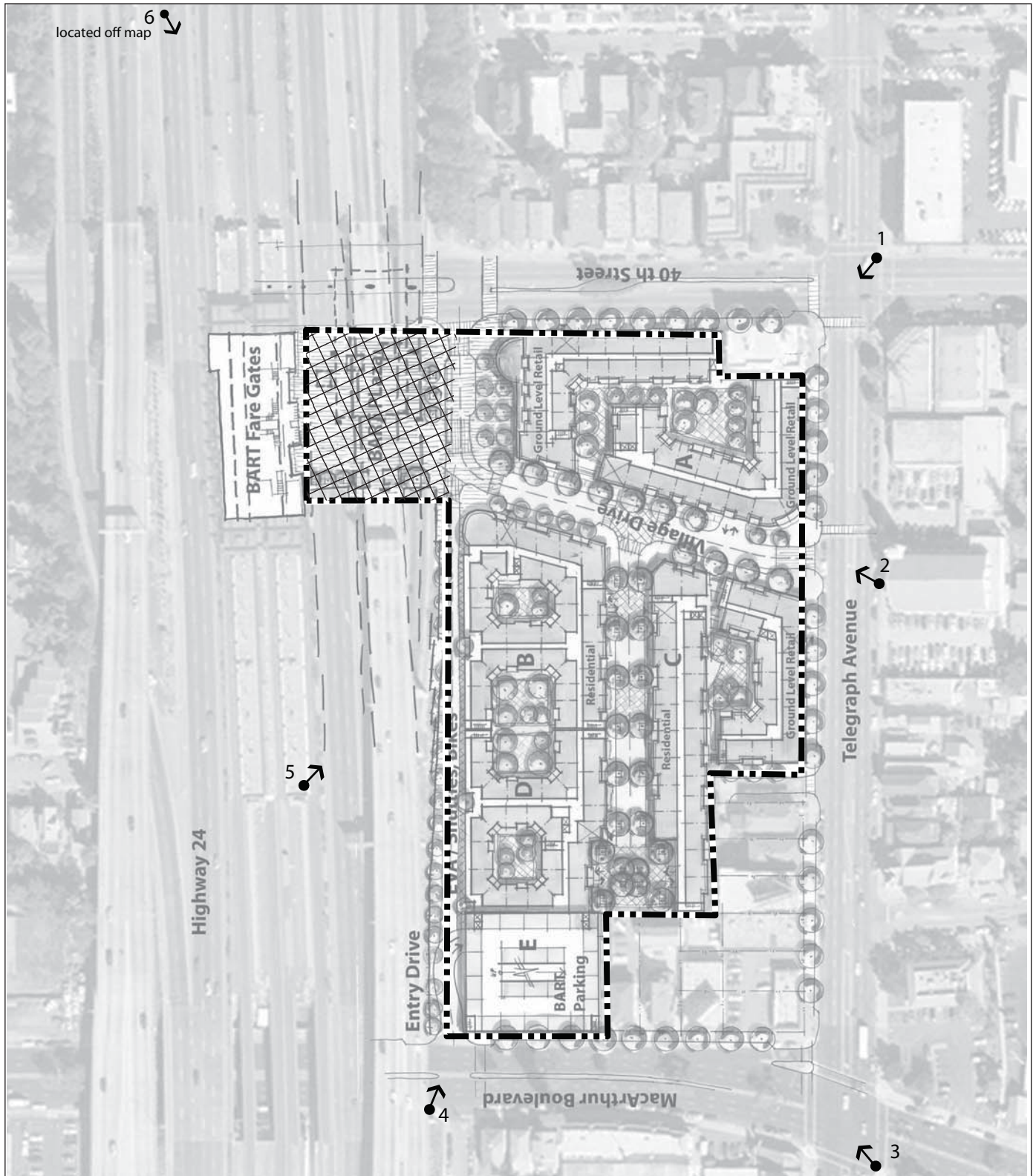


FIGURE IV.L-5

# Legend



Project site

BART Plaza

Photo Viewpoint



## MacArthur Transit Village Project EIR Photo Viewpoint Locations

SOURCE: Environmental Vision, 2007.

N:\1407011 MacArthur BART Transit Village EIR\Graphics\MacArthur BART EIR Graphics Files\figures (11/19/07)



Existing view from West MacArthur Boulevard looking north to Entry Drive (Viewpoint 4)



Conceptual visual simulation of the proposed project from Viewpoint 4  
(Proposed Parking Garage and Building D shown)

FIGURE IV.L-6

## MacArthur Transit Village Project EIR Conceptual Visual Simulation from Viewpoint 4





Existing view from Highway 24 southbound towards the project site (Viewpoint 6)



Conceptual visual simulation of the proposed project from Viewpoint 6  
(Proposed Buildings A and B shown)

FIGURE IV.L-7

## **MacArthur Transit Village Project EIR** **Conceptual Visual Simulation from Viewpoint 6**





Existing view of project site from the MacArthur BART station platform (Viewpoint 5)



Conceptual visual simulation of the proposed project from Viewpoint 5  
(Proposed Building A shown)

FIGURE IV.L-8

## MacArthur Transit Village Project EIR Conceptual Visual Simulation from Viewpoint 5



Existing view of project site from the intersection of Telegraph Avenue and 40th Street (Viewpoint 1)



Conceptual visual simulation of the proposed project from Viewpoint 1  
(Proposed Buildings A and C shown)

FIGURES IV.L-9

## MacArthur Transit Village Project EIR Conceptual Visual Simulation from Viewpoint 1





Existing view of project site from the intersection of Telegraph Avenue and 40th Street (Viewpoint 2)



Conceptual visual simulation of the proposed project from Viewpoint 2  
(Proposed Building A shown)

FIGURES IV.L-10

## MacArthur Transit Village Project EIR Conceptual Visual Simulation from Viewpoint 2



Existing view of project site from the intersection of Mac Arthur Blvd. and Telegraph Avenue (Viewpoint 3)



Conceptual visual simulation of the proposed project from Viewpoint 3  
(Proposed Parking Garage and Buildings D and B shown)

FIGURES IV.L-11

## MacArthur Transit Village Project EIR Conceptual Visual Simulation from Viewpoint 3

a. **Criteria of Significance.** Implementation of the proposed project would have a significant effect on aesthetic resources if it would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State or locally designated scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings;
- Create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area;
- Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986);
- Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;
- Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space;
- Cast shadow on an historic resource, as defined by CEQA Section 15064.5(a) and the City of Oakland, such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local register of historical resources or a historical resource survey form (DPR Form 523) with a rating of 1-5];
- Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses; or
- Create winds exceeding 36 mph for more than 1 hour during daylight hours during the year.<sup>1</sup>

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<sup>1</sup> The wind analysis only needs to be done if the project's height is 100 feet or greater (measured to the roof) **and** one of the following conditions exist: (a) the project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt or San Francisco Bay); or (b) the project is located in Downtown. Downtown is defined in the Land Use and Transportation Element of the General Plan (page 67) as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south and I-980/Brush Street to the west.



**b. Less-than-Significant Aesthetic Resources Impacts.** The following discussion describes the less-than-significant impacts to aesthetic resources that would result from implementation of the proposed Project. The wind criterion is not considered as none of the proposed buildings will exceed 100 feet.

(1) **Scenic Vistas.** Given the urban nature and the relatively flat topography of the project area, views from and through the project site of the surrounding area are generally limited to the immediate developed area adjacent to the site. From the project site, SR-24 is the dominant view to the west. Views to the East Bay Hills and Downtown Oakland from the project site and surrounding public viewpoints are limited by surrounding development and the surrounding area's flat topography. No views of San Francisco Bay are available from the Project site. Although views from the site extend to Downtown Oakland and surrounding urban development, these views are not identified as vistas or resources in the General Plan, or by regulatory agencies with jurisdiction over the project site. As a result, the project would not significantly alter scenic vistas.

(2) **Scenic Highway.** The proposed development would be visible from SR-24 and Interstate 580 (I-580). The City of Oakland Scenic Highways Element<sup>1</sup> and the California Department of Transportation designate the I-580 as a scenic highway for the portion of I-80 between San Leandro City limits and SR-4. The City's Scenic Highways Element does not designate SR-24 as scenic highway. California Department of Transportation does designate SR-24 as a scenic highway; however, this designation only pertains to the portion of SR-24 between the east portal of the Caldecott Tunnel to SR-680.<sup>2</sup> The interchange of I-580 to SR-24 is elevated such that that project site would be visible by motorists as they merge from I-580 to SR-24. The proposed project is not anticipated to damage view of scenic resources for motorists on I-580 because the size and scale of the project would not substantially interfere with the view from the I-580/SR-24 interchange.

(3) **Visual Character.** As described above the existing visual character of the site is comprised of three primary elements: the BART parking lot and Frontage Road; the BART plaza; and the existing structures along Telegraph Avenue and West MacArthur Boulevard. Because of the predominance of surface parking within the project site, the site has an empty visual character that contrasts with the more active residential and commercial areas west of the project site along Telegraph Avenue, 40<sup>th</sup> Street and MacArthur Boulevard. Development on the site is currently lacking character and is not very aesthetically appealing.

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<sup>1</sup> City of Oakland, 1974. *Scenic Highways, An Element of the Oakland Comprehensive Plan*, September.

<sup>2</sup> California Department of Transportation website: [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways](http://www.dot.ca.gov/hq/LandArch/scenic_highways).

Implementation of the proposed project would result in the development of mixed uses within the project site. The proposed buildings are of a scale and form that are similar to buildings in more vibrant urban neighborhoods within Oakland and nearby Emeryville. The proposed project would develop parcels within the project site that are currently underutilized and would introduce a permanent residential population, which will help better connect the people with the urban environment. This resident and employee population would increase activity within and around the MacArthur BART station, and would increase the visual appeal of this portion of North Oakland. In addition, proposed streetscape improvements, and development of the BART plaza would enhance visual quality within the project site, which contains few “soft” landscape elements.

The proposed project would involve the construction of five buildings on the project site, including three mixed-use buildings with ground-floor commercial spaces and residential units on upper floors, one entirely residential building and one parking garage. The buildings include a mix of five- and six-story building elements. 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 and will enhance the visual character of the project site. 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.

The proposed project would be highly visible from some locations along public streets within the project vicinity including 40<sup>th</sup> Street, West MacArthur Boulevard, Telegraph Avenue and SR-24.

Figures IV.L-6, IV.L-9, IV.L-10 and IV.L-11 present “before” and “after” views of the project site from MacArthur Boulevard and Telegraph Avenue. As shown in these simulations, the buildings would appear prominently in the foreground of all the street frontages. In relationship to surrounding development, the height of the new development, particularly the garage, could be somewhat overbearing when compared to existing development. However, the urban design fabric surrounding the site supports this scale of development including street widths, some of the taller historic and new developments located along the



Telegraph Avenue corridor between Downtown and 51<sup>st</sup> Avenue. Figures IV.L-7 and IV.L-8 present “before” and “after” views of from State Route 24 and the BART station platform, respectively. As shown in the simulations, the proposed project would not significantly alter these views.

The proposed buildings, which would range from five to six stories, would be similar in height to some of the newer development in North Oakland, although the buildings would be substantially taller than the majority of existing and older development in the area. However, due to the site’s adjacency to the MacArthur BART station and State Route 24, which is elevated the additional height and mass and scale of the development would not substantially degrade the existing visual character or quality of the site and its surroundings.

**(4) Light and Glare.** The proposed development would provide additional sources of nighttime lighting within North Oakland. In addition, during daylight hours pedestrians and motorists could experience some degree of glare due to light reflecting off the new building facades. Implementation of Standard Condition of Approval, AES-1: Lighting Plan, would ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.

**(5) Shade and Shadow.** Development of the proposed project would result in the addition of five new, mid-rise buildings. A shadow analysis, see Figures IV.L-12 to IV.L-17, was conducted to determine whether the five proposed buildings would cast new shadows on buildings, streets, and parking areas within and adjacent to the project site. Overall the shadow impacts on adjacent properties from the proposed project would not be that substantial as the majority of the shadows will be cast towards the freeway and onto the project site. Shadows created by the proposed project on December 21, winter solstice, would be the most extensive; however, the winter solstice shadows would not be significant because the new shadows created by the project would minimally contribute to the existing shadow condition on this day and, as a result, would not be considered significant.

**(6) Aesthetic Resources Policies.** The proposed project is generally consistent with applicable visual resources policies in the General Plan; see section IV.B, for a more detailed discussion. The project would result in the development of a mixed use project on an infill site that is currently characterized by surface parking and underutilized development. By creating a more unified streetscape, the proposed project would result in a more visually comfortable pedestrian environment than currently exists within the project vicinity.

The proposed project would undergo design review prior to final Project approval; during this time, the Project design could be subject to refinement to ensure compatibility with the Design Review Criteria listed earlier in this section. Based on preliminary plans, it is

anticipated that there would be no major conflicts between the proposed design of the Project and the Design Review Criteria.

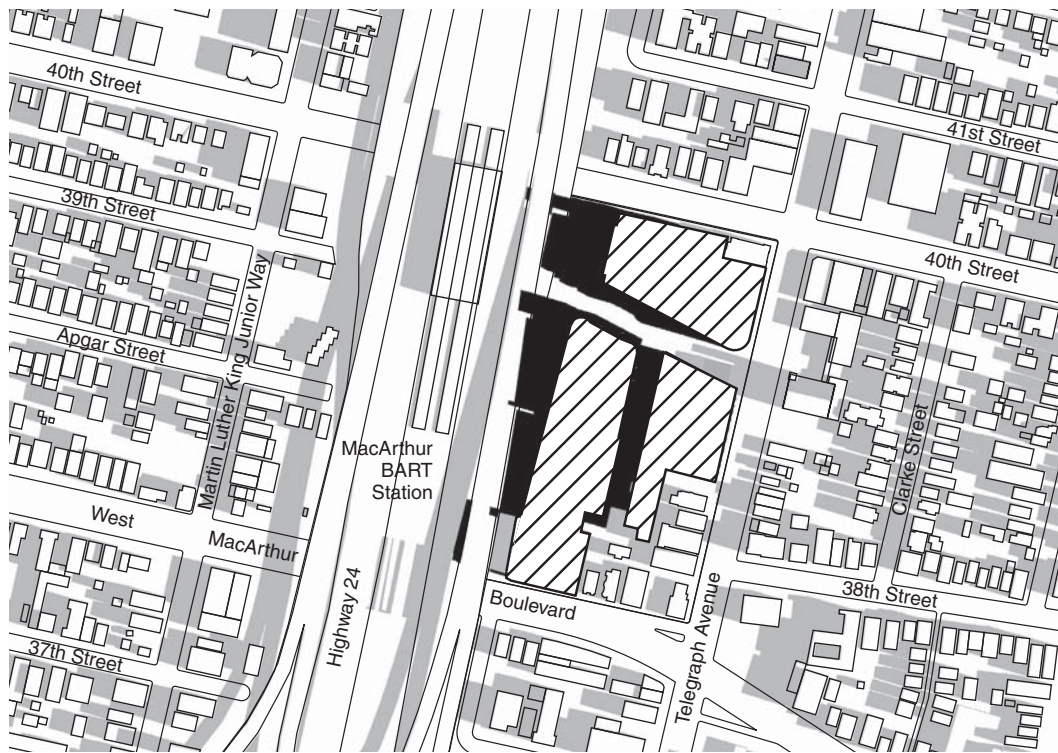
**c. Significant Aesthetic Resources Impacts.** The proposed project would not result in any significant aesthetic-related impacts.

**d. Cumulative Aesthetic Resources Impacts.** The geographic area considered for the aesthetic cumulative analysis includes the area in close proximity to the project site including North Oakland, parts of West Oakland and Downtown/Oakland Central, south of I-580 to Grand Avenue between San Pablo Avenue on the west and Harrison Street on the east as generally depicted on Figure I-1 on page 2. This area was defined because it includes the project site, the immediately surrounding neighborhoods, and the larger City context for the project.

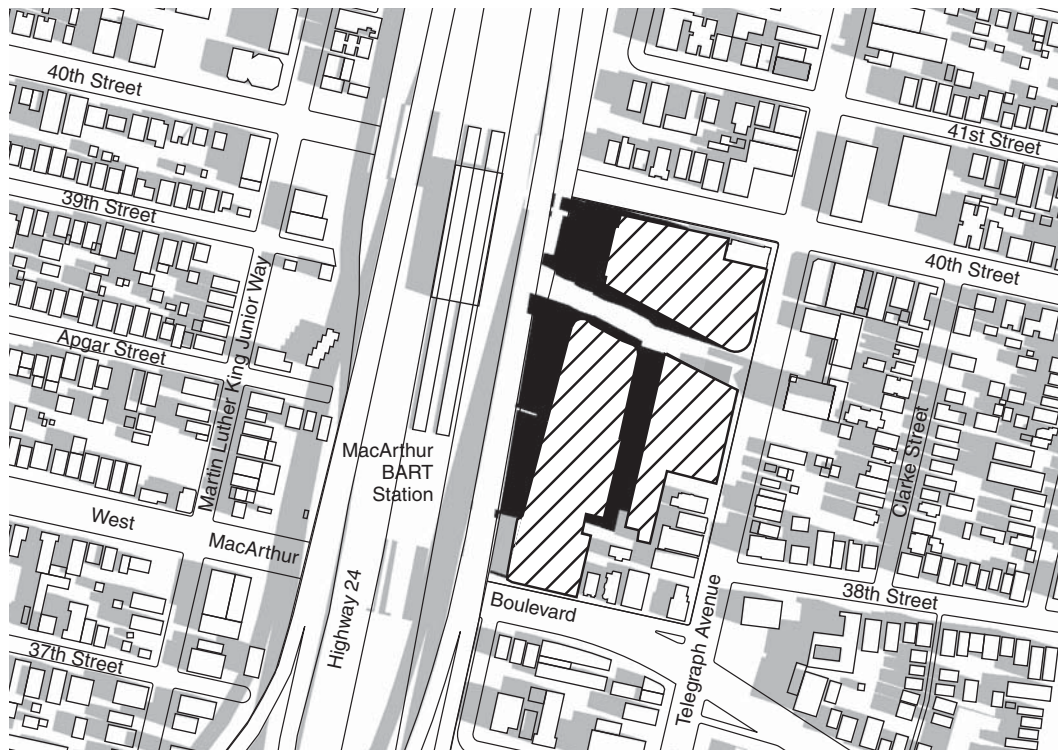
As analyzed throughout this section, the proposed project would not result in a significant aesthetic impact by creating a substantial adverse effect on a scenic vista; substantially damaging scenic resources; substantially degrading the existing visual character or quality of the site and its surroundings; creating a new source of substantial light or glare; introduce landscape that would now or in the future cast substantial shadows on existing solar collectors; casting shadow that substantially impairs the function of a building using passive solar heat collection, impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space, or shadow on a historic resource.

The proposed project is consistent with the City's General Plan Land Use designation for the site and together with the majority of past, present, existing, pending and reasonably foreseeable future development projects, is subject to the City's design review process. The purpose of the design review process is to consider the design treatment and relationship of buildings to the surrounding built environment and ensure no significant adverse aesthetic impacts would result. Thus, the proposed project would not combine with, or add to, any potential adverse aesthetic impacts that may be associated with other cumulative development.

Cumulative development, in combination with the proposed project, has and would continue to result in new buildings of varying size and scale being developed on infill or vacant sites throughout the area. A review of cumulative development in the defined geographic area, including past, present, existing, pending and reasonably foreseeable future development reveals the proposed structures within the project site are of similar size and scale to other development projects in the area. The project is generally consistent with adopted plans and the overall vision for the area. Based on the information in this aesthetic section and for the reasons summarized above, the project would not contribute to any significant adverse cumulative aesthetic impacts when considered together with past, present and reasonably foreseeable future development.



March 21, 9:00 am PDT



September 21, 9:00 am PDT

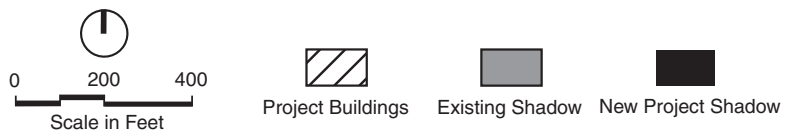


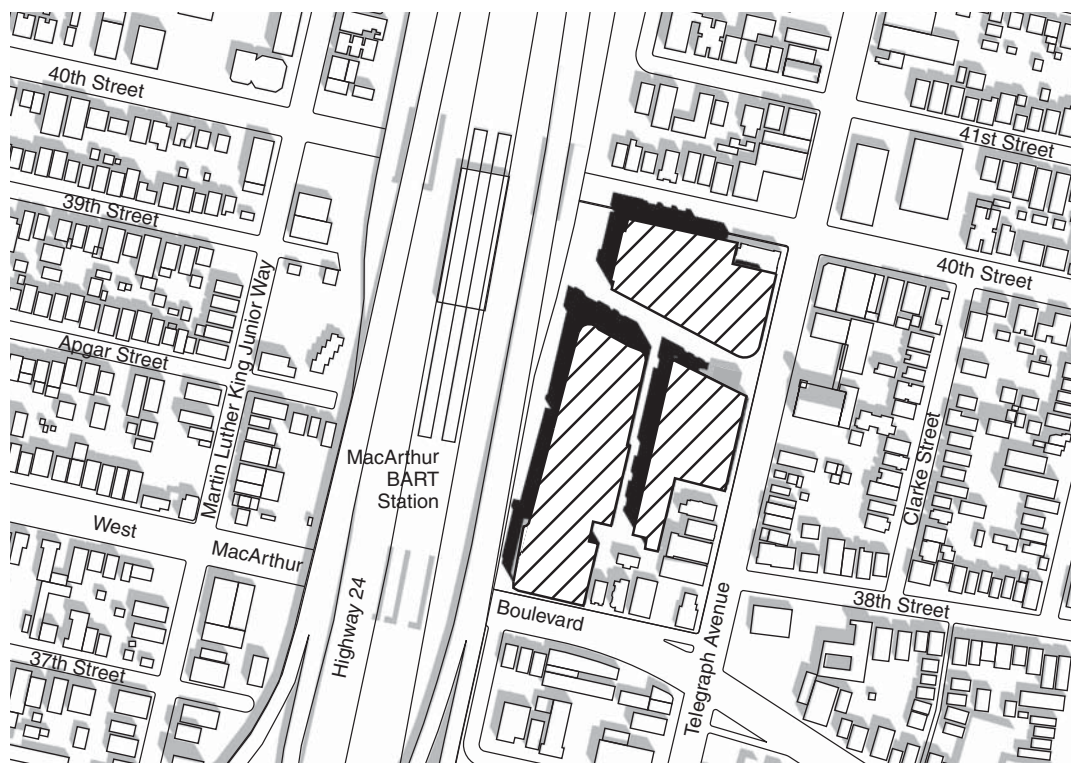
FIGURE IV.L-12

## MacArthur Transit Village Project EIR Proposed Project Shadow Patterns

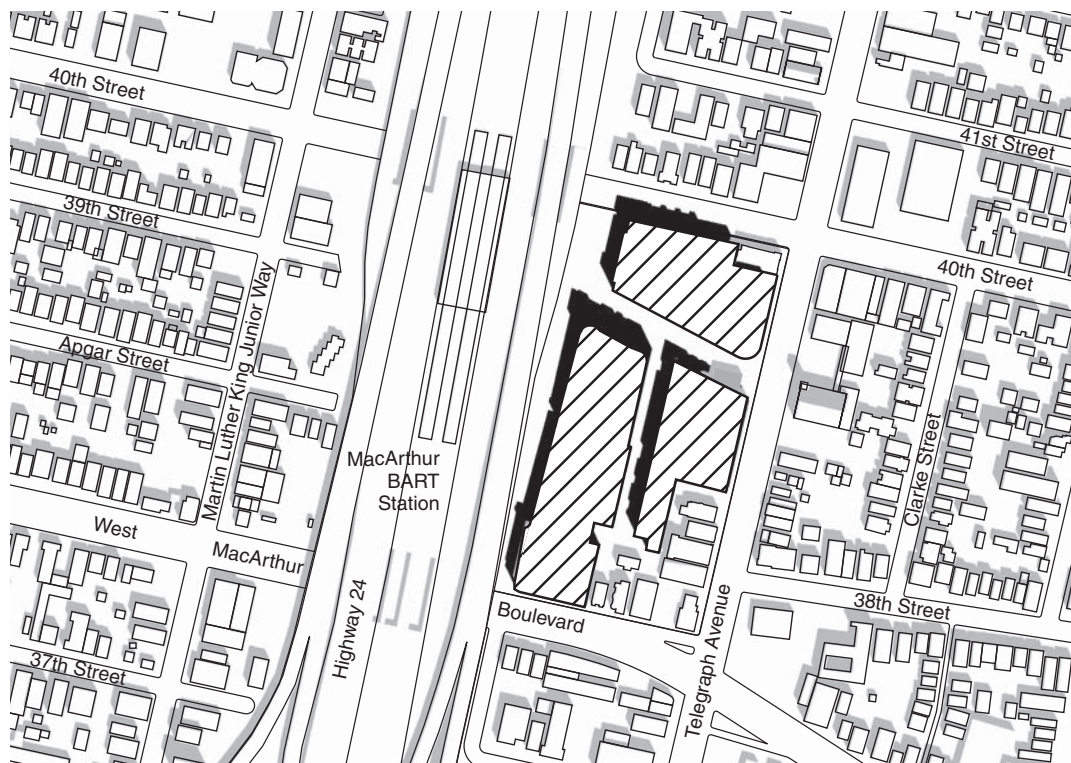
SOURCE: Environmental Vision, 2008.

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March 21, 12:00 noon PDT



September 21, 12:00 noon PDT

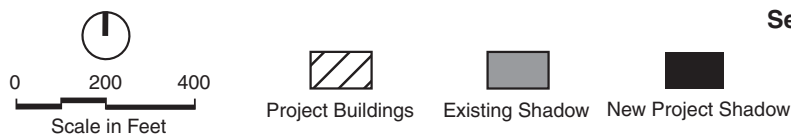
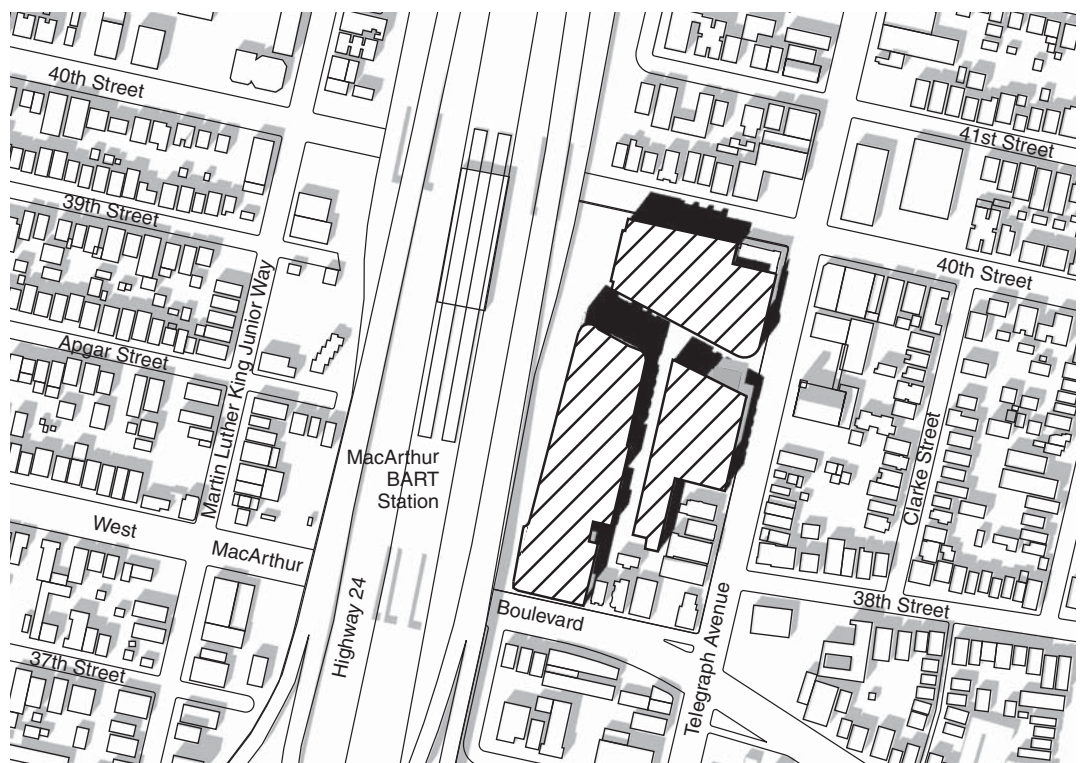


FIGURE IV.L-13

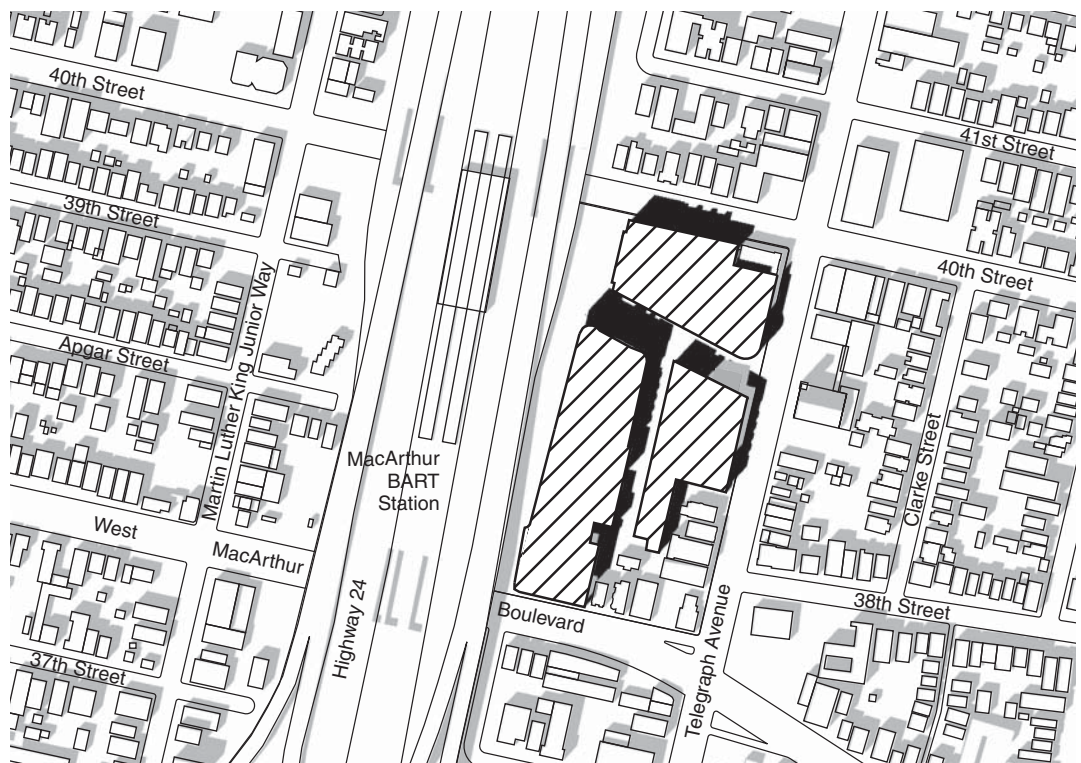
## MacArthur Transit Village Project EIR Proposed Project Shadow Patterns

SOURCE: Environmental Vision, 2008.

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March 21, 3:00 pm PDT



September 21, 3:00 pm PDT

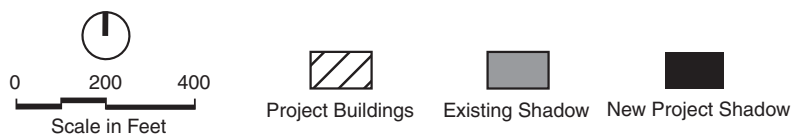


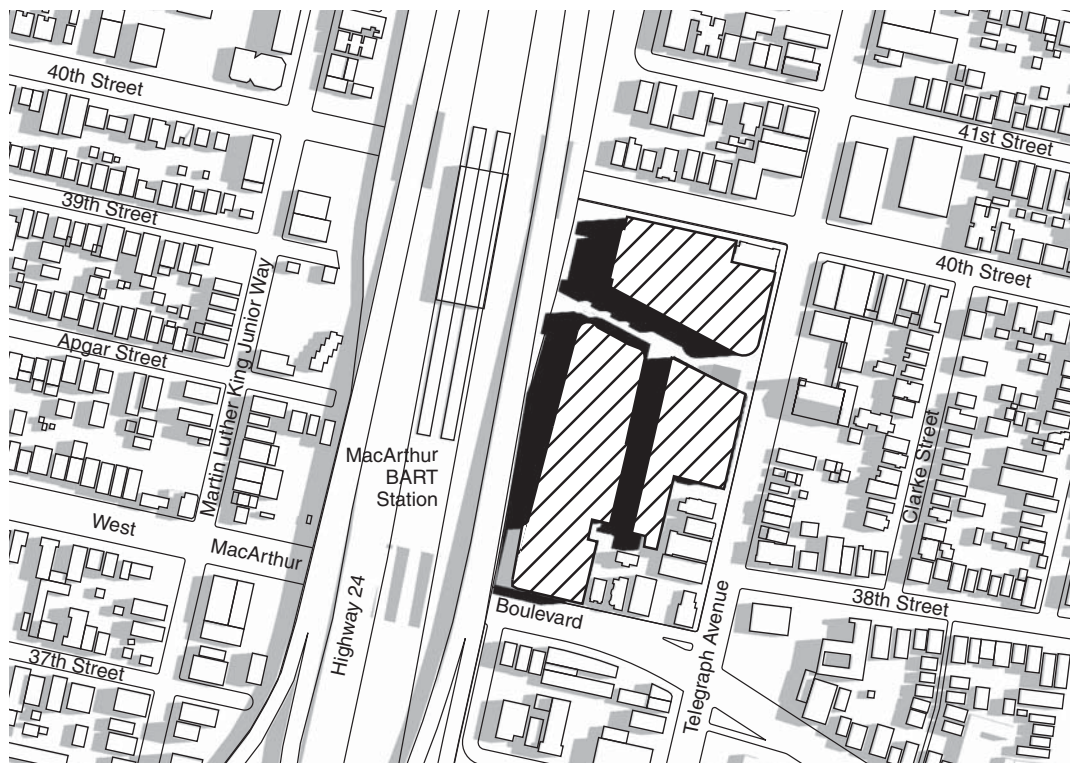
FIGURE IV.L-14

## MacArthur Transit Village Project EIR Proposed Project Shadow Patterns

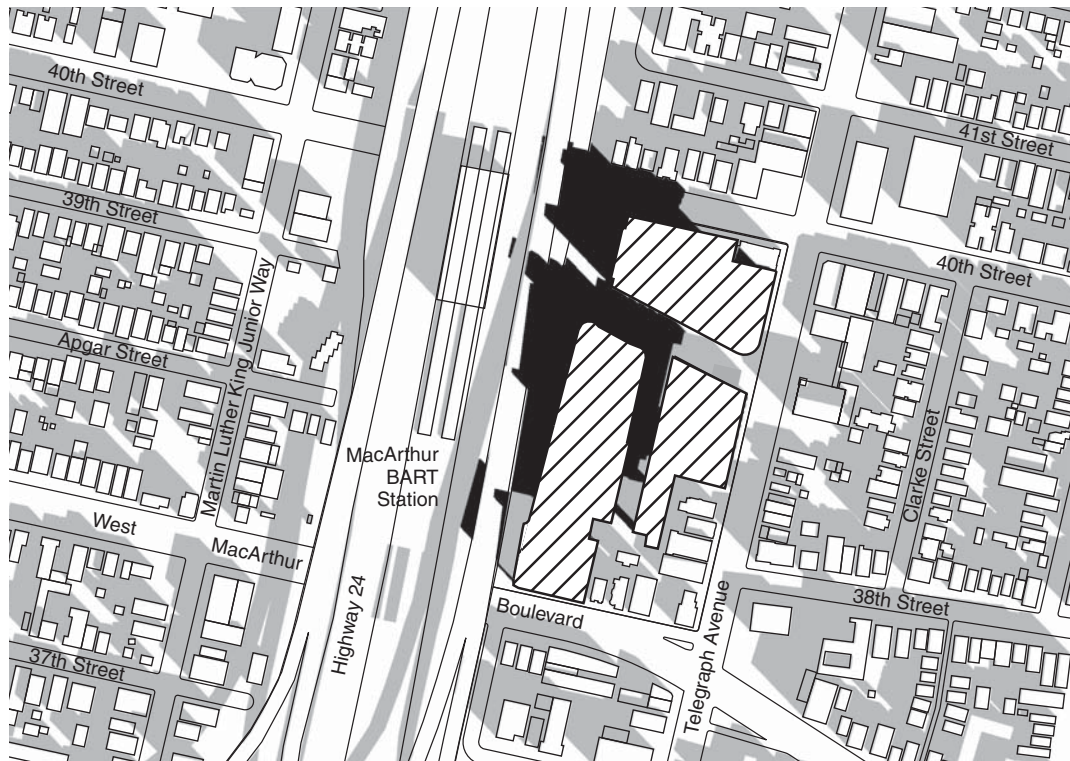
SOURCE: Environmental Vision, 2008.

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June 21, 9:00 am PDT



December 21, 9:00 am PST

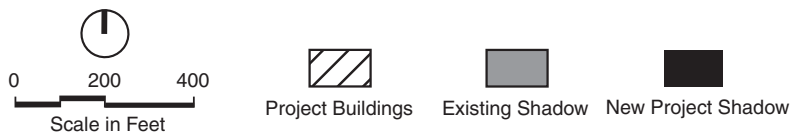


FIGURE IV.L-15

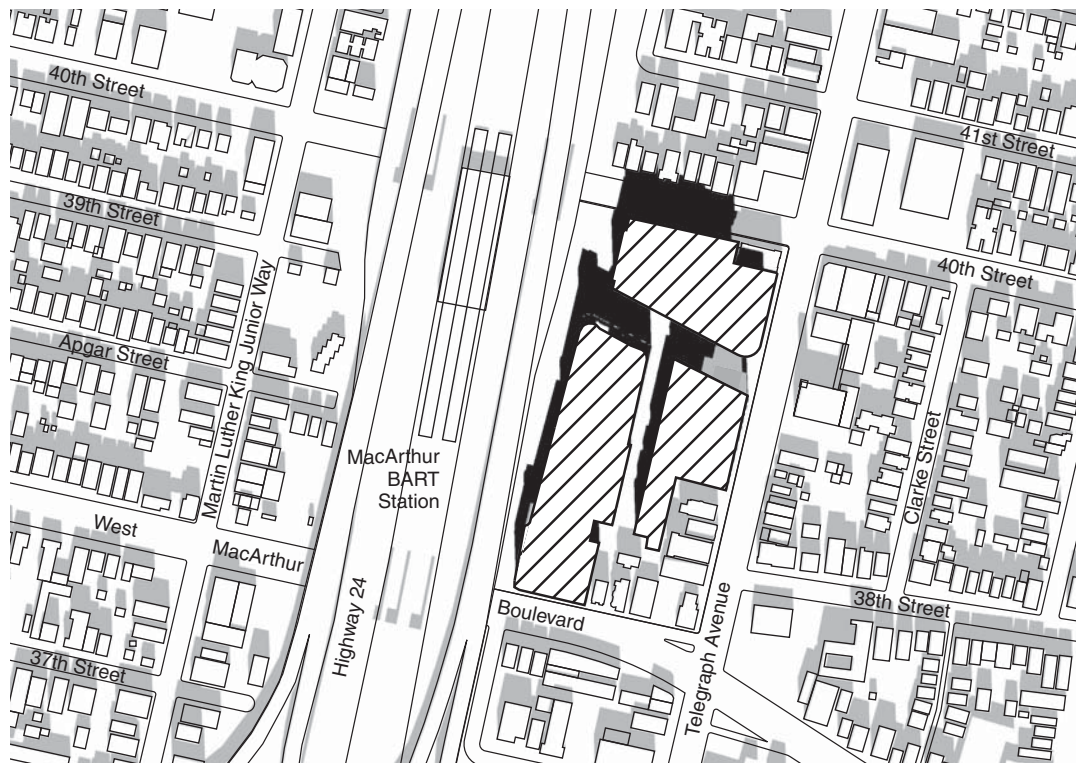
## MacArthur Transit Village Project EIR Proposed Project Shadow Patterns

SOURCE: Environmental Vision, 2008.

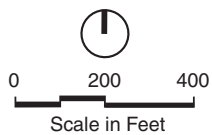
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June 21, 12:00 noon PDT



December 21, 12:00 noon PST



 Project Buildings   
  Existing Shadow   
  New Project Shadow

FIGURE IV.L-16

## MacArthur Transit Village Project EIR Proposed Project Shadow Patterns

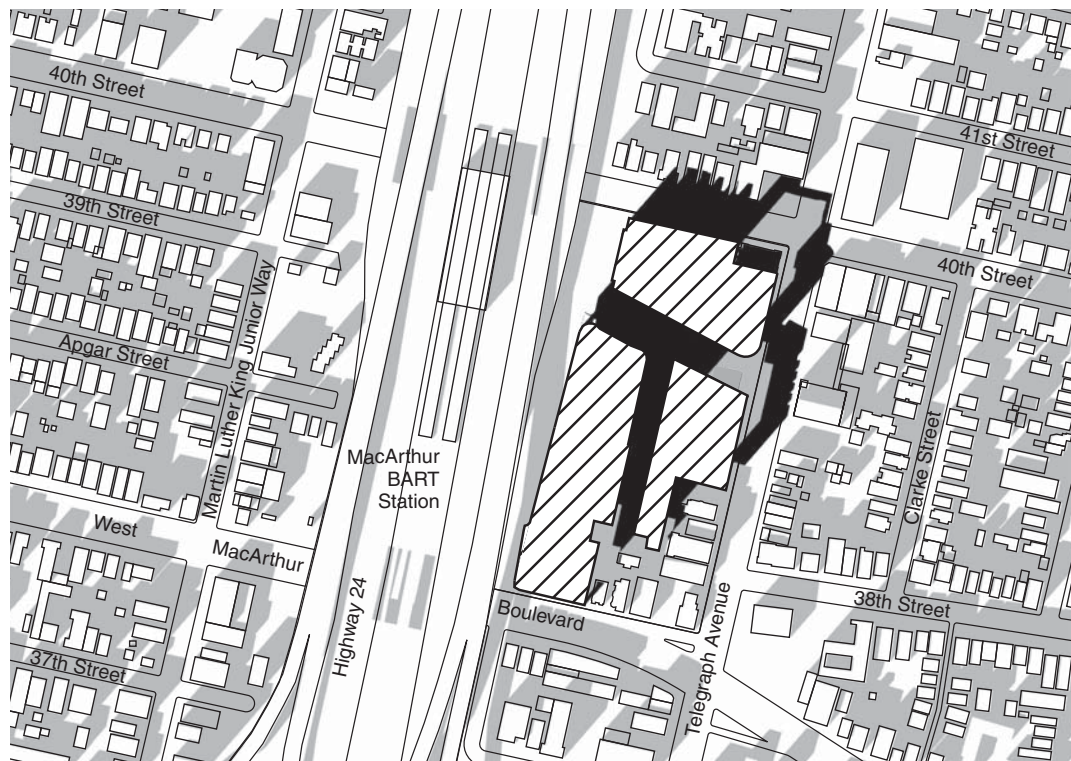
SOURCE: Environmental Vision, 2008.

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June 21, 3:00 pm PDT



December 21, 3:00 pm PST

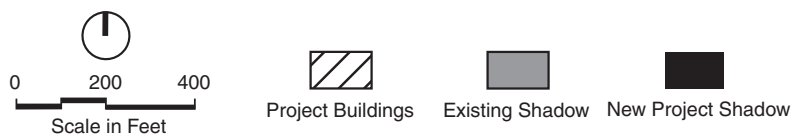


FIGURE IV.L-17

## MacArthur Transit Village Project EIR Proposed Project Shadow Patterns

SOURCE: Environmental Vision, 2008.

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## V. ALTERNATIVES

The *CEQA Guidelines* require the analysis of a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the project's basic objectives and avoid or substantially lessen any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.<sup>1</sup> An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

The primary purpose of this chapter is to ascertain whether there are alternatives of design, scale, land use, or location that would substantially lessen the project's significant impacts, even if those alternatives "impede to some degree the attainment of the project objectives, or would be more costly."<sup>2</sup>

Under some circumstances, as with this EIR, in addition to considering alternatives that lessen the significant project impacts for purposes of CEQA, additional "planning" alternatives are analyzed. The planning alternatives in this EIR 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, but might not lessen or avoid any of the significant, adverse environmental effects of the project. The planning alternatives may result in similar or more severe environmental impacts, but address an objective outside the scope of CEQA (i.e., community interest, agency policy, developer objectives, economics).

The three CEQA project alternatives to the proposed project considered include:

- No Project/No Build Alternative
- Existing Zoning Alternative
- Mitigated Reduced Building/Site Alternative

The three planning project alternatives to the proposed project considered include:

- Proposed Project with Full BART Replacement Parking Alternative

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<sup>1</sup> *CEQA Guidelines*, Section 15126.6.

<sup>2</sup> *CEQA Guidelines*, Section 15126.6(b).

- Tower Alternative
- Increased Commercial Alternative

A summary comparison of the key components of each alternative is included in Table V-1.

In considering the range of alternatives to be analyzed in an EIR, the CEQA Guidelines state that an alternative site/location should be considered when feasible alternative locations are available and the “significant effects of the project would be avoided or substantially lessened by putting the project in another location.” No specific alternative site locations are considered in this EIR. The only unavoidable significant impacts that would occur from project implementation are the two intersections listed below. Relocation of the project to another location, if one was available, may eliminate the impact to these specific intersections, but would likely result in impacts at different intersections in proximity to the alternate site. In Oakland, however, there are no other sites of comparable size that are immediately adjacent to a BART station and would accommodate the proposed development that are not already the subject to their own development proposals. Further, because the proposed project involves redevelopment, infilling, and intensifying land uses on the MacArthur BART parking lot, studying an off-site alternative would fail to achieve the project’s objectives. As such, an alternative site location is not considered.

The remainder of this chapter is organized as follows: overview of project objectives and impacts; description and analysis of CEQA project alternatives; description and analysis of planning alternatives; summary comparison of alternatives; and discussion of environmentally-superior alternative.

## **A. PROJECT OBJECTIVES AND IMPACTS**

To determine what range of alternatives should be considered, the impacts identified for the proposed project were considered along with the project objectives. The proposed project is described in detail in Chapter III, Project Description, and the potential environmental effects of the proposed project are analyzed in Chapter IV, Setting, Impacts, and Mitigation Measures. The project objectives and impacts are found below.

### **1. Project Objectives**

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 (housing, commercial and community services) that enhances the character of the neighborhood and improves access to (for all travel modes) and ridership of BART. Specifically, the project seeks to:

Table V-1 Project and Alternatives

Project Alternative	Demo of Existing Structures/Parking Lot	Proposed Development	Parking Spaces	Remediation of Hazards	BART Improvements
<b>Proposed Project</b>					
<b>Proposed Project</b>	Yes, demolition of all structures and of parking lot	<ul style="list-style-type: none"> <li>5 Structures/Mixed Use (includes BART parking structure)</li> <li>Structures 4-7 stories</li> <li>Up to 675 dwelling units (17% affordable)</li> <li>Up to 44,000 SF commercial (includes 18 live/work units)</li> <li>5,000 SF community space</li> </ul>	<ul style="list-style-type: none"> <li>700 spaces</li> <li>300 exclusive BART spaces</li> </ul>	Yes	<ul style="list-style-type: none"> <li>Access/circulation improvements</li> <li>Plaza improvements</li> </ul>
<b>CEQA Alternatives</b>					
<b>1 No Project/No Build</b>	No, site remains in current condition	<ul style="list-style-type: none"> <li>No development/improvements</li> </ul>	<ul style="list-style-type: none"> <li>No change to configuration</li> </ul>	No	<ul style="list-style-type: none"> <li>None</li> </ul>
<b>2 Existing Zoning Alternative</b>	Yes, demolition of all structures/parking lot	<ul style="list-style-type: none"> <li>5 Structures/Mixed Use (includes BART parking structure)</li> <li>4-story structures on MacArthur and Telegraph 55 ft (C-28 zone)</li> <li>3-4 story structures on BART parking lot 40 ft (R-70 zone)</li> <li>530 dwelling units (17% affordable)</li> <li>44,000 SF commercial</li> </ul>	<ul style="list-style-type: none"> <li>715 parking spaces</li> <li>300 exclusive BART spaces</li> </ul>	Yes	<ul style="list-style-type: none"> <li>Access/circulation improvements</li> <li>Plaza improvements</li> </ul>
<b>3 Mitigated Reduced Building/Site Alternative (Mitigated)</b>	Yes, demolition of parking lot, but maintains existing buildings on Telegraph Ave. and MacArthur Blvd.	<ul style="list-style-type: none"> <li>Site area is reduced to not include two motel buildings on W. MacArthur or medical bldg on Telegraph</li> <li>5 Structures/Mixed Use (includes BART Parking Structure)</li> <li>Structures 5-6 stories (up to approximately 75-85 ft tall)</li> <li>200 dwelling units</li> <li>20,000 SF commercial</li> <li>No community space</li> </ul>	<ul style="list-style-type: none"> <li>350 parking spaces</li> <li>300 exclusive BART spaces</li> </ul>	Only on BART property	<ul style="list-style-type: none"> <li>Access/circulation improvements</li> <li>Plaza improvements</li> </ul>



**Table V-1 Project and Alternatives**

Project Alternative	Demo of Existing Structures/Parking Lot	Proposed Development	Parking Spaces	Remediation of Hazards	BART Improvements
<b>Planning Alternatives (related to project merits vs. lessening impacts)</b>					
<b>A</b> <b>Proposed Project with Full BART Replacement Parking</b>	Yes, demolition of all structures/parking lot	<ul style="list-style-type: none"> <li>• 5 Structures/Mixed Use (includes BART Parking Structure)</li> <li>• Structures 5-6 stories (up to 75 ft tall) and 12-13 for parking structure (up to 135 ft tall)</li> <li>• 675 dwelling units (17% affordable)</li> <li>• 44,000 SF commercial</li> <li>• 5,000 SF community</li> </ul>	<ul style="list-style-type: none"> <li>• Approximately 700 spaces</li> <li>• 600 exclusive BART spaces</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• Access/circulation improvements</li> <li>• Plaza improvements</li> </ul>
<b>B</b> <b>Tower Alternative</b>	Yes, demolition of all structures/parking lot	<ul style="list-style-type: none"> <li>• 5 Structures/Mixed Use (includes BART Parking Structure)</li> <li>• One 23-story residential tower (up to 240 ft tall); one 6-story building; two 5-story buildings; and one 4-story building with building height ranging from 50 ft to 85 ft</li> <li>• 868 residential units (17% affordable)</li> <li>• 34,000 SF commercial</li> <li>• 7,500 SF community</li> </ul>	<ul style="list-style-type: none"> <li>• 810 parking spaces</li> <li>• 300 exclusive BART spaces</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• Access/circulation improvements</li> <li>• Plaza improvements</li> </ul>
<b>C</b> <b>Increased Commercial Alternative</b>	Yes, demolition of all structures/parking lot	<ul style="list-style-type: none"> <li>• 5 Structures/Mixed Use (includes BART Parking Structure)</li> <li>• One 5-story commercial office building with ground floor commercial; four 5-story buildings with building heights not to exceed 85 ft</li> <li>• 172,000 SF office</li> <li>• 475 dwelling units (17% affordable)</li> <li>• 27,000 SF commercial</li> <li>• 5,000 SF community</li> </ul>	<ul style="list-style-type: none"> <li>• 790 parking spaces</li> <li>• 300 exclusive BART spaces</li> </ul>	Yes	<ul style="list-style-type: none"> <li>• Access/circulation improvements</li> <li>• Plaza improvements</li> </ul>

- Create a transit-oriented community that encourages pedestrian and bicycle access and the use of public transportation.
- Increase transit ridership and enhance quality of life at and around the BART station by encouraging and supporting high quality transit-oriented development (TOD) within walking distance of the BART station.
- Enhance City and local community redevelopment efforts and strengthen existing neighborhood-serving businesses
- Improve safety on and around the project site by activating the development's street-level experience through ground floor commercial and residential stoop entries that promote more "eyes on the street."
- Provide a substantial number of affordable housing units that can be developed on the site to serve low and very low income families.
- Develop market-rate residential units at urban densities that provide housing opportunities for a range of income levels.
- Develop urban infill housing with convenient transportation access near the urban core that would serve to divert housing from outlying areas and reduce long distance commute traffic-related pollution.
- Become a model transit village for environmentally friendly and sustainable development.
- Construct financially feasible developments with sufficient flexibility to adjust to market needs and to provide reasonable returns on investment so as to secure construction and long-term financing.
- Provide transit patrons and community residents with additional opportunities to purchase goods and services.
- Provide employment opportunities from development and operation of mixed-use development around the station.

Additionally, the following objectives relate specifically to BART improvements.

- Increase BART ridership.
- Improve the existing public open space in front of the BART fare gates, including the BART Plaza and the area surrounding the station, to revitalize the station area and incorporate the plaza into the design of the development to more effectively link it to the surrounding community.
- Encourage alternatives to single-occupant vehicle access to the BART station, such as access by walking, bicycles, passenger drop-off/pick-up and transit.

- Increase TOD projects on and off BART property through creative planning and development partnerships with the local community.
- Minimize the physical barriers created in the community by the construction of the BART Station and State Route 24 through the reintegration of the BART Station with the surrounding community.

## 2. Project Impacts

Impacts associated with the following environmental topics would be significant for the proposed project without the implementation of the recommended mitigation measures, but would be reduced to a **less-than-significant level if the mitigation measures** are implemented:

- TRANS-1: 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.
- 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.
- 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.
- TRANS-5: 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.
- TRANS-6: 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.
- TRANS-7: 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.

- **TRANS-8:** 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.

The following impacts are significant and unavoidable, and can not be reduced to a less-than-significant level with implementation of mitigation measures. After mitigation, the revised project would result in the following **significant unavoidable** impacts:

- **TRANS-4:** 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.
- **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.

## B. CEQA PROJECT ALTERNATIVES

Using the project objectives and the significant impacts presented above, the City and BART selected a reasonable range of project alternatives to be analyzed within the EIR. The alternatives include the following:

- The **No Project/No Build Alternative** assumes the continuation of existing conditions within the project site.
- The **Existing Zoning Alternative** 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). The development would include 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.

- The **Mitigated Reduced Building/Site Alternative** 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 five five- to six-story structures with approximately 200 dwelling units, 20,000 square feet of commercial space and 650 parking spaces (including 300 exclusive BART parking spaces).

Following is a discussion of each CEQA project alternative, and an analysis of the anticipated environmental impacts. The emphasis of the analysis is on the comparison of the anticipated impacts of each alternative to be the impacts associated with the proposed project. The discussion includes a determination as to whether the alternative would or would not reduce, eliminate, or create new significant impacts. Additionally, a discussion of two variants for each alternative is provided. The two variants include a Full BART Replacement Parking option and an approved Residential Permit Parking (RPP) option. Table V-1 (at the end of this section) shows both the project impacts and impacts associated with each project alternative.

## 1. No Project/No Build Alternative

The No Project/No Build Alternative assumes that the project site would remain in its current condition and would not be subject to development. Per CEQA Guidelines Section 15126, the No Project/No Build Alternative is considered to compare the impacts of approving the proposed project to not approving the project. Under the No Project/No Build Alternative, no development would occur on the 8.2-acre project site and existing conditions would continue into the future. The characteristics of this alternative are the baseline conditions, which are described in each of the topic sections included in Chapter IV of this EIR.

Under the No Project/No Build Alternative, no new construction would occur and the existing buildings, infrastructure, parking lots, and other physical conditions on the project site would remain in their current state. The existing commercial and residential buildings on Telegraph Avenue and the two motels on West MacArthur Boulevard would remain. Additionally, the surface parking lots for BART parking would remain. In the long term, the buildings within the site would continue to function with land uses that are the same as, or similar to, existing uses. Table V-2 compares the No Project/No Build Alternative to the proposed project.

Any remediation of hazardous materials would not occur under this alternative, and a residential parking permit program would not be established for the surrounding neighborhood. Shuttle, bus and all other vehicle circulation on the project site would remain in its current configuration. This alternative would not include any BART Plaza improvements.



**Table V-2 No Project/No Build Alternative Scenario Compared to the Proposed Project**

Use	No Project/ No Build Alternative	Proposed Project	Difference Between Project and Alternative
Dwelling Units	0	675	-675
Commercial (SqFt)	32,500	44,000	-11,500
Community Use (SqFt)	0	5,000	-5,000
Exclusive BART Parking	600	300	300

The existing Neighborhood Commercial Mixed-Use General Plan designation and the High Density Residential, Mediated Design Review (R-70/S-18) and Neighborhood Commercial, Mediated Design Review (C-28/S-18) zoning designations would remain as currently configured on the project site.

The potential impacts of the No Project/No Build Alternative are described below.

**a. Land Use.** As discussed above, the existing commercial, office, residential and parking lot uses would remain in the existing condition under the No Project/No Build Alternative. No new construction would occur and no new land uses would be introduced to the project site under this alternative. The existing motel uses on MacArthur Boulevard and commercial and office uses on Telegraph Avenue are similar to adjacent land uses in the vicinity. Additionally, the surface BART parking lot would remain to serve BART patrons. Without the introduction of new uses or structures, the No Project/No Build Alternative would not conflict with adjacent land uses; nor would this alternative result in impacts that would physically divide an established community. Like the proposed project, this alternative would not result in any significant land use impacts.

**b. Public Policy.** The existing commercial and office uses, motels and BART parking lot would continue to operate under the No Project/No Build Alternative. Although the existing uses are compatible with surrounding uses in the vicinity, the existing uses are not entirely consistent with the Neighborhood Center Mixed-Use General Plan designation or the C-28 and R-70 Zone designations. The Land Use and Transportation Element (LUTE) of the General Plan designates the project site for Mixed-Use TOD site with high-density housing and a variety of neighborhood serving commercial uses. The majority of the project site is occupied by surface parking area for BART patrons and no residential land uses exist in the project area. The existing development on the project site is partially consistent with the current zoning designations in that the commercial and office uses on MacArthur Boulevard and Telegraph Avenue are consistent with the C-28 (Neighborhood Commercial) district; however, the BART parking lot is zoned R-70, and the parking lot does not further the intent

of this high density residential district. In summary, contrary to the proposed project, the No Project/No Build Alternative does not have the potential to further the land use and planning goals identified by City policy documents.

**c. Transportation, Circulation and Parking.** The No Project/No Build Alternative would not change the existing traffic conditions. Under this alternative, the existing circulation pattern and parking configurations would continue to operate under their current conditions.

**d. Air Quality.** This alternative would not change the existing air quality. Under this alternative, there wouldn't be construction or an increase in vehicle trips that is associated with the proposed project.

**e. Noise and Vibration.** The No Project/No Build Alternative would not result in noise impacts associated with the construction of the proposed project. Additionally, under this alternative there would be no new residential units exposed to traffic noise sources. Noise currently generated on the project site, such as noise from agricultural equipment, would continue.

**f. Hydrology and Water Quality.** The No Project/No Build Alternative would not result in the construction of any new structures, and the project site would remain developed with commercial, office and motel buildings and the BART surface parking lot. The runoff associated with this alternative that would affect stormwater conveyance systems would be equal to or greater than the proposed project as current NPDES requirements require stormwater to be reduced from current/existing conditions. As dewatering would not occur on the project site, construction workers and the public would not potentially be exposed to contaminants that may be present in the soil and groundwater.

**g. Geology, Soils, and Seismicity.** Under the No Project/No Build Alternative, no new residential units or commercial uses would be developed. The project site would still be susceptible to seismic ground shaking and differential compaction, as identified for the proposed project.

**h. Public Health and Hazards** Implementation of the No Project/No Build Alternative would keep the site in its existing conditions. As such, it would not create significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials, or create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. This alternative would not expose construction workers or the public to hazardous materials from contaminants in the soil during and following construction activities, or expose workers or the public to airborne toxics, (e.g., lead-based paint and asbestos) during demolition, but would forego the opportunities to improve conditions as provided by the project.

i. **Public Services** The No Project/No Build Alternative would not result in any residential development on the project site. As such, there would be no increase demand for school or recreational facilities.

j. **Utilities.** The No Project/No Build Alternative would not result in any development on the project site. There would be no increase in demand for water, wastewater, or other utility services.

k. **Cultural and Paleontological Resources.** Implementation of the No Project/No Build Alternative would not result in demolition or construction of any structures on site. As such, this alternative would not have any associated grading, excavation or demolition associated with construction. Because no ground-disturbing activities would occur as part of the No Project/No Build Alternative, subsurface archaeological, paleontological, and Native American resources that could occur within the project site would not be disturbed.

l. **Aesthetic Resources.** Under the No Project/No Build Alternative, the visual character of the project site under this alternative would be the same as the current conditions. Existing structures currently located on the project site would remain. As no development would result under the No Project/No Build Alternative, there would be no impacts related to light and glare.

m. **Alternative Variants.** Because this alternative assumes no development would occur on-site, this alternative does not include a discussion of the alternative variants.

## 2. Existing Zoning Alternative

The Existing Zoning Alternative assumes that the project site would not be rezoned to S-15 (TOD) and that the project would be developed in accordance with development standard and uses allowed in the current zoning designations of R-70/S-18 (High Density Residential, Mediated Design Review) and C-28/S-18 (Commercial Shopping District, Mediated Design Review). The existing zoning is split amongst the project parcels such that the BART parking areas (6.02 acres) are zoned R-70/S-18 and the remaining parcels (1.36 acres) are zoned C-8/S-18. The Existing Zoning Alternative assumes that residential only development would occur on the residentially zoned parcels, and that mostly commercial, with limited mixed-use development, would occur on the commercially zoned parcels. The development would include 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. The development would include approximately 530 dwelling units, approximately 44,000 square

feet of commercial space<sup>3</sup> (this may include a community space), and approximately 1,015 parking spaces (including 300 exclusive BART parking spaces). This alternative does not include implementation of an RPP Program. Variants which include 600 BART parking spaces and implementation of an approved RPP Program are also considered at the end of this section. Table V-3 compares the Existing Zoning Alternative to the proposed project.

**Table V-3 Existing Zoning Alternative Scenario Compared to the Proposed Project**

Use	Existing Zoning Alternative	Proposed Project	Difference Between Project and Alternative
Dwelling Units	530	675	-145
Commercial (SqFt)	44,000	44,000	0
Community Use (SqFt)	5,000	5,000	0
Exclusive BART Parking	300	300	0

Source: MacArthur Transit Community Partners, October 2007.

Infrastructure improvements for the Existing Zoning Alternative would be similar to the proposed project. New commercial buildings on Telegraph Avenue would be accessed via a single driveway from Telegraph Avenue. The frontage road and an internal circulation road would be necessary to provide access to new residential units that would be developed on the existing surface BART parking lot.

All existing buildings would be demolished and the all trees would be removed under this alternative. Remediation of hazardous materials would occur under this alternative, and residential parking permit program would not be established for the surrounding neighborhood. Shuttle, bus and all other vehicle circulation on the project site would remain in it current configuration. This alternative would include the BART Plaza improvements.

The existing Neighborhood Commercial Mixed-Use General Plan designation and the High Density Residential, Mediated Design Review (R-70/S-18) and Neighborhood Commercial, Mediated Design Review (C-28/S-18) zoning designations would remain as currently configured on the project site; however, in accordance with the City's Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations, the existing zoning is not consistent with the General Plan designation and therefore, a Minor Use Permit

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<sup>3</sup> The Existing Zoning Alternative would allow for approximately 110,000 square feet of commercial space; however, development of 110,000 square feet of commercial area would result in additional transportation impacts than the proposed project, which includes 44,000 square feet of commercial space. For purposes of analyzing an alternative that would reduce impacts, the maximum area of commercial space has been reduced to 44,000 square feet for this alternative.

would be required for a development project in a zoning designation that is inconsistent with the General Plan land use designation.

Figures V-1A and V-1B show a conceptual plan and cross-section for the Existing Zoning Alternative. The potential impacts of the Existing Zoning Alternative are described below.

**a. Land Use.** Under the Existing Zoning Alternative, the project site would be developed under the existing zoning regulations, which would include residential uses on the parcels currently used as surface BART parking spaces, and commercial uses on the project parcels that front onto Telegraph Avenue and West MacArthur Boulevard. The 300-space BART parking garage would be constructed to replace the existing BART surface parking area. The Existing Zoning Alternative would introduce new land uses to the project site by developing residential uses; however, these new residential uses would be consistent with existing residential uses surrounding the project site. Additionally, this alternative would not create a physical division within the community. Though the Existing Zoning Alternative would (like the proposed project) not result in any land use impacts, the Existing Zoning Alternative assumes the development under existing zoning would involve more traditional, segregated residential and commercial development without the mixed-use buildings and less residential density than what is programmed into the proposed project.

**b. Public Policy.** This alternative assumes that traditional multi-family residential development would occur on the residentially zoned parcels, and that mostly commercial, with limited mixed-use development, would occur on the commercially zoned parcels. One of the main goals for TOD, as indicated in the General Plan, is to encourage high-density mixed-use projects. The land use and development standards of the existing zoning (C-28 and R-70) would not allow the flexibility of mixed-use development that is proposed for development of the proposed project. The proposed project's rezoning to S-15, the Transit-Oriented zone, would allow for and promote an entirely mixed-use project. Additionally, land uses permitted within the existing zoning categories are not tailored to TOD, whereas land uses within the proposed project (with a rezone to S-15 zone) would be tailored to TOD. Development under this alternative would be consistent with the General Plan and San Pablo/MacArthur/Broadway Redevelopment Plan goals for increased housing on the project site; however, the housing under this alternative would not be as dense as the proposed project. The inconsistencies with the General Plan that are evident in the Existing Zoning Alternative would not lead to environmental impacts; thus, like the proposed project, the Existing Zoning Alternative would not result in public policy conflicts.

**c. Transportation, Circulation and Parking.** The Existing Zoning Alternative would result in approximately 8 percent fewer AM peak hour trips and 10 percent fewer PM peak hour trips than the proposed project (see Table V-4 below). This alternative would generate fewer trips from the residential component and the same amount of trips for the commercial component. Given the minor reduction in trips under this alternative, the



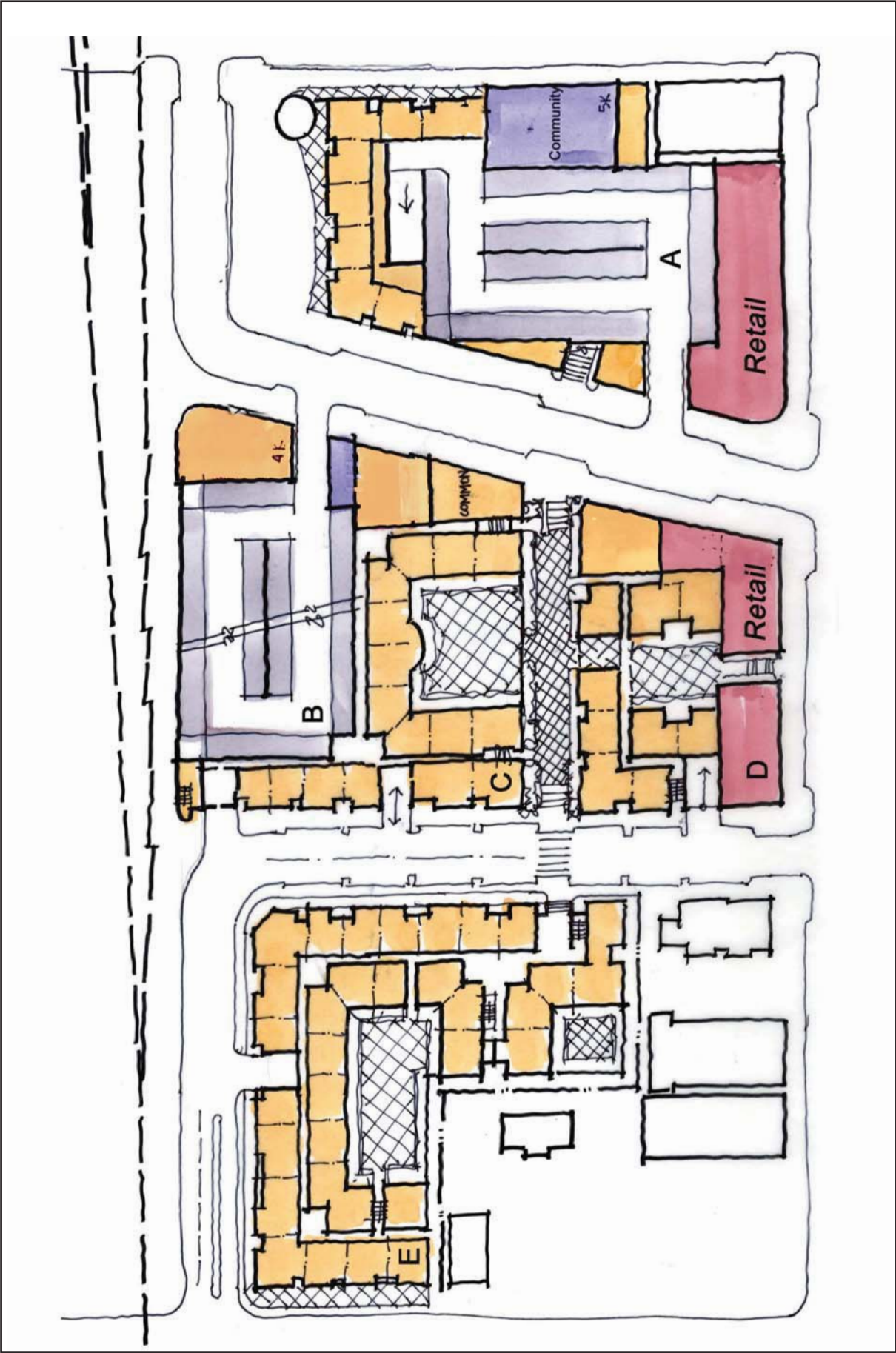


FIGURE V-1A

# **MacArthur Transit Village Project EIR** Existing Zoning Alternative

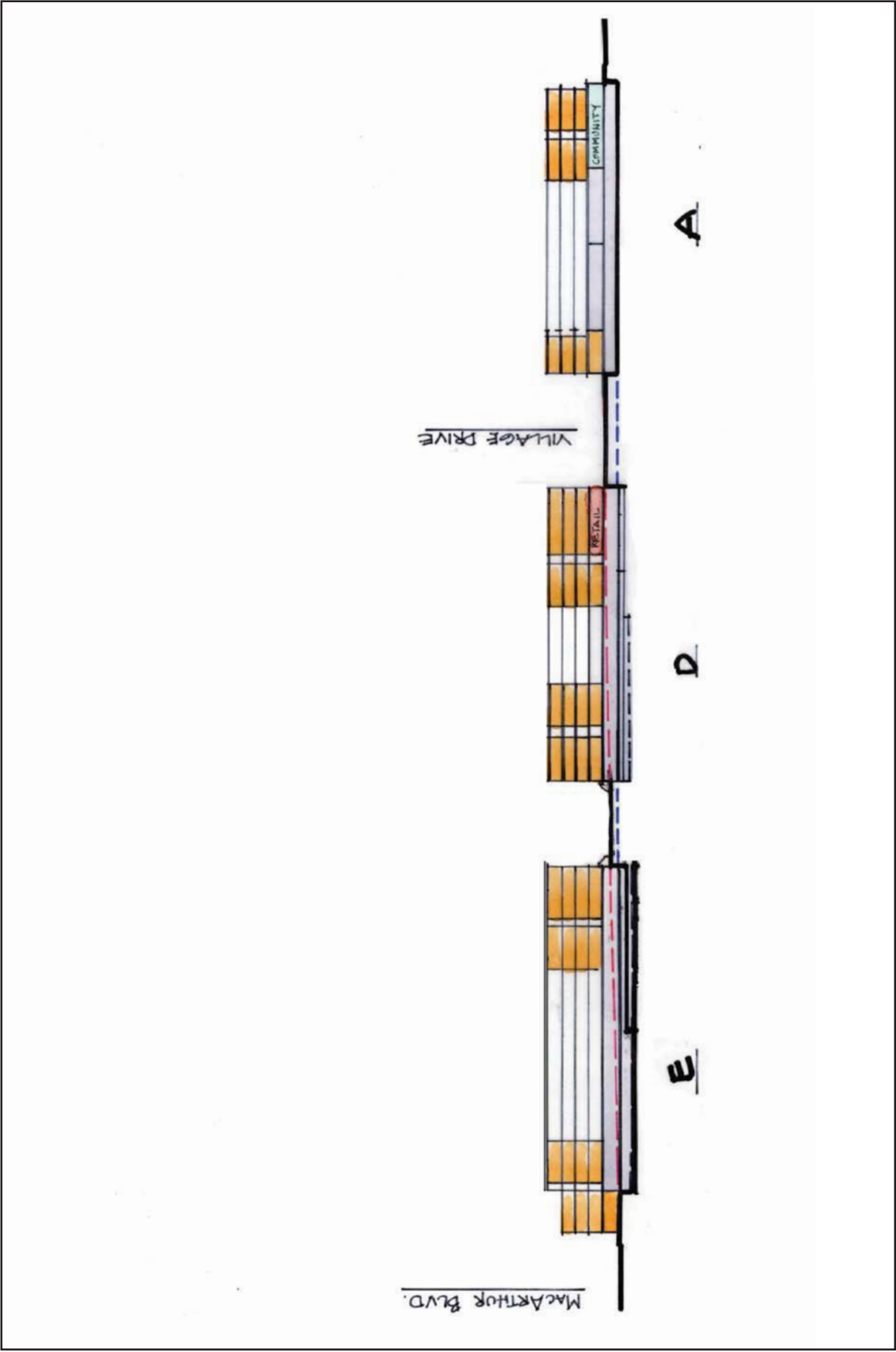


FIGURE V-1B

**MacArthur Transit Village Project EIR**  
Existing Zoning Alternative

d. **Table V-4 Existing Zoning Alternative Scenario Trip Generation**

Land Use	ITE Code	Amount	Daily	AM Peak Hour			PM Peak Hour		
			Trips	In	Out	Total	In	Out	Total
Condominium <sup>a</sup>	230	530 DU	2,649	33	163	196	158	78	236
Residential Transit Reduction <sup>b</sup>		Daily 19% Peak Hr. 38%	-503	-13	-62	-74	-60	-30	-90
<b>Total Residential Trips</b>			<b>2,146</b>	<b>20</b>	<b>101</b>	<b>121</b>	<b>98</b>	<b>48</b>	<b>146</b>
Commercial <sup>c</sup>	814	44 ksf	1,950	67	52	119	52	67	119
Commercial Transit Reduction <sup>d</sup>		5%	-98	-3	-3	-6	-3	-3	-6
<b>Total Commercial Trips</b>			<b>1,852</b>	<b>64</b>	<b>49</b>	<b>113</b>	<b>49</b>	<b>64</b>	<b>113</b>
Community Space <sup>e</sup>	565	5 ksf	396	34	30	64	31	35	66
BART Parking Lot <sup>f</sup>		-300 spaces	0	0	0	0	0	0	0
<b>TOTAL Trip Generation</b>			<b>4,394</b>	<b>119</b>	<b>180</b>	<b>299</b>	<b>178</b>	<b>147</b>	<b>325</b>
<b>Proposed Project</b>			<b>4,886</b>	<b>123</b>	<b>201</b>	<b>324</b>	<b>200</b>	<b>158</b>	<b>358</b>
<b>Difference</b>			<b>-488</b>	<b>-4</b>	<b>-21</b>	<b>-25</b>	<b>-22</b>	<b>-11</b>	<b>-33</b>

Notes: du = dwelling unit; ksf = 1,000 square feet.

<sup>a</sup> Trip generation based on the regression equations for Residential Condominium/Townhouse (Land Use 230) in the Institute of Transportation Engineers' (ITE) *Trip Generation* (7<sup>th</sup> Edition, 2003), as presented below.

Daily Equation:  $\ln(T) = 0.85 \ln(X) + 2.55$

AM Equation:  $\ln(T) = 0.80 \ln(X) + 0.26$  (inbound = 17%, outbound = 83%)

PM Equation:  $\ln(T) = 0.82 \ln(X) + 0.32$  (inbound = 67%, outbound = 33%)

Where: T = trip ends, Ln = natural logarithm, and X = number of dwelling units

<sup>b</sup> 38% peak hour residential transit reduction based on trip generation surveys at Bay Area TODs adjacent to BART stations; confirmed by data presented in *Recommended Trip Generation Adjustments for Transit-Oriented Developments in Oakland* (Dowling Associates, April 2006), as well as *Bay Area Transportation Surveys* (BATS) 2000 data for households within ½ mile of BART stations. Transit reduction for daily trip generation (19%) is lower to account for lower transit mode share for non-work trips.

<sup>c</sup> Daily and PM trip generation based on the rates for Specialty Commercial (Land Use 814) in the ITE *Trip Generation* (7<sup>th</sup> Edition), as presented below.

Daily Rate:  $(T) = 44.32 (X)$

PM Rate:  $(T) = 2.71 (X)$  (inbound = 44%, outbound = 56%)

Where: T = trip ends and X = 1,000 square feet

AM trip generation based on PM trip rate, with reversed inbound/outbound splits. <sup>d</sup> Commercial transit reduction based on TOD literature on commercial trips, including *Travel Characteristics of Transit-Oriented Development in California* (Lund, Cervero, and Wilson, 2004), and *Ridership Impacts of Transit-Focused Development in California* (Cervero, 1994).

<sup>e</sup> Trip generation based on the average rates for Day Care Center (Land Use 565) in the ITE *Trip Generation* (7<sup>th</sup> Edition), as presented below.

Daily Rate:  $(T) = 79.26 (X)$

AM Rate:  $(T) = 12.79 (X)$  (inbound = 53%, outbound = 47%)

PM Rate:  $(T) = 13.18 (X)$  (inbound = 47%, outbound = 53%)

Where: T = trip ends and X = 1,000 square feet

<sup>f</sup> The project includes removing approximately 300 of the existing 618 parking spaces in the BART lot. In the AM peak hour, any change in trips to the parking lot will most likely continue to occur before the peak hour. To be conservative, we assume that BART patrons currently entering and exiting the lot in the PM peak hour will continue to do so. Source: Fehr & Peers, 2007.

transportation impacts identified with the proposed project would likely occur in connection with this alternative but to a lesser magnitude.

The two impacts identified for the proposed project under the Cumulative Year 2015 Baseline Plus Project scenario (at Telegraph Avenue/51<sup>st</sup> Street and Market Street/MacArthur Boulevard, both in the PM peak hour) would likely continue to occur but to a lesser magnitude. Under the Cumulative Year 2030 Baseline Plus Project scenario, the impacts identified with the proposed project (at Telegraph Avenue/52<sup>nd</sup> Street/Claremont Avenue in the AM and PM peak hours; Telegraph Avenue/51<sup>st</sup> Street in the AM and PM peak hours; West Street/40<sup>th</sup> Street in the PM peak hour; Telegraph Avenue/40<sup>th</sup> Street in the AM and PM peak hours; Market Street/MacArthur Boulevard in the AM and PM peak hours; Telegraph Avenue/MacArthur Boulevard in the AM peak hour; and Broadway/MacArthur Boulevard in the AM peak hour) would likely occur, but with less magnitude. The two significant unavoidable impacts identified with the project (at Telegraph Avenue/51<sup>st</sup> Street and Broadway/ MacArthur Boulevard intersections) would be significant unavoidable under this alternative but to a lesser magnitude.

**e. Air Quality.** The Existing Zoning Alternative involves new construction of residential and commercial buildings and the parking garage. Construction measures, similar to the proposed project, would be used to develop this alternative. Additionally, vehicle trip generation from this alternative would be similar to the proposed project. Air Quality impacts would not differ substantially from the proposed project. The standard conditions applied to the proposed project would be applicable to the Existing Zoning Alternative. Implementation of these standard conditions would reduce Air Quality impacts to a less-than-significant level.

**f. Noise and Vibration.** Noise and vibration impacts related to the Existing Zoning Alternative would not differ substantially from the proposed project. Ground-borne vibration impacts would be identical to those associated with the proposed project. Short-term construction related impacts would be similar to those associated with the proposed project. The standard conditions identified for the proposed project would be applicable to the Existing Zoning Alternative. With implementation of these standard conditions, the Existing Zoning Alternative would not result in significant noise impacts associated with the construction of the proposed project.

**g. Hydrology and Water Quality.** The Existing Zoning Alternative involves development on all parcels at a relatively similar level of intensity and would result in a similar amount of runoff that could affect stormwater conveyance systems. Additionally, as is with the proposed project, construction workers and the public would be exposed to potential contaminants in the soil and groundwater related to dewatering on-site. All standard conditions for the proposed project would be applicable to the Existing Zoning Alternative. No new or increased significant impacts would result from implementation of the Existing Zoning Alternative.

**h. Geology, Soils, and Seismicity.** Under this alternative, grading activities and building foundations would be subject to similar geologic and seismic conditions and constraints as the proposed project. An earthquake on a nearby fault could result in strong seismic shaking at the project site. The surface and near surface site materials are classified as Urban Land, which is a man-made soil type consisting of various grades of un-engineered fill, possibly containing debris. The primary geologic concerns for the site are direct damage to structures from seismic shaking, seismically induced liquefaction and attendant ground failure, expansive soils, and settlement or differential settlement. Each of the standard conditions identified for the proposed project would be applicable to the Existing Zoning Alternative. No significant impacts would result from this alternative.

**i. Public Health and Hazards.** The Existing Zoning Alternative involves development on all parcels at a relatively similar level of intensity. As such, this alternative would be subject to the same standard conditions related to public health and hazards to reduce impacts on the environment through the routine transport, use, or disposal of hazardous materials, or creation of a significant hazard to the public or the environment through potential upset or accident conditions involving the release of hazardous materials into the environment. No significant impacts would result from implementation of this alternative.

**j. Public Services.** Impacts to public services for the Existing Zoning Alternative would be comparable to those for the proposed project because the development under this alternative would be similar to the number of units and commercial space as the proposed project. The alternative would create increased demand for fire and police protection, schools, library services and parks. The increased demand, like that generated by the proposed project, would be less than significant and no mitigation is required.

**k. Utilities.** Impacts to utilities for the Existing Zoning Alternative would be comparable to those for the proposed project because the development under this alternative would be similar to the number of units and commercial space as the proposed project. The alternative would create increased demand for water supply, wastewater collection and treatment, and post-construction solid waste facilities and infrastructure. The increased demand, similar to that generated by the proposed project, would be less than significant and no mitigation is required.

**l. Cultural and Paleontological Resources.** Under the Existing Zoning Alternative, multiple new buildings would be developed and the site would be subject to grading and other ground disturbing activities. The project area is sensitive for subsurface historical, archaeological, or paleontological resources, which have the potential to be unearthed during site preparation and construction of this alternative. Because this alternative would also be subject to standard conditions of approval designed by the City to reduce potential impacts related to cultural and paleontological impacts, this alternative (like the proposed project) would not result in significant land use impacts and no mitigation is required.



**m. Aesthetic Resources.** The Existing Zoning alternative would include five new buildings (including a parking garage), similar to the proposed project. 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. These building heights would be approximately two stories less than the proposed project which is proposing a maximum height of 85 feet. Although the overall maximum height of this alternative would be lower than the proposed project, the aesthetic impacts that would result would be similar to the proposed project as development of this alternative would also represent a substantial increase in the amount of visible building mass and street frontage seen on the site.

Like the project, the development proposed under this alternative would provide additional sources of glare and light. Implementation of Standard Condition of Approval, AES-1: Lighting Plan would ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.

**n. Alternative Variants.** Below is a discussion of the Existing Zoning Alternative with two alternative variants: Full BART Replacement Parking and with a Residential Parking Permit Program (RPP).

- **Full BART Replacement Parking.** The traffic analysis for the proposed project (see Transportation and Circulation Section IV.C) did not reduce project trip generation to account for reduced BART parking. Thus, traffic conditions under the Existing Zoning Alternative with Full BART Replacement Parking option would be similar to the Existing Zoning Alternative previously discussed. The inclusion of the Full BART Replacement Parking option would not result in any new or significantly different impacts than those identified for the Existing Zoning Alternative except for the area of aesthetics. The impacts related to aesthetics if this variant is implemented would be the same as what is described for the Full BART Replacement Alternative described and analyzed below in Section C.1.
- **With a Residential Parking Permit Program (RPP).** As on-site BART parking is reduced, BART patrons who currently drive and park on-site may be attracted to park in the surrounding residential neighborhoods. This would reduce the on-street parking available for local residents. An RPP that would cover approximately a ¼-mile radius around the project site could be used as a tool to offset potential parking impacts in the surrounding neighborhood associated with the reduction in on-site BART parking. The RPP would restrict on-street parking by non-residents to fewer than two hours during the weekdays. Since BART commuters would park longer than two hours, on-street parking would no longer be available to them. Parking would still be available for Telegraph Avenue commercial district shoppers, since they typically park for less than two hours. Implementation of a RPP program would cause a significant reduction in off-site parking

supply for BART patrons. It has been estimated that as many as 216 BART patrons currently park on residential streets adjacent to the station. It is estimated that about 25 percent of BART patrons who currently drive and park in the surrounding neighborhood would shift to other travel modes to access the BART Station if on-street parking is no longer available to them (see Appendix F). The rest may no longer use the MacArthur BART Station. The reduction in off-site parking supply for BART patrons would result in fewer vehicles driving to and from the MacArthur BART Station and a reduction in number and magnitude of the identified project impacts at intersections. The potential secondary impacts of this alternative variant would be the same as those described for the project variant. See pages 215 and 216 of Section IV.C, Transportation, Circulation and Parking for a discussion of potential secondary impacts associated with implementation of an RPP program.

### **3. Mitigated Reduced Building/Site Alternative**

The Mitigated Reduced Building/Site Alternative assumes that the project site area would be reduced to only include the parcels currently developed with the BART surface parking lots (6.02 acres). The two parcels along West MacArthur Avenue (currently developed with two motels) and the parcels on Telegraph Avenue (developed with commercial uses and a medical office) would not be part of the project under the Mitigated Reduced Building/Site Alternative. The Mitigated Reduced Building/Site Alternative would include development of four mixed-buildings (5 to 6 stories) with approximately 200 dwelling units and 20,000 square feet of commercial area and 650 parking spaces (including 300 exclusive BART parking spaces). This alternative would also include a fifth building to house the 300-space BART parking garage. This alternative does not include implementation of an RPP Program. Variants which include 600 BART parking spaces and implementation of an RPP Program are also considered at the end of this section. Table V-5 compares the Mitigated Reduced Building/Site Alternative to the proposed project.<sup>4</sup>

Infrastructure improvements for the Mitigated Reduced Building/Site Alternative would be less than the proposed project because the alternative includes less site area. Access to the development under this alternative would be provided by the existing driveways at West MacArthur Boulevard and 40<sup>th</sup> Street. The existing frontage road and a new internal street would be constructed to provide access to the units. New commercial buildings on Telegraph Avenue could be accessed via a single driveway from Telegraph Avenue. The

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<sup>4</sup> In order to eliminate the two significant unavoidable impacts at the Telegraph Avenue/51<sup>st</sup> Street (#3) and Broadway/MacArthur Boulevard (#20) intersections, the project trip generation would need to be reduced by about 57 percent to 139 new trips during the AM peak hour. This corresponds to a project consisting of 627 dwelling units, and no commercial or community space, or a project consisting of 350 dwelling units, 20,000 square feet of commercial and no community space. The impacts of these scenarios would be similar to the Mitigated Reduced Building/Site Alternative analyzed in this section.

**Table V-5 Mitigated Reduced Building/Site Alternative Scenario Compared to the Proposed Project**

Use	Mitigated Reduced Building/Site Alternative	Proposed Project	Difference Between Project and Alternative
Dwelling Units	200	675	-475
Commercial (SqFt)	20,000	44,000	-24,000
Community Use (SqFt)	0	5,000	-5,000
Exclusive BART Parking	300	300	0

Source: MacArthur Transit Community Partners, October 2007.

frontage road and an internal circulation road would be necessary to provide access to new residential units that would be developed on the existing surface BART parking lot.

Only the parking lot would be demolished under this alternative, all existing buildings and a majority of existing trees would remain. Remediation of hazardous materials within the BART parking lot area would occur under this alternative. Shuttle, bus and all other vehicle circulation on the project site would remain in its current configuration. This alternative would also include the BART Plaza improvements.

The parcels within this alternative would be rezoned to S-15 (TOD) and the project would be developed in accordance with development standards and uses prescribed in the S-15 zone. The General Plan land use designation would remain Neighborhood Center Mixed Use, and the rezone to S-15 would be consistent with this General Plan land use designation.

Figures V-2A and V-2B show a conceptual plan and cross-section for the Mitigated Reduced Building/Site Alternative. The potential impacts of the Mitigated Reduced Building/Site Alternative are described below.

**a. Land Use.** Under the Mitigated Reduced Building/Site Alternative, only the BART parking lot parcels would be developed with new mixed-use buildings to accommodate approximately 200 dwelling units, 20,000 square feet of commercial area and a parking garage for BART patrons. The parcels that front onto Telegraph Avenue and West MacArthur Boulevard would remain in their current state of development and would not be part of the project. The Mitigated Reduced Building/Site Alternative would introduce new land uses to the project site by developing residential uses; however, these new residential uses would be consistent with existing residential uses surrounding the project site and would not create a physical division within the community. Though the Mitigated Reduced Building/Site Alternative would not result in any land use impacts (like the proposed project), the Mitigated Reduced Building/Site Alternative would involve a much less dense



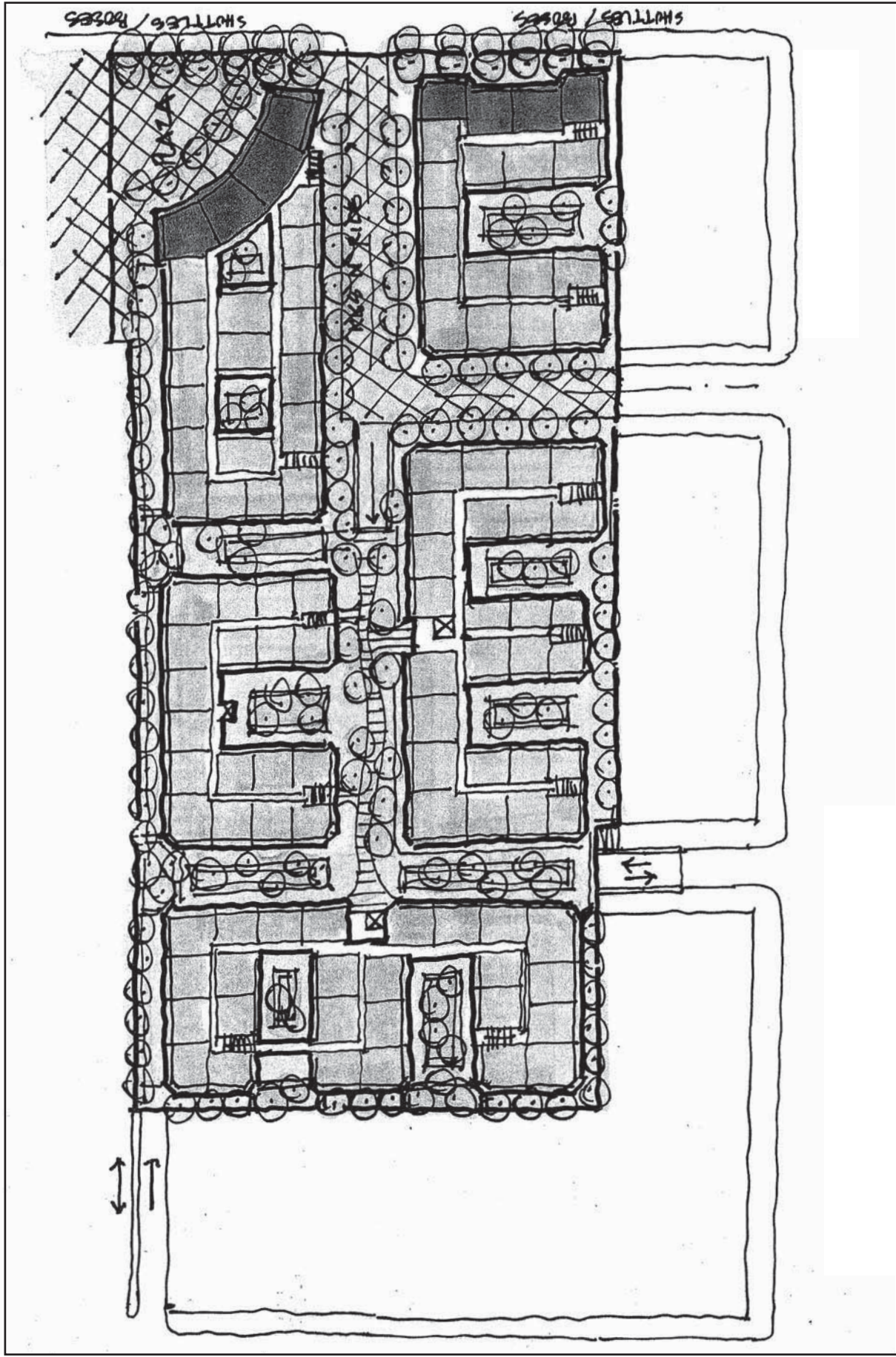


FIGURE V-2A

# **MacArthur Transit Village Project EIR** **Mitigated Reduced Building / Site Alternative**



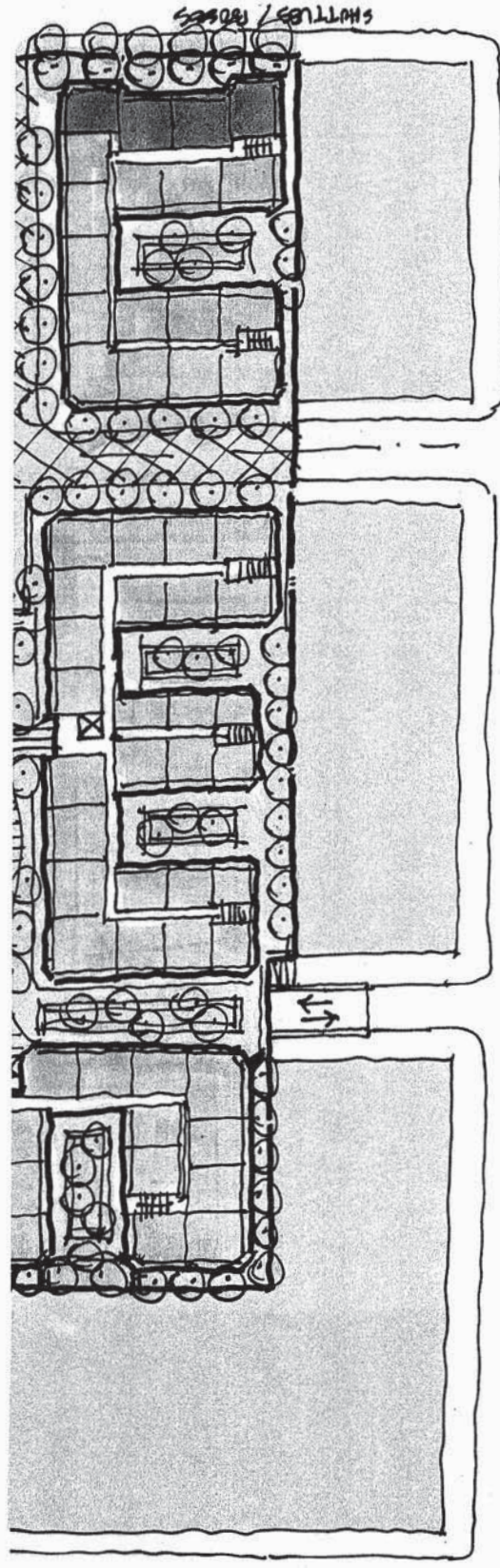
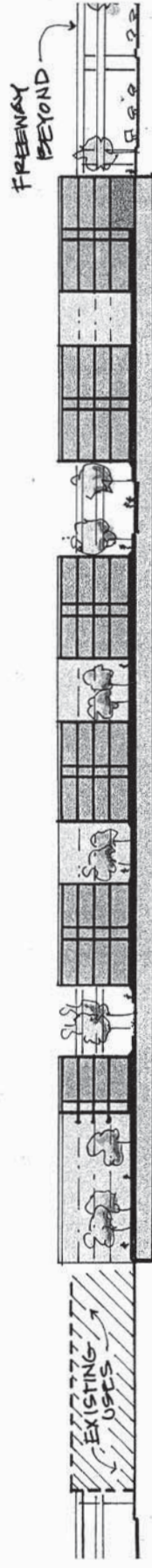


FIGURE V-2B

## MacArthur Transit Village Project EIR Mitigated Reduced Building / Site Alternative



development and would not introduce new uses on Telegraph Avenue due to the deletion of these parcels from the project.

**b. Public Policy.** The Mitigated Reduced Building/Site Alternative would be generally consistent with the General Plan goals for a TOD at the MacArthur BART Station because this alternative assumes new mixed-use development would occur immediately adjacent to the station. As a function of the reduced site area, the residential density of development would be significantly decreased (from 675 units to 200 units). Additionally, the proposed project's rezoning to S-15, the Transit-Oriented zone, would allow for, and promote, an entirely mixed-use project. Development under this alternative would be consistent with the General Plan and San Pablo/MacArthur/Broadway Redevelopment Plan goals for increased housing on the project site; this alternative would involve many fewer units and less commercial space than the proposed project. Like the proposed project Mitigated Reduced Building/Site Alternative would not result in public policy conflicts.

**c. Transportation, Circulation and Parking.** The Mitigated Reduced Building/Site Alternative would result in approximately one-third as many AM and PM peak hour trips as the proposed project (see Table V-6 below). The magnitude of transportation impacts with this alternative would be less than with the proposed project. As with the proposed project, there would be no impacts under the Existing Plus Mitigated Reduced Building/Site Alternative scenario, and it is unlikely that there would be any impacts under the Cumulative Year 2015 Baseline Plus Mitigated Reduced Building/Site Alternative scenario. The impact identified for the proposed project under the Cumulative Year 2015 Baseline Plus Project scenario at Telegraph Avenue/51<sup>st</sup> Street and Market Street/MacArthur Boulevard intersection would likely not occur.

Under Cumulative Year 2030 Baseline conditions, the significant unavoidable impacts identified with the proposed project at Telegraph Avenue/51<sup>st</sup> Street and Broadway/MacArthur Boulevard would no longer be significant unavoidable. Other impacts identified with the proposed project (at Telegraph Avenue/52<sup>nd</sup> Street/Claremont Avenue in the AM and PM peak hours; West Street/40<sup>th</sup> Street in the PM peak hour; Telegraph Avenue/40<sup>th</sup> Street in the AM and PM peak hours; Market Street/MacArthur Boulevard in the AM and PM peak hours; and Telegraph Avenue/MacArthur Boulevard in the AM peak hour) would be less severe.

**d. Air Quality.** The Mitigated Reduced Building/Site Alternative would involve new construction of residential and commercial buildings and the parking garage. Construction measures, similar to the proposed project, would be used to develop this alternative. However, vehicle trip generation from this alternative would be less than the proposed project due to the reduction in units and commercial area. As a result, air quality impacts would be slightly less than the proposed project. Though the air quality impacts would be less than the proposed project, the standard conditions applied to the proposed project

**Table V-6 Mitigated Reduced Building/Site Alternative Trip Generation**

Land Use	ITE Code	Amount	Daily	AM Peak Hour			PM Peak Hour		
			Trips	In	Out	Total	In	Out	Total
Condominium <sup>a</sup>	230	200 DU	1,157	15	75	90	71	35	106
Residential Transit Reduction <sup>b</sup>		Daily 19% Peak Hr. 38%	-220	-6	-28	-34	-27	-13	-40
<b>Total Residential Trips</b>			<b>937</b>	<b>9</b>	<b>47</b>	<b>56</b>	<b>44</b>	<b>22</b>	<b>66</b>
Commercial <sup>c</sup>	814	20 ksf	886	30	24	54	24	30	54
Commercial Transit Reduction <sup>d</sup>		5%	-44	-2	-1	-3	-1	-2	-3
<b>Total Commercial Trips</b>			<b>842</b>	<b>29</b>	<b>23</b>	<b>51</b>	<b>23</b>	<b>29</b>	<b>51</b>
BART Parking lot <sup>f</sup>		-300 spaces	0	0	0	0	0	0	0
<b>TOTAL Trip Generation</b>			<b>1,779</b>	<b>38</b>	<b>69</b>	<b>107</b>	<b>67</b>	<b>51</b>	<b>118</b>
<b>Proposed Project</b>			<b>4,886</b>	<b>123</b>	<b>201</b>	<b>324</b>	<b>200</b>	<b>158</b>	<b>358</b>
<b>Difference</b>			<b>-3,107</b>	<b>-85</b>	<b>-132</b>	<b>-217</b>	<b>-133</b>	<b>-207</b>	<b>-240</b>

Notes: du = dwelling unit; ksf = 1,000 square feet.

<sup>a</sup> Trip generation based on the regression equations for Residential Condominium/Townhouse (Land Use 230) in the Institute of Transportation Engineers' (ITE) *Trip Generation* (7<sup>th</sup> Edition, 2003), as presented below.

Daily Equation:  $\ln(T) = 0.85 \ln(X) + 2.55$

AM Equation:  $\ln(T) = 0.80 \ln(X) + 0.26$  (inbound = 17%, outbound = 83%)

PM Equation:  $\ln(T) = 0.82 \ln(X) + 0.32$  (inbound = 67%, outbound = 33%)

Where: T = trip ends, Ln = natural logarithm, and X = number of dwelling units

<sup>b</sup> 38% peak hour residential transit reduction based on trip generation surveys at Bay Area TODs adjacent to BART stations; confirmed by data presented in *Recommended Trip Generation Adjustments for Transit-Oriented Developments in Oakland* (Dowling Associates, April 2006), as well as *Bay Area Transportation Surveys* (BATS) 2000 data for households within ½ mile of BART stations. Transit reduction for daily trip generation (19%) is lower to account for lower transit mode share for non-work trips.

<sup>c</sup> Daily and PM trip generation based on the rates for Specialty Commercial (Land Use 814) in the ITE *Trip Generation* (7<sup>th</sup> Edition), as presented below.

Daily Rate:  $(T) = 44.32 (X)$

PM Rate:  $(T) = 2.71 (X)$  (inbound = 44%, outbound = 56%)

Where: T = trip ends and X = 1,000 square feet

M trip generation based on PM trip rate, with reversed inbound/outbound splits.

<sup>d</sup> Commercial transit reduction based on TOD literature on commercial trips, including *Travel Characteristics of Transit-Oriented Development in California* (Lund, Cervero, and Wilson, 2004), and *Ridership Impacts of Transit-Focused Development in California* (Cervero, 1994).

<sup>e</sup> Trip generation based on the average rates for Day Care Center (Land Use 565) in the ITE *Trip Generation* (7<sup>th</sup> Edition), as presented below.

Daily Rate:  $(T) = 79.26 (X)$

AM Rate:  $(T) = 12.79 (X)$  (inbound = 53%, outbound = 47%)

PM Rate:  $(T) = 13.18 (X)$  (inbound = 47%, outbound = 53%)

Where: T = trip ends and X = 1,000 square feet

<sup>f</sup> The project includes removing approximately 300 of the existing 618 parking spaces in the BART lot. In the AM peak hour, any change in trips to the parking lot will most likely continue to occur before the peak hour. To be conservative, we assume that BART patrons currently entering and exiting the lot in the PM peak hour will continue to do so.

Source: Fehr & Peers, 2007.

would be applicable to the Mitigated Reduced Building/Site Alternative. Implementation of these standard conditions would reduce air quality impacts to a less-than-significant level.

**e. Noise and Vibration.** Noise and vibration impacts related to the Mitigated Reduced Building/Site Alternative would differ somewhat from the proposed project. Roadway noise may be slightly reduced because the development would be shielded from noise on Telegraph Avenue by the existing buildings that would remain on Telegraph Avenue and West MacArthur; however, noise from SR-24 would still affect dwelling units under this alternative. Short-term construction related impacts would be similar to those associated with the proposed project, but incrementally less since less construction would occur. The standard conditions identified for the proposed project would be applicable to the Mitigated Reduced Building/Site Alternative. Like the proposed project, with implementation of these standard conditions, the Mitigated Reduced Building/Site Alternative would not result in significant noise impacts.

**f. Hydrology and Water Quality.** The Mitigated Reduced Building/Site Alternative involves development on a reduced portion of the proposed project site, and would thus result in a reduced amount of runoff that could affect stormwater conveyance systems. As with the proposed project, construction workers and the public would be exposed to potential contaminants in the soil and groundwater related to dewatering on-site, but this potential impact would be reduced by the reduction in site area and development. All standard conditions for the proposed project would also be applicable to the Mitigated Reduced Building/Site Alternative. The impacts on hydrology and water quality would be slightly less than the proposed project because the site area is reduced.

**g. Geology, Soils, and Seismicity.** Under this alternative, grading activities and building foundations would be subject to similar geologic and seismic conditions and constraints as the proposed project. An earthquake on a nearby fault could result in strong seismic shaking at the project site. The surface and near surface site materials are classified as Urban Land, which is a man-made soil type consisting of various grades of un-engineered fill, possibly containing debris. The primary geologic concerns for the site are direct damage to structures from seismic shaking, seismically induced liquefaction and attendant ground failure, expansive soils, and settlement or differential settlement. Each of the standard conditions identified for the proposed project would be applicable to the Mitigated Reduced Building/Site Alternative. No significant impacts would result from this alternative.

**h. Public Health and Hazards.** The Mitigated Reduced Building/Site Alternative involves development on all parcels at a reduced intensity compared with the proposed project. As such, this alternative would be subject to the same standard conditions related to public health and hazards to reduce impacts on the environment through the routine transport, use, or disposal of hazardous materials, or creation of a significant hazard to the public or the environment through reasonable foreseeable upset or accident conditions involving the

release of hazardous materials into the environment. No significant impacts would result from implementation of this alternative.

**i. Public Services.** The amount of development under the Mitigated Reduced Building/Site Alternative is well below that of the proposed project; therefore, impacts to public services for the Mitigated Reduced Building/Site Alternative would be less than those for the proposed project. The Mitigated Reduced Building/Site Alternative would have less of an increased demand for fire and police protection, schools, library services and parks. The increased demand from the Mitigated Reduced Building/Site Alternative, like that generated by the proposed project, would be less than significant and no mitigation is required.

**j. Utilities.** The amount of development under the Mitigated Reduced Building/Site Alternative is well below that of the proposed project; therefore, impacts to utilities for the Mitigated Reduced Building/Site Alternative would be less than those for the proposed project. The Mitigated Reduced Building/Site Alternative would have less of an increased demand for demand for water supply, wastewater collection and treatment, and post-construction solid waste facilities and infrastructure. The increased demand from the Mitigated Reduced Building/Site Alternative, like that generated by the proposed project, would be less than significant and no mitigation is required.

**k. Cultural and Paleontological Resources.** Under the Mitigated Reduced Building/Site Alternative, multiple new buildings would be developed and the reduced project site would be subject to grading and other ground disturbing activities. The reduced project area is sensitive for subsurface historical, archaeological, or paleontological resources, which have the potential to be unearthed during site preparation and construction of this alternative. Because this alternative would also be subject to standard conditions of approval designed by the City to reduce potential impacts related to cultural and paleontological impacts, this alternative (like the proposed project) would not result in significant land use impacts and no mitigation is required.

**l. Aesthetic Resources.** The Mitigated Reduced Building/Site alternative would include five five- to six-story structures with approximately 200 dwelling units, 20,000 square feet of commercial space and 650 parking spaces (including 300 exclusive BART parking spaces). The overall footprint of each of the buildings would be smaller than the proposed project as the site area is reduced and only includes the existing BART parking lot. Although this alternative would include less development than the proposed the project the density and mass of it would be similar to the proposed project for the portion of the site that would be developed. As a result, the impact on aesthetic resources would be similar to the proposed project and not considered significant. Along the edges that are immediately adjacent to existing development, the transition of this alternative would be more apparent than the proposed project as the increase in height would be more abrupt Development of this alternative would represent a substantial increase in the amount of visible building mass and street frontage seen on the site. However, the urban design fabric surrounding

the site supports this scale of development including street widths, some of the taller historic and new developments located along the Telegraph Avenue corridor between Downtown and 51<sup>st</sup> Avenue.

Like the project, the development proposed under this alternative would provide additional sources of glare and light. Implementation of Standard Condition of Approval, AES-1: Lighting Plan would ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.

**m. Alternative Variants.** Below is a discussion of the Mitigated Reduced Building/Site Alternative with two alternative variants: Full BART Replacement Parking and With a Residential Parking Permit Program (RPP).

- **Full BART Replacement Parking.** The traffic analysis for the proposed project (see Transportation and Circulation Section IV.C) did not reduce project trip generation to account for reduced BART parking. Thus, traffic conditions under the Mitigated Reduced Building/Site Alternative with the Full BART Replacement Parking variant would be similar to the Mitigated Reduced Building/Site Alternative previously discussed.
- **With a Residential Parking Permit Program (RPP).** As on-site BART parking is reduced, BART patrons who currently drive and park on-site may be attracted to park in the surrounding residential neighborhoods. This would reduce the on-street parking available for local residents. An RPP that would cover approximately a ¼-mile radius around the project site could be used as a tool to offset potential parking impacts in the surrounding neighborhood associated with the reduction in on-site BART parking. The RPP would restrict on-street parking by non-residents to fewer than two hours during the weekdays. Since BART commuters would park longer than two hours, on-street parking would no longer be available to them. Parking would still be available for Telegraph Avenue commercial district shoppers, since they typically park for less than two hours. Implementation of a RPP program would cause a significant reduction in off-site parking supply for BART patrons. It has been estimated that as many as 216 BART patrons currently park on residential streets adjacent to the station. It is estimated that about 25 percent of BART patrons who currently drive and park in the surrounding neighborhood would shift to other travel modes to access the BART Station if on-street parking is no longer available to them (see Appendix F). The rest may no longer use the MacArthur BART Station. The reduction in off-site parking supply for BART patrons would result in fewer vehicles driving to and from the MacArthur BART Station and a reduction in number and magnitude of the identified project impacts at intersections. The potential secondary impacts of this alternative variant would be the same as those described for the project variant. See pages 215 and 216 of Section IV.C, Transportation, Circulation and Parking for a discussion of potential secondary impacts associated with implementation of an RPP program.



## C. PLANNING PROJECT ALTERNATIVES

The project applicant has considered multiple project variants throughout the design development process. The following planning alternatives are included in this EIR primarily to consider variants to the project that may be desirable to the project developer, the City, BART, and/or members of the community. Since some of the elements of these alternatives are more intense than the proposed project, the analysis of potential impacts associated with the planning alternatives does not satisfy the CEQA requirements as these alternatives are not designed to lessen project impacts identified in Chapter IV. The planning alternatives may result in similar or more severe environmental impacts, but address an objective beyond the scope of CEQA (i.e., community interest, economics). The planning alternatives include the following:

- **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 Full BART Replacement Parking Alternative 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). 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 five- to six-story residential building. In the Tower Alternative, residential units would increase to 868 units with 725 market-rate and 145 affordable units (as opposed to 675 residential units with 562 market-rate and 113 affordable units) and parking would increase to approximately 1,100 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). 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 be developed in 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. Site improvements and circulation pattern are the same the proposed project.

Following is a discussion of each planning alternative, and an analysis of the anticipated environmental impacts of each of these alternatives. The emphasis of the analysis is on the comparison of the anticipated impacts of each alternative to be the impacts associated with the proposed project; the discussion includes a determination as to whether the alternative would or would not reduce, eliminate, or create new significant impacts. Additionally, a

discussion of two alternative variants is provided. The two alternative variants include a Full BART Replacement Parking option and a With Residential Permit Parking (RPP) option. Table V-28 shows both the project impacts and impacts associated with each planning alternative.

## 1. Full BART Replacement Parking Alternative

The Full BART Replacement Parking Alternative, which assumes the proposed project includes a 600-space parking garage for BART patrons (as opposed to a 300-space parking garage for BART patrons). Parking spaces under the Full BART Replacement Parking Alternative would be approximately 1,300 spaces with 600 exclusive BART parking spaces. To accommodate 600 BART parking spaces, Building E would be constructed as a 12- to 13-story parking garage. The proposed project includes Building E as a seven-story parking garage. All other project components would remain the same (up to 675 residential units, 44,000 square feet of commercial area and 5,000 square feet of community space). Site improvements and circulation pattern would be the same the proposed project. Table V-7 compares the Full BART Replacement Alternative to the proposed project.

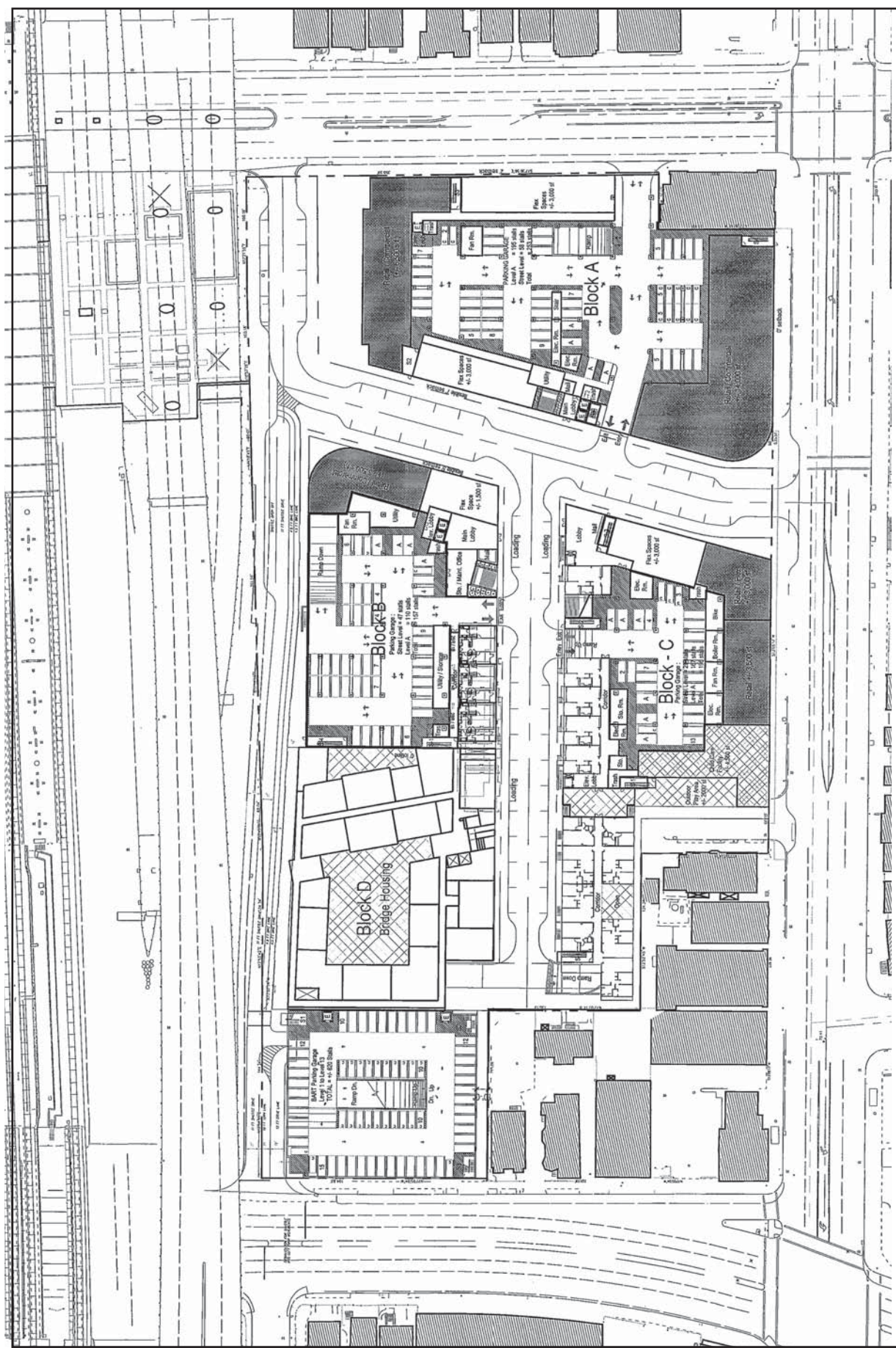
Infrastructure improvements for the proposed project with Full BART Replacement Alternative would be the same as the proposed project, with the exception of additional parking within the BART garage. Building layout, site circulation and improvements to the frontage road remain the same as the proposed project.

All existing buildings would be demolished and all trees would be removed under this alternative. Remediation of hazardous materials would occur under this alternative, and this alternative would include the BART Plaza improvements.

Like the proposed project, the project site would be rezoned to S-15, TOD. The S-15 zone is compatible with the current Neighborhood Commercial Mixed-Use General Plan designation. The discretionary actions included in Chapter 3 would apply to the proposed project with Full BART Replacement Parking Alternative.

Figures V-3A and V-3B show a conceptual site plan and cross-sections for the Full BART Replacement Alternative. The potential impacts of the Full BART Replacement Alternative are described below.

**a. Land Use.** The land uses within the proposed project with Full BART Replacement Parking Alternative are the same as the proposed project because the only difference between this alternative and the proposed project is the number of spaces provided exclusively for BART patrons. No land use impacts result from the proposed project, hence no land use impacts would result from the alternative.



## MacArthur Transit Village Project EIR Conceptual Plan, Full BART Replacement Parking Alternative



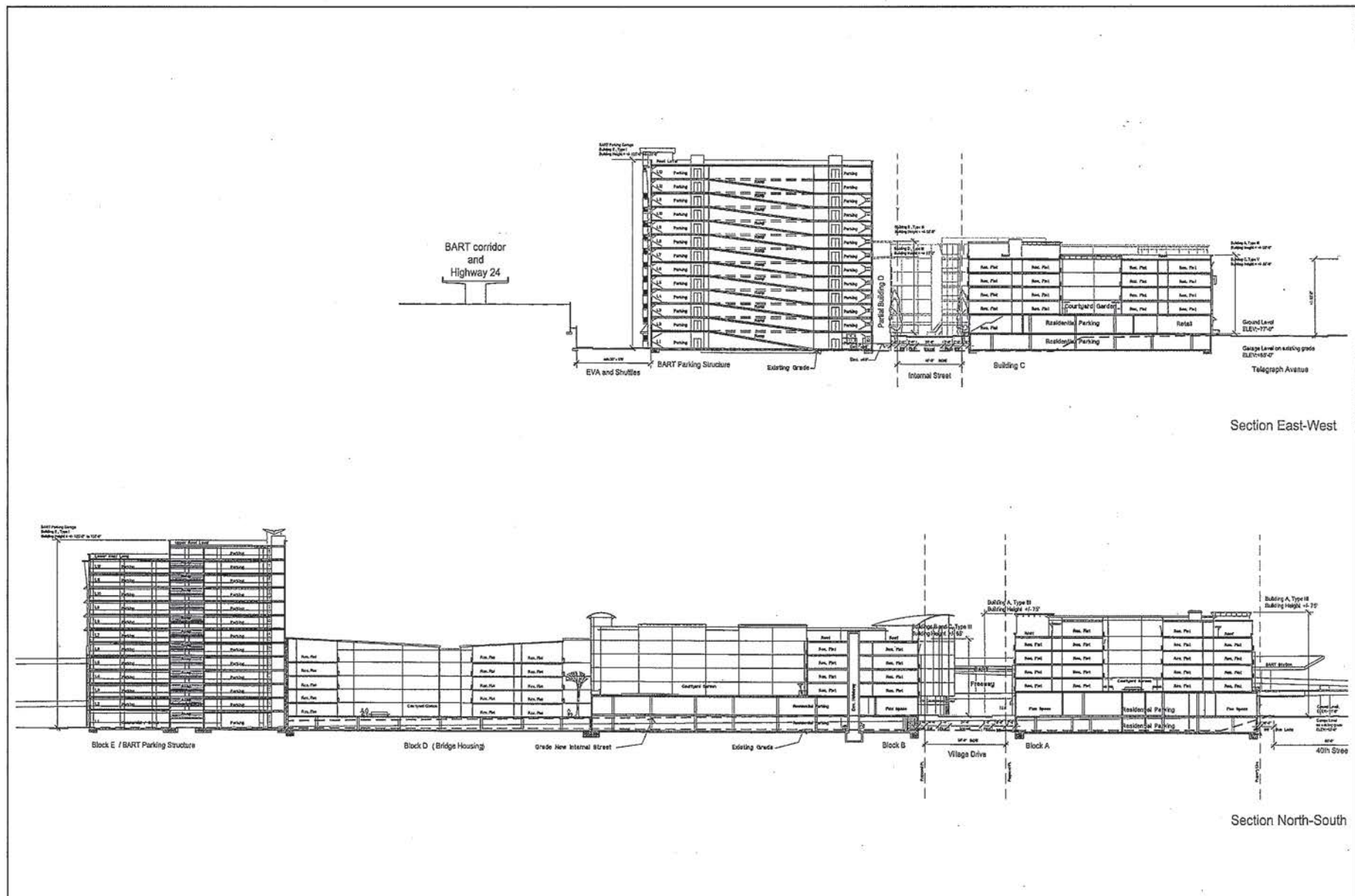


FIGURE V-3B

## MacArthur Transit Village Project EIR Conceptual Cross-Section, Full BART Replacement Parking Alternative

SOURCE: MacArthur Transit Community Partners, LLC. 2007

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**Table V-7 Full BART Replacement Parking Alternative Scenario Compared to the Proposed Project**

Use	Full BART Replacement Parking Alternative	Proposed Project	Difference Between Project and Alternative
Dwelling Units	675	675	0
Commercial (SqFt)	44,000	44,000	0
Community Use (SqFt)	5,000	5,000	0
Exclusive BART Parking	600	300	+300

Source MacArthur Transit Community Partners, October 2007.

**b. Public Policy.** The Full BART Replacement Parking Alternative would be consistent with City General Plan and other public policies, as well as BART policies for TODs. The only difference between the proposed project and this alternative is the increase in parking. The increase in parking would not compromise the project's ability to further the achievement of BART and City TOD policies. The project improvements for shuttle access and various transit providers (including rebuilding the frontage road, designating kiss-and-ride spots, BART Plaza improvements and transit village plaza improvements) would still be part of this alternative. Additionally, this alternative would include bike access and sidewalks that are part of the proposed project.

**c. Transportation, Circulation and Parking.** The traffic analysis presented in Chapter IV.C, Transportation, did not reduce project trip generation to account for reduced BART parking. Thus, traffic conditions under this alternative would be similar to the analyzed project. Since all current BART patrons who park in the BART parking facility would continue to be able to park at BART, there would be fewer BART patrons who would park in the surrounding neighborhoods. Also, BART boardings at the MacArthur Station would also increase.

**d. Air Quality.** Air quality impacts associated with implementation of the Full BART Replacement Parking Alternative would be similar to those associated with the proposed project. The Full BART Replacement Parking Alternative would have approximately the same amount of construction activity. Implementation of the City's standard conditions of approval as part of the project would reduce construction activity impacts to a less-than-significant level. The intersection CO concentration analysis performed for the proposed project did not use reduced project trip generation to account for reduced BART parking. Thus, like the proposed project, the Full BART Replacement Parking Alternative would not result in CO hot-spots. Similar to the proposed project, the Full BART Replacement Parking Alternative would similarly not substantially increase pollutant or odor concentrations, and would not conflict with the Bay Area 2005 Ozone Strategy or the BAAQMD standards. The daily increase in emissions associated with the Full BART Replacement Parking Alternative operational and area sources for reactive organic gases (ROG) and nitrogen oxides (NOx)



(two precursors of ozone) and coarse particle matter (PM10) would be the same as those for the proposed project. Therefore, the Full BART Replacement Parking Alternative would not have a significant effect on regional air quality.

**e. Noise and Vibration.** Noise and vibration impacts related to the Full BART Replacement Parking Alternative would be similar to those associated with the proposed project. Noise sensitive receptors would be located at the same approximate distance from SR-24 as the proposed project. Roadway traffic noise analysis for the proposed project did not reduce project trip generation to account for reduced BART parking. Thus, traffic noise levels on roadway segments in the project vicinity with the Full BART Replacement Parking Alternative would be the same as those predicted for the project. Traffic volumes and noise levels for traffic on SR-24 and I-580 are expected to remain the same as those of the proposed project. Similarly, BART noise and ground-borne vibration impacts would be the same as those associated with the proposed project. Short-term construction related impacts would also be similar to those associated with the proposed project. Implementation of the City's standard conditions of approval as part of the project would reduce noise and vibration impacts to less-than-significant levels.

**f. Hydrology and Water Quality.** The Full BART Replacement Parking Alternative involves the same development program as the proposed project with the exception of replacing the seven-story parking garage with a 12- to 13-story parking garage. Like the proposed project, this alternative would result in runoff the same as the proposed project. As with the proposed project, construction workers and the public would be exposed to potential contaminants in the soil and groundwater related to dewatering on-site.

All hydrology and water quality related standard conditions for the proposed project would be applicable to the Full BART Replacement Parking Alternative. As with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Hydrology and Water Quality impacts to less-than-significant. No increase in significance to the hydrology and water impacts identified for the proposed project, and no significant hydrology and water impacts would result from this alternative.

**g. Geology, Soils, and Seismicity.** Under this alternative, grading activities and building foundations would be subject to similar geologic and seismic conditions and constraints as the proposed project. An earthquake on a nearby fault could result in strong seismic shaking at the project site. The surface and near surface site materials are classified as Urban Land, which is a man-made soil type consisting of various grades of un-engineered fill, possibly containing debris. The primary geologic concerns for the site are direct damage to structures from seismic shaking, seismically induced liquefaction and attendant ground failure, expansive soils, and settlement or differential settlement.

All geology, soils and seismicity related standard conditions for the proposed project would be applicable to the Full BART Replacement Parking Alternative. These standard conditions

include Erosion and Sediment Control Plan, Soils Report, and Geotechnical Report. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Geology, Soils and Seismicity impacts to a less-than-significant level. No increase in significance to the geology, soils and seismicity impacts identified for the proposed project, and no significant geology, soils and seismicity impacts would result from this alternative.

**h. Public Health and Hazards.** The Full BART Replacement Parking Alternative involves the same development program as the proposed project with the exception of replacing Building E, the seven-story parking garage, with a 12- to 13-story parking garage. As such, this alternative would have impacts similar to the proposed project with respect to public health and hazards via disposal of hazardous materials, or creation of a significant hazard to the public or the environment through reasonable foreseeable upset or accident conditions involving the release of hazardous materials into the environment.

Given the level of development that would occur under the Full BART Replacement Parking Alternative, all public health and hazards related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Asbestos Removal, Lead-Based Paint/Coatings, Asbestos or PCB Occurrence Assessment, Hazards Best Management Practices, Phase I and/or Phase II reports Environmental Site Assessments Reports Remediation, Lead-based Paint Remediation, Asbestos Remediation, Other Materials Classified as Hazardous Waste, Health and Safety Plan per Assessment, Fire Safety and Fire Safety Phasing Plan. As with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Public Health and Hazard impacts to less-than-significant. No increase in significance to the public health and hazards impacts identified for the proposed project, and no significant public health and hazards impacts would result from this alternative.

**i. Public Services.** The Full BART Replacement Parking Alternative involves the same development program as the proposed project with the exception of replacing Building E, the seven-story parking garage, with a 12- to 13-story parking garage. As such, this alternative would have impacts similar to the proposed project with respect to public services via increased demand for fire, police, school, parks and library services.

Given the level of development that would occur under the Full BART Replacement Parking Alternative, all public service related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Fire Safety Phasing Plan and Conformance with Other Requirements (including all applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines). As with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Public Health and Hazard impacts to less-than-significant. No increase in significance to the public service impacts identified for the proposed project, and no significant public service impacts would result from this alternative.

**j. Utilities.** The Full BART Replacement Parking Alternative involves the same development program as the proposed project with the exception of replacing Building E, the seven-story parking garage, with a 12- to 13-story parking garage. As such, this alternative would have similar impacts to the proposed project with respect to utilities via increased demand for water, waste water, storm drainage, solid waste and energy.

Given the level of development that would occur under the Full BART Replacement Parking Alternative, all utility related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Fire Safety Phasing Plan and Conformance with Other Requirements (including all applicable federal, State, regional and/or local codes, requirements, regulations, and guidelines). As with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would ensure Public Health and Hazard impacts are less than significant. No increase in significance to the utility impacts identified for the proposed project, and no significant utility impacts would result from this alternative.

**k. Cultural and Paleontological Resources.** The Full BART Replacement Parking Alternative involves the same development program as the proposed project with the exception of replacing Building E, the seven-story parking garage, with a 12- to 13-story parking garage. As such, this alternative would have similar impacts to cultural resources via grading and other ground disturbing activities because, as described in Chapter IV.K, Cultural and Paleontological Resources, the project area is sensitive for subsurface historical, archaeological, or paleontological resources, which have the potential to be unearthed during site preparation and construction.

Because the Full BART Replacement Parking Alternative includes the same level of development as the proposed project that would include grading and other ground disturbing activities, and further because the project area is sensitive for resources identified above, this alternative would be subject to the same standard conditions as the proposed project. As with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Public Health and Hazard impacts to less-than-significant. No increase in significance to the cultural impacts identified for the proposed project, and no significant cultural impacts would result from this alternative.

**l. Aesthetic Resources.** The Full BART Replacement Parking Alternative would accommodate 600 BART parking spaces within Building E (versus 300 spaced under the proposed project), which would be constructed as a 12- to 13-story parking garage. The proposed project includes Building E as a seven-story parking garage. All other elements of the Full BART Replacement Parking Alternative would be the same as the proposed project. As a result, the impact on aesthetic resources for all of the site except for Building E would be the same as the proposed project.

Visual simulations showing the Full BART Replacement Parking alternative's scale, massing and conceptual appearance as seen from six representative public viewing locations are presented in Figures V-6A to V-6F (at the end of this chapter). As shown in these simulations, this alternative would represent a substantial increase in the amount of visible building mass and street frontage seen on the site similar to the proposed project. The alternative would be highly visible from some locations along public streets within the project vicinity including 40<sup>th</sup> Street, West MacArthur Boulevard, Telegraph Avenue and SR-24.

The mass and height of this alternative would be greater than the proposed project along the MacArthur Boulevard frontage as the garage structure would be 12 to 13 stories as shown in Figure V-3B. The increased height of the garage structure would also make this alternative more visible from distant views as shown in Figure A2. In relationship to surrounding development, the height of the new development, particularly the garage, could be somewhat overbearing when compared to existing development. However, the urban design fabric surrounding the site supports this scale of development including street widths, some of the taller historic and new developments located along the Telegraph Avenue corridor between Downtown and 51<sup>st</sup> Avenue.

Like the project, the development proposed under this alternative would provide additional sources of glare and light. Implementation of Standard Condition of Approval, AES-1: Lighting Plan would ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.

**m. Alternative Variants.** The variants considered for the other alternatives do not apply to this alternative because the alternative includes Full BART Replacement Parking.

## 2. Tower Alternative

The Tower Alternative includes a 23-story tower at Building B. Under the proposed project, Building B is a five- to six-story residential building. In the Tower Alternative, residential units would increase to 868 units with 723 market-rate and 145 affordable units (as opposed to 675 residential units with 562 market-rate and 113 affordable units) and parking would increase to approximately 1,100 parking spaces, including 300 exclusive BART parking spaces. This alternative does not include implementation of an RPP Program. Variants which include 600 BART parking spaces and implementation of an RPP Program are also considered at the end of this section. All other project components remain relatively similar with 34,000 square feet of commercial area and 7,500 square feet of community space.

Residential units would increase from 675 units to 868 units under the Tower Alternative. To accommodate the 193 residential units, Building B would be constructed as a 23-story

residential tower. Building B is interior to the project area, adjacent to the frontage road. Site improvements and circulation pattern are the same the proposed project. Table V-8 compares the Tower Alternative to the proposed project.

**Table V-8 Tower Alternative Scenario Compared to the Proposed Project**

Use	Tower Alternative	Proposed Project	Difference Between Project and Alternative
Dwelling Units	868	675	+193
Commercial (SqFt)	44,000	44,000	0
Community Use (SqFt)	7,500	5,000	+2,500
Exclusive BART Parking	300	300	0

Source: MacArthur Transit Community Partners, October 2007.

Infrastructure improvements for the proposed project with Tower Alternative would be the same as the proposed project. Building layout, site circulation and improvements to the frontage road remain the same as the proposed project.

All existing buildings would be demolished and the all trees would be removed under this alternative. Remediation of hazardous materials would occur under this alternative, and residential parking permit program would be established for the surrounding neighborhood. This alternative would include the BART Plaza improvements.

Like the proposed project, the project site would be rezoned to S-15, TOD. The S-15 zone is compatible with the current Neighborhood Commercial Mixed-Use General Plan designation. The discretionary actions included in Chapter 3 would apply to the Tower Alternative.

Figures V-4A and V-4B show a conceptual site plan and cross-section for the Tower Alternative. The potential impacts of the Tower Alternative are described below.

**a. Land Use.** The land uses within the proposed project within the Tower Alternative are the same as the proposed project as the only difference between this alternative and the proposed project is the number of residential uses and type of building for Building B. Similar to the proposed project, no land use impacts would result from the Tower Alternative.

**b. Public Policy.** The Tower Alternative would be consistent with City General Plan and other public policies, as well as BART policies for TODs. The main difference between the proposed project and the Tower Alternative is the increase in residential density. The Tower Alternative would increase the density to 117 units per gross acre, whereas the proposed project is 91 units per gross acre. The General Plan allows up to 125 units per gross acre on the project site, and the zoning code has provisions to increase residential density beyond



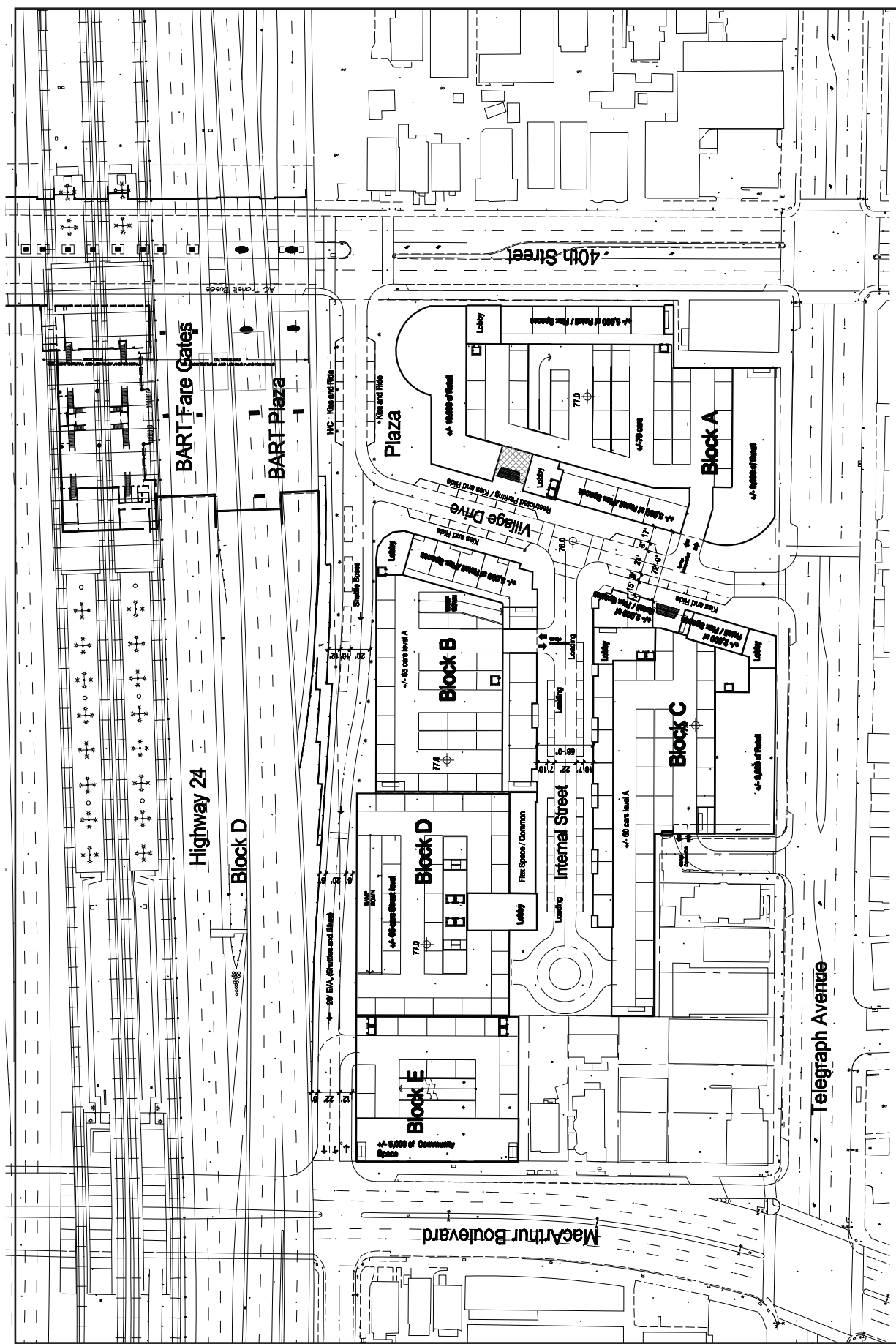


FIGURE V-4A

# MacArthur Transit Village Project EIR Conceptual Plan, Tower Alternative



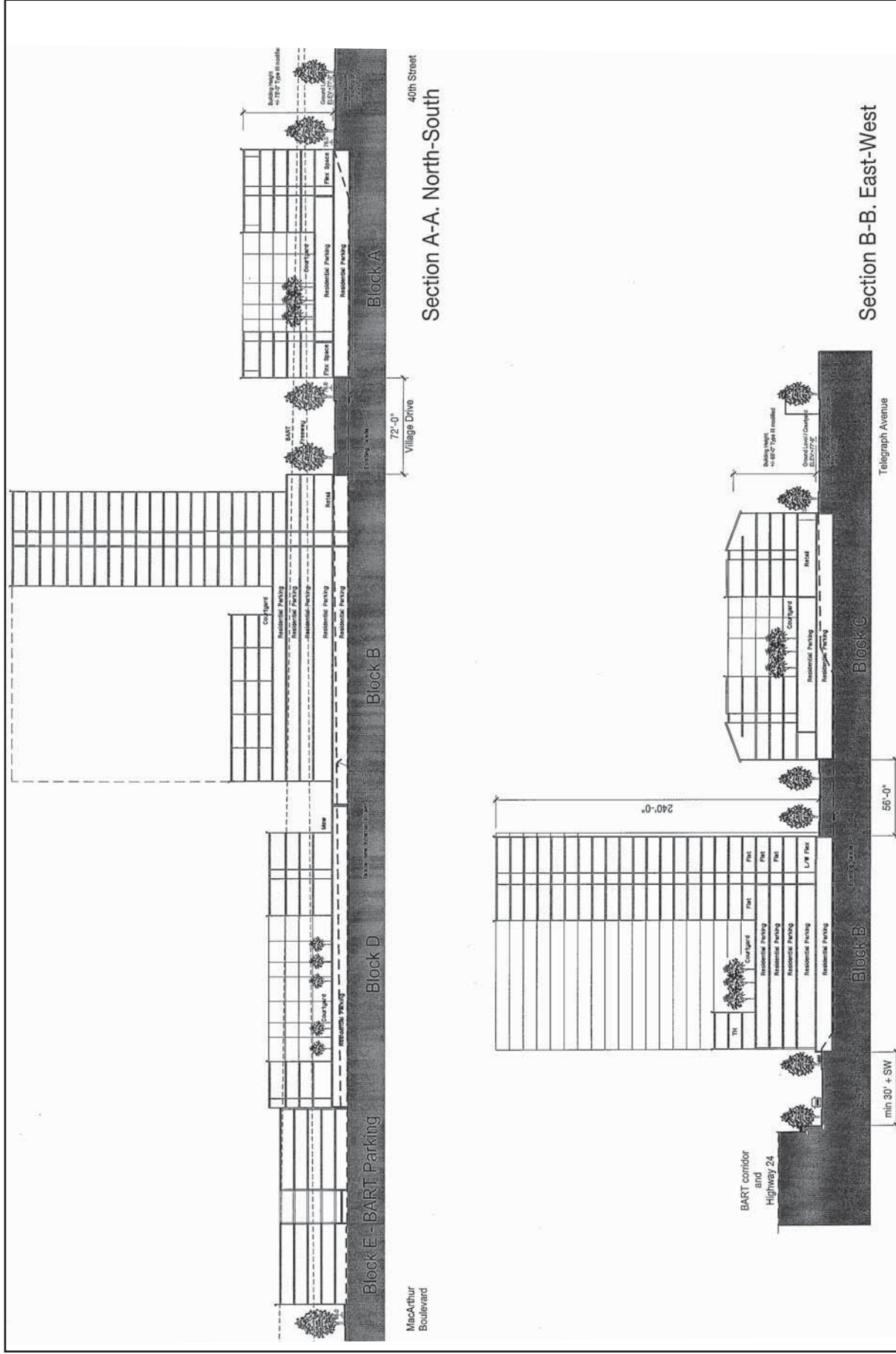


FIGURE V-4B

# MacArthur Transit Village Project EIR Conceptual Cross-Section, Tower Alternative

the S-15 zone upon approval of a Planned Unit Development permit. The increase in density would not be inconsistent with public policy, rather it would further the achievement of policies to incorporate more housing units on urban in-fill sites.

**c. Transportation, Circulation and Parking.** Table V-9 presents the trip generation for the Tower Alternative and compares it to the proposed project. As shown in the table, the Tower Alternative would generate 406 daily, 41 AM peak hour and 48 PM peak hour trips more than the proposed project.

Tables V-10 through V-12 summarize the existing and Cumulative Years 2015 and 2030 Baseline intersection LOS at the 25 study intersections, respectively. Intersection LOS calculation sheets are provided in Appendix F.

Impacts and Mitigation Measures TRANS-1 through TRANS-9 would continue to be applicable to the Tower Alternative.

**d. Air Quality.** Air quality impacts associated with implementation of the Tower Alternative would be slightly greater than those associated with the proposed project. The Tower Alternative would have approximately the same amount of construction activity.

Implementation of the City's standard conditions of approval as part of the project would reduce construction activity impacts to a less-than-significant level. The Tower Alternative would not result in CO hot-spots, similar to the proposed project, as shown in Table V-13.

The Tower Alternative would not substantially increase pollutant or odor concentrations, and would not conflict with the Bay Area 2005 Ozone Strategy or the BAAQMD standards. The daily increase in emissions associated with the Tower Alternative operational and area sources is identified in Table V-14 for reactive organic gases (ROG) and nitrogen oxides (NOx) (two precursors of ozone) and coarse particle matter (PM10). The BAAQMD has established thresholds of significance for ozone precursors and PM10 of 80 pounds per day; however, they have not established a threshold for emissions of PM2.5 or CO2. Proposed project emissions shown in Table V-14 would not exceed these thresholds of significance for ROG, NOx, and PM10, and therefore, the Tower Alternative would not have a significant effect on regional air quality.

**e. Noise and Vibration.** Noise and vibration impacts related to the Tower Alternative would not differ substantially from the proposed project. Noise sensitive receptors would be located at the same approximate distance from SR-24 as the proposed project. As shown in Tables V-15 through V-17, modeled traffic noise levels for the Tower Alternative show that there would be slight increases in traffic noise levels over existing conditions, similar to the proposed project. Traffic volumes and noise levels for traffic on SR-24 and I-580 are

**Table V-9 Tower Alternative Vehicle Trip Generation**

Land Use	ITE Code	Amount	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Condominium <sup>a</sup>	230	868 DU	4,030	49	242	291	237	117	354
Residential Transit Reduction <sup>b</sup>		Daily 19% Peak Hr. 38%	-766	-19	-92	-111	-90	-44	-134
<b>Total Residential Trips</b>			<b>3,264</b>	<b>30</b>	<b>150</b>	<b>180</b>	<b>147</b>	<b>72</b>	<b>220</b>
Commercial <sup>c</sup>	814	34 ksf	1,506	51	41	92	41	51	92
Commercial Transit Reduction <sup>d</sup>		5%	-76	-3	-2	-5	-2	-3	-5
<b>Total Commercial Trips</b>			<b>1,430</b>	<b>48</b>	<b>39</b>	<b>87</b>	<b>39</b>	<b>48</b>	<b>87</b>
Community Space <sup>e</sup>	565	7.5 ksf	594	51	45	96	46	52	99
BART Parking lot <sup>f</sup>		-300 spaces	0	0	0	0	0	0	0
<b>Total Trip Generation</b>			<b>5,288</b>	<b>129</b>	<b>234</b>	<b>363</b>	<b>232</b>	<b>174</b>	<b>406</b>
<b>Proposed Project</b>			<b>4,886</b>	<b>123</b>	<b>201</b>	<b>324</b>	<b>200</b>	<b>158</b>	<b>358</b>
<b>Difference</b>			<b>404</b>	<b>6</b>	<b>33</b>	<b>41</b>	<b>33</b>	<b>16</b>	<b>48</b>

Notes: du = dwelling unit; ksf = 1,000 square feet.

<sup>a</sup> Trip generation based on the regression equations for Residential Condominium/Townhouse (Land Use 230) in the Institute of Transportation Engineers' (ITE) *Trip Generation* (7<sup>th</sup> Edition, 2003), as presented below.

Daily Equation:  $\ln(T) = 0.85 \ln(X) + 2.55$

AM Equation:  $\ln(T) = 0.80 \ln(X) + 0.26$  (inbound = 17%, outbound = 83%)

PM Equation:  $\ln(T) = 0.82 \ln(X) + 0.32$  (inbound = 67%, outbound = 33%)

Where: T = trip ends, Ln = natural logarithm, and X = number of dwelling units

<sup>b</sup> 38% peak hour residential transit reduction based on trip generation surveys at Bay Area TODs adjacent to BART stations; confirmed by data presented in *Recommended Trip Generation Adjustments for Transit-Oriented Developments in Oakland* (Dowling Associates, April 2006), as well as *Bay Area Transportation Surveys* (BATS) 2000 data for households within ½ mile of BART stations. Transit reduction for daily trip generation (19%) is lower to account for lower transit mode share for non-work trips.

<sup>c</sup> Daily and PM trip generation based on the rates for Specialty Commercial (Land Use 814) in the ITE *Trip Generation* (7<sup>th</sup> Edition), as presented below.

Daily Rate:  $(T) = 44.32 (X)$

PM Rate:  $(T) = 2.71 (X)$  (inbound = 44%, outbound = 56%)

Where: T = trip ends and X = 1,000 square feet

AM trip generation based on PM trip rate, with reversed inbound/outbound splits.

<sup>d</sup> Commercial transit reduction based on TOD literature on commercial trips, including *Travel Characteristics of Transit-Oriented Development in California* (Lund, Cervero, and Wilson, 2004), and *Ridership Impacts of Transit-Focused Development in California* (Cervero, 1994).

<sup>e</sup> Trip generation based on the average rates for Day Care Center (Land Use 565) in the ITE *Trip Generation* (7<sup>th</sup> Edition), as presented below.

Daily Rate:  $(T) = 79.26 (X)$

AM Rate:  $(T) = 12.79 (X)$  (inbound = 53%, outbound = 47%)

PM Rate:  $(T) = 13.18 (X)$  (inbound = 47%, outbound = 53%)

Where: T = trip ends and X = 1,000 square feet

<sup>f</sup> The project includes removing approximately 300 of the existing 618 parking spaces in the BART lot. In the AM peak hour, any change in trips to the parking lot will most likely continue to occur before the peak hour. To be conservative, we assume that BART patrons currently entering and exiting the lot in the PM peak hour will continue to do so.

Source: Fehr & Peers, 2007.

**Table V-10 Existing Plus Tower Alternative Intersection Level of Service  
Summary**

No.	Intersection	Traffic Control	Time Period	Existing No Project		Existing Plus Tower Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
1	Shattuck Avenue/52 <sup>nd</sup> Street	Signal	AM PM	D D	54.3 51.3	D D	49.8 36.3	No No
2	Telegraph Avenue/52 <sup>nd</sup> Street/ Claremont Avenue	Signal	AM PM	B B	17.7 18.8	B C	17.7 20.3	No No
3	Telegraph Avenue/51 <sup>st</sup> Street	Signal	AM PM	D D	39.1 47.1	D D	39.2 47.4	No No
4	Martin Luther King Jr. Way/ 47 <sup>th</sup> Street/Westbound SR-24 On-Ramp	Signal	AM PM	C B	26.8 11.0	C B	34.7 11.2	No No
5	Martin Luther King Jr. Way/ 45 <sup>th</sup> Street	Signal	AM PM	A A	9.0 9.0	A A	9.0 9.1	No No
6	Telegraph Avenue/45 <sup>th</sup> Street	Signal	AM PM	B A	10.3 6.8	A A	9.4 8.2	No No
7	Market Street/40 <sup>th</sup> Street	Signal	AM PM	B C	17.6 25.0	B C	17.8 25.2	No No
8	West Street/40 <sup>th</sup> Street	Signal	AM PM	B B	13.8 17.4	B B	13.9 18.0	No No
9	Martin Luther King Jr. Way/ 40 <sup>th</sup> Street	Signal	AM PM	B B	13.9 19.9	B B	13.9 18.8	No No
10	Frontage Road/40 <sup>th</sup> Street	SSSC/ Signal <sup>a</sup>	AM PM	B B	10.2 13.8	B B	12.4 7.8	No No
11	BART parking access (west)/ 40 <sup>th</sup> Street	SSSC	AM PM	B B	13.8 17.5	N/A N/A	N/A N/A	No No
12	BART parking access (east)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	14.6 17.9	N/A N/A	N/A N/A	No No
13	Telegraph Avenue/40 <sup>th</sup> Street	Signal	AM PM	C C	23.8 28.6	C C	21.7 18.1	No No
14	BART parking access/ Telegraph Avenue	SSSC	AM PM	C C	19.3 21.4	N/A N/A	N/A N/A	No No
15	Telegraph Avenue/38 <sup>th</sup> Street	SSSC	AM PM	B C	14.8 21.6	B C	15.0 22.0	No No
16	Market Street/ MacArthur Boulevard	Signal	AM PM	B C	16.8 31.6	B C	16.8 33.9	No No
17	West Street/ MacArthur Boulevard	Signal	AM PM	B B	12.3 14.1	B B	12.4 15.0	No No
18	Martin Luther King Jr. Way/ MacArthur Boulevard	Signal	AM PM	A B	9.0 11.5	A B	9.9 13.9	No No
19	Frontage Road/ MacArthur Boulevard	SSSC/ Signal <sup>a</sup>	AM PM	B C	14.6 15.7	A B	6.2 12.0	No No
20	Telegraph Avenue/ MacArthur Boulevard	Signal	AM PM	B B	18.8 14.4	B D	17.9 39.4	No No
21	Webster Street/ MacArthur Boulevard	Signal	AM PM	A B	8.7 11.4	A B	8.7 11.5	No No
22	Broadway/ MacArthur Boulevard	Signal	AM PM	D D	54.7 42.0	D D	54.5 42.0	No No



**Table V-10 Existing Plus Tower Alternative Intersection Level of Service Summary**

No.	Intersection	Traffic Control	Time Period	Existing No Project		Existing Plus Tower Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
23	Telegraph Avenue/34 <sup>th</sup> Street	Signal	AM	A	6.8	A	7.3	No
			PM	B	13.0	B	13.0	No
24	Telegraph Avenue/27 <sup>th</sup> Street	Signal	AM	C	23.1	C	23.9	No
			PM	C	21.8	C	20.7	No
25	Telegraph Avenue/Village Drive	Signal	AM	N/A	N/A	A	9.8	No
			PM			B	13.5	No

Notes: N/A = Intersection does not exist under this scenario.

**Bold** indicates significant impact.

The LOS/Delay for Side-Street Stop-Control (SSSC) intersections represents the worst movement or approach; for Signalized intersections, the LOS/Delay represents overall intersection.

<sup>a</sup> Intersection is currently side-street stop-controlled, but will be signalized as part of the project.

expected to remain the same as those of the proposed project. Similarly, BART noise and ground-borne vibration impacts would be the same as those associated with the proposed project. Short-term construction related impacts would also be similar to those associated with the proposed project. Although construction under the Tower Alternative would likely involve more pile driving, implementation of the City's standard conditions of approval as part of this alternative would reduce noise and vibration impacts to less-than-significant levels.

**f. Hydrology and Water Quality.** The Tower Alternative would involve the same development program as the proposed project with the exception of the shift from a five- to six-story residential structure to a 23-story residential tower. This alternative would then result in similar amount of runoff that could affect stormwater similar to the proposed project. As with the proposed project, construction workers and the public would be exposed to potential contaminants in the soil and groundwater related to dewatering on-site.

All hydrology and water quality related standard conditions for the proposed project would be applicable to the Tower Alternative. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Hydrology and Water Quality impacts to a less-than-significant level. No increase in significance to the hydrology and water impacts identified for the proposed project, and no significant hydrology and water impacts would result from this alternative.

**g. Geology, Soils, and Seismicity.** Under this alternative, grading activities and building foundations would be subject to geologic and seismic conditions and constraints similar to the proposed project. An earthquake on a nearby fault could result in strong seismic

**Table V-11 Cumulative Year 2015 Baseline Intersection Level of Service Summary  
(Tower Alternative)**

No.	Intersection	Traffic Control	Time Period	2015 No Project		2015 Plus Tower Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
1	Shattuck Avenue/ 52 <sup>nd</sup> Street	Signal	AM PM	E D	61.1 42.5	E D	61.6 40.4	No No
2	Telegraph Avenue/ 52 <sup>nd</sup> Street/ Claremont Avenue	Signal	AM PM	C D	25.1 37.3	C D	25.8 39.0	No No
3	Telegraph Avenue/ 51 <sup>st</sup> Street	Signal	AM PM	E E	65.8 64.6	E E	66.9 <b>66.9*</b>	No <b>Yes</b>
4	Martin Luther King Jr. Way/ 47 <sup>th</sup> Street/ Westbound SR -24 On-Ramp	Signal	AM PM	C B	32.8 13.7	D B	41.0 14.6	No No
5	Martin Luther King Jr. Way/ 45 <sup>th</sup> Street	Signal	AM PM	A A	9.5 9.7	A A	9.6 9.7	No No
6	Telegraph Avenue/ 45 <sup>th</sup> Street	Signal	AM PM	B A	12.1 10.0	B B	11.7 12.1	No No
7	Market Street/ 40 <sup>th</sup> Street	Signal	AM PM	C C	20.0 25.1	C C	20.4 25.3	No No
8	West Street/ 40 <sup>th</sup> Street	Signal	AM PM	B C	16.4 20.0	B C	16.4 22.3	No No
9	Martin Luther King Jr. Way/ 40 <sup>th</sup> Street	Signal	AM PM	B B	14.8 18.9	B C	15.1 23.7	No No
10	Frontage Road/40 <sup>th</sup> Street	Signal	AM PM	A B	7.2 10.1	A A	9.4 8.6	No No
11	BART parking access (west)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	12.8 15.3	N/A	N/A	No No
12	BART parking access (east)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	13.9 15.4	N/A	N/A	No No
13	Telegraph Avenue/ 40 <sup>th</sup> Street	Signal	AM PM	C D	29.1 44.2	C D	22.8 41.6	No No
14	BART parking access/ Telegraph Avenue	SSSC	AM PM	E D	40.4 28.2	N/A	N/A	No No
15	Telegraph Avenue/ 38 <sup>th</sup> Street	SSSC	AM PM	C F	15.6 81.3	B F	16.8 89.1	No No
16	Market Street/ MacArthur Boulevard	Signal	AM PM	D D	38.9 53.6	D E	40.7 <b>55.2</b>	No <b>Yes</b>
17	West Street/ MacArthur Boulevard	Signal	AM PM	B B	14.7 17.0	B B	15.0 18.4	No No
18	Martin Luther King Jr. Way/ MacArthur Boulevard	Signal	AM PM	A B	9.1 14.7	B B	10.5 16.1	No No
19	Frontage Road/ MacArthur Boulevard	SSSC/ Signal <sup>a</sup>	AM PM	B C	14.8 21.6	A B	8.1 2.4	No No
20	Telegraph Avenue/ MacArthur Boulevard	Signal	AM PM	C E	21.7 39.5	C D	26.5 40.1	No No
21	Webster Street/ MacArthur Boulevard	Signal	AM PM	B B	10.3 12.2	B B	10.3 12.3	No No
22	Broadway/ MacArthur Boulevard	Signal	AM PM	D E	47.7 60.5	D E	47.8 60.6	No No

**Table V-11 Cumulative Year 2015 Baseline Intersection Level of Service Summary  
(Tower Alternative)**

No.	Intersection	Traffic Control	Time Period	2015 No Project		2015 Plus Tower Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
23	Telegraph Avenue/ 34 <sup>th</sup> Street	Signal	AM PM	A	9.4	A	9.8	No
				B	15.5	B	18.6	No
24	Telegraph Avenue/ 27 <sup>th</sup> Street	Signal	AM PM	C	24.8	C	24.8	No
				C	23.7	C	24.0	No
25	Telegraph Avenue/ Village Drive	Signal	AM PM	N/A	N/A	B	13.5	No
						A	9.9	No

Notes: N/A = Intersection does not exist under this scenario.

**Bold** indicates significant impact.

The LOS/Delay for Side-Street Stop-Control (SSSC) intersections represents the worst movement or approach; for Signalized intersections, the LOS/Delay represents overall intersection.

\* The average delay of a critical movement would increase by more than 6 seconds.

<sup>a</sup> Intersection is currently side-street stop-controlled, but will be signalized as part of the project.

Source: Fehr & Peers, 2007.

shaking at the project site. The surface and near surface site materials are classified as Urban Land, which is a man-made soil type consisting of various grades of un-engineered fill, possibly containing debris. The primary geologic concerns for the site are direct damage to structures from seismic shaking, seismically induced liquefaction and attendant ground failure, expansive soils, and settlement or differential settlement. All geology, soils and seismicity related standard conditions for the proposed project would be applicable to the Tower Alternative. These standard conditions include Erosion and Sediment Control Plan, Soils Report, and Geotechnical Report. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Geology, Soils and Seismicity impacts to a less-than-significant level. No increase in significance to the geology, soils and seismicity impacts identified for the proposed project, and no significant geology, soils and seismicity impacts would result from this alternative.

**h. Public Health and Hazards.** The Tower Alternative would result in impacts similar to the proposed project related to public health and hazards via disposal of hazardous materials, or creation of a significant hazard to the public or the environment through reasonable foreseeable upset or accident conditions involving the release of hazardous materials into the environment.

Given the level of development that would occur under the Tower Alternative, all public health and hazards related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Asbestos Removal, Lead-Based Paint/Coatings, Asbestos or PCB Occurrence Assessment, Hazards Best Management Practices, Phase I and/or Phase II reports Environmental Site Assessments Reports

**Table V-12 Cumulative Year 2030 Baseline Intersection Level of Service Summary  
(Tower Alternative)**

No.	Intersection	Traffic Control	Time Period	Cumulative (2030) Without Project		Cumulative (2030) Plus Tower Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
1	Shattuck Avenue/52 <sup>nd</sup> Street	Signal	AM PM	F D	82.4 48.7	F D	82.7 49.7	No No
2	Telegraph Avenue/52 <sup>nd</sup> Street/ Claremont Avenue	Signal	AM PM	F E	>120 70.1	F E	>120 73.0*	Yes Yes
3	Telegraph Avenue/51 <sup>st</sup> Street	Signal	AM PM	F F	>120 110.3	F F	>120* 113.9	Yes Yes
4	Martin Luther King Jr. Way/ 47 <sup>th</sup> Street/Westbound SR-24 On-Ramp	Signal	AM PM	D C	39.3 31.6	D D	48.0 35.7	No No
5	Martin Luther King Jr. Way/ 45 <sup>th</sup> Street	Signal	AM PM	B B	10.6 11.1	B B	10.7 11.2	No No
6	Telegraph Avenue/45 <sup>th</sup> Street	Signal	AM PM	B C	16.8 26.7	B C	17.3 31.6	No No
7	Market Street/40 <sup>th</sup> Street	Signal	AM PM	E D	63.3 35.9	E D	66.3 36.9	No No
8	West Street/40 <sup>th</sup> Street	Signal	AM PM	B D	18.1 52.8	B E	18.3 59.1	No Yes
9	Martin Luther King Jr. Way/ 40 <sup>th</sup> Street	Signal	AM PM	B C	17.3 23.0	B C	17.7 31.4	No No
10	Frontage Road/40 <sup>th</sup> Street	Signal	AM PM	A B	9.0 13.0	C A	16.3 7.2	No No
11	BART parking access (west)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	13.5 15.7	N/A	N/A	No No
12	BART parking access (east)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	14.6 15.6	N/A	N/A	No No
13	Telegraph Avenue/40 <sup>th</sup> Street	Signal	AM PM	E F	74.9 92.2	D E	83.4 92.8*	Yes Yes
14	BART parking access/ Telegraph Avenue	SSSC	AM PM	F E	>90 47.0	N/A	N/A	No No
15	Telegraph Avenue/38 <sup>th</sup> Street	SSSC	AM PM	C F	24.0 >90	D F	8.7 >120	No No
16	Market Street/ MacArthur Boulevard	Signal	AM PM	F F	>120 >120	F F	>120 >120	Yes Yes
17	West Street/ MacArthur Boulevard	Signal	AM PM	D C	36.7 26.6	D C	37.2 26.5	No No
18	Martin Luther King Jr. Way/ MacArthur Boulevard	Signal	AM PM	B B	10.6 17.7	B C	13.6 21.5	No No
19	Frontage Road/ MacArthur Boulevard	SSSC/ Signal <sup>a</sup>	AM PM	C C	15.3 17.1	A B	6.4 3.4	No No
20	Telegraph Avenue/ MacArthur Boulevard	Signal	AM PM	D F	50.2 106.5	E F	66.1 103.6	Yes No
21	Webster Street/ MacArthur Boulevard	Signal	AM PM	B B	12.7 14.1	B B	12.8 14.2	No No
22	Broadway/ MacArthur Boulevard	Signal	AM PM	F F	82.5 119.7	F F	85.2 >120	Yes No

**Table V-12 Cumulative Year 2030 Baseline Intersection Level of Service Summary  
(Tower Alternative)**

No.	Intersection	Traffic Control	Time Period	Cumulative (2030) Without Project		Cumulative (2030) Plus Tower Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
23	Telegraph Avenue/ 34 <sup>th</sup> Street	Signal	AM	B	11.8	B	11.9	No
			PM	C	21.7	C	21.8	No
24	Telegraph Avenue/ 27 <sup>th</sup> Street	Signal	AM	D	46.8	D	48.5	No
			PM	D	40.2	D	44.5	No
25	Telegraph Avenue/ Village Drive	Signal	AM	N/A	N/A	C	20.2	No
			PM			B	9.2	No

Notes: N/A = Intersection does not exist under this scenario.

**Bold** indicates significant impact.

The LOS/Delay for Side-Street Stop-Control (SSSC) intersections represents the worst movement or approach; for Signalized intersections, the LOS/Delay represents overall intersection.

\* The average delay of a critical movement would increase by more than 6 seconds.

\* Intersection is currently side-street stop-controlled, but will be signalized as part of the project.

Source: Fehr & Peers, 2007.

Remediation, Lead-based Paint Remediation, Asbestos Remediation, Other Materials Classified as Hazardous Waste, Health and Safety Plan per Assessment, Fire Safety and Fire Safety Phasing Plan. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Public Health and Hazard impacts to a less-than-significant level. No increase in significance to the public health and hazards impacts identified for the proposed project, and no significant public health and hazards impacts would result from this alternative.

**i. Public Services.** The Tower Alternative involves the same development program as the proposed project with the exception of replacing Building B, the five- to six-story residential building, with a 23-story residential tower and thereby increasing the dwelling units from 675 to 868 units. As such, this alternative may have slightly greater impacts on public services via increased demand for fire, police, school, parks and library services. However, an increase of 193 dwelling units would not create impacts beyond those identified in the Section IV.I, Public Services.

Given the level of development that would occur under the Tower Alternative, all public service related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Fire Safety Phasing Plan and Conformance with Other Requirements (including all applicable federal, State, regional and/or local codes, requirements, regulations, and guidelines). As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Public Health and Hazard impacts to less-than-significant. No



**Table V-13 CO Concentrations for Tower Alternative Conditions**

Intersection	Receptor Distance to Road Centerline (Meters)	Existing Plus Tower Alternative 1hr/8hr CO Concentration (ppm)	2015 Plus Tower Alternative 1hr/8hr CO Concentration (ppm)	2030 Plus Tower Alternative 1hr/8hr CO Concentration (ppm)	Exceeds State Standards	
					1-Hr	8-Hr
M.L. King Jr. Way and 45th Street	11	4.2/3.0	3.8/2.8	3.8/2.8	No	No
	11	4.1/3.0	3.8/2.8	3.8/2.8	No	No
	10	4.1/3.0	3.8/2.8	3.8/2.8	No	No
	10	4.1/3.0	3.7/2.7	3.7/2.7	No	No
Telegraph Avenue and 45th Street	11	5.0/3.6	4.4/3.2	4.4/3.2	No	No
	11	5.0/3.6	4.4/3.2	4.4/3.2	No	No
	10	5.0/3.6	4.3/3.1	4.3/3.1	No	No
	10	5.0/3.6	4.3/3.1	4.3/3.1	No	No
M.L. King Jr. Way and 40th Street	14	5.3/3.8	4.4/3.2	4.4/3.2	No	No
	14	5.2/3.7	4.3/3.1	4.3/3.1	No	No
	14	5.2/3.7	4.3/3.1	4.3/3.1	No	No
	14	5.2/3.7	4.3/3.1	4.3/3.1	No	No
BART Access and 40th Street	14	4.9/3.5	4.2/3.0	4.2/3.0	No	No
	14	4.7/3.4	4.1/3.0	4.1/3.0	No	No
	14	4.7/3.4	4.0/2.9	4.0/2.9	No	No
	12	4.6/3.3	4.0/2.9	4.0/2.9	No	No
Telegraph Avenue and 40th Street	14	5.3/3.8	4.6/3.3	4.6/3.3	No	No
	14	5.3/3.8	4.5/3.2	4.5/3.2	No	No
	14	5.3/3.8	4.5/3.2	4.5/3.2	No	No
	14	5.2/3.7	4.4/3.2	4.4/3.2	No	No
M.L. King Jr. Way and MacArthur Boulevard	14	4.6/3.3	4.2/3.0	4.2/3.0	No	No
	14	4.5/3.2	4.0/2.9	4.0/2.9	No	No
	14	4.5/3.2	4.0/2.9	4.0/2.9	No	No
	14	4.4/3.2	4.0/2.9	4.0/2.9	No	No
BART Access and MacArthur Boulevard	18	4.4/3.2	4.0/2.9	4.0/2.9	No	No
	17	4.4/3.2	4.0/2.9	4.0/2.9	No	No
	14	4.4/3.2	4.0/2.9	4.0/2.9	No	No
	14	4.4/3.2	3.9/2.8	3.9/2.8	No	No
Telegraph Avenue and MacArthur Boulevard	15	5.7/4.1	4.8/3.5	4.8/3.5	No	No
	14	5.6/4.0	4.7/3.4	4.7/3.4	No	No
	14	5.5/3.9	4.6/3.3	4.6/3.3	No	No
	14	5.4/3.9	4.5/3.2	4.5/3.2	No	No

Note: Includes ambient 1-hour concentration of 3.3 ppm and ambient 8-hour concentration of 2.4 ppm. Measured at the Alice Street, Oakland AQ Station for the years 2004 and 2005, and at the Chapel Way, Fremont AQ Station for the year 2006.

Source: LSA Associates, Inc., 2007.

**Table V-14 Tower Alternative Regional Emissions in Pounds Per Day**

	Reactive Organic Gases	Nitrogen Oxides	PM10	PM2.5	CO2
Operation (Vehicle) Emissions	30.4	29.3	64.6	12.3	36,534.4
Area Source Emissions	49.3	5.7	0.03	0.03	7,009.4
<b>Total Regional Emissions</b>	<b>79.7</b>	<b>35.0</b>	<b>64.6</b>	<b>12.3</b>	<b>43,543.8</b>
BAAQMD Significance Threshold	80.0	80.0	80.0	NA	NA
Exceed?	No	No	No	NA	NA

Source: LSA Associates, Inc., 2007.

**Table V-15 Existing with Tower Alternative Traffic Noise Levels, dBA**

Roadway Segment	ADT <sup>a</sup>	Center-line to 70 Ldn (feet)	Center-line to 65 Ldn (feet)	Center-line to 60 Ldn (feet)	Ldn (dBA) 50 Feet from Centerline of Outermost Lane	Increase over Existing Conditions
M.L. King Jr. Way – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	8,400	< 50	< 50	90	61.9	0.1
Telegraph Avenue – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	21,000	< 50	64	129	63.9	0.2
40 <sup>th</sup> Street – West Street to M.L. King Jr. Way	15,200	< 50	65	133	64.1	0.2
40 <sup>th</sup> St. – M.L. King Jr. Way to BART Access	18,200	< 50	72	149	64.8	0.2
40 <sup>th</sup> St. – BART Access to Telegraph Ave.	16,800	< 50	69	142	64.5	0.0
M.L. King Jr. Way – 40 <sup>th</sup> St. to MacArthur Blvd.	8,500	< 50	< 50	90	62.0	0.3
Telegraph Avenue – 40 <sup>th</sup> Street to 38 <sup>th</sup> Street	19,000	< 50	60	121	63.4	0.3
Telegraph Ave. – 38 <sup>th</sup> Street to MacArthur Blvd.	19,100	< 50	60	121	63.5	0.3
MacArthur Blvd. – West St. to M.L. King Jr. Way	12,400	< 50	61	118	62.8	0.1
MacArthur Blvd. – BART Access to Telegraph Avenue	14,300	< 50	65	129	63.4	0.5

Note: The shaded areas in the tables indicate the roadway segments adjacent to the project site.

<sup>a</sup> ADT=Average Daily Trips calculated from traffic volumes in the Fehr & Peers TIA. Model rounds ADT up to 100 trips.

Source: LSA Associates, Inc., 2007.

increase in significance to the public service impacts identified for the proposed project, and no significant public service impacts would result from this alternative.

**j. Utilities.** The Tower Alternative would increase the residential units from 675 to 868 units. As such, this alternative would have slight greater impacts to utilities via increased demand for water, waste water, storm drainage, solid waste and energy. Although the Tower Alternative, like the proposed the project, would not result in significant impacts, it should be noted that the Tower Alternative would have an increased wastewater generation

**Table V-16 Cumulative Year 2015 Baseline with Tower Alternative Traffic Noise Levels, dBA**

Roadway Segment	ADT	Center-line to 70 Ldn (feet)	Center-line to 65 Ldn (feet)	Center-line to 60 Ldn (feet)	Ldn (dBA) 50 Feet from Centerline of Outermost Lane	Increase over Future 2015 w/o Project Conditions
M.L. King Jr. Way - 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	10,300	< 50	< 50	102	62.8	0.2
Telegraph Avenue - 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	27,000	< 50	74	152	65.0	0.2
40 <sup>th</sup> Street - West Street to M.L. King Jr. Way	17,800	< 50	71	147	64.7	0.2
40 <sup>th</sup> Street - M.L. King Jr. Way to BART Access	20,700	< 50	78	162	65.4	0.2
40 <sup>th</sup> Street - BART Access to Telegraph Avenue	19,400	< 50	75	155	65.1	0.0
M.L. King Jr. Way - 40 <sup>th</sup> St. to MacArthur Blvd.	10,100	< 50	< 50	101	62.7	0.2
Telegraph Avenue - 40 <sup>th</sup> Street to 38 <sup>th</sup> Street	24,300	< 50	69	142	64.5	0.3
Telegraph Ave. - 38 <sup>th</sup> St. to MacArthur Blvd.	24,300	< 50	69	142	64.5	0.2
MacArthur Blvd. - West St. to M.L. King Jr. Way	17,600	< 50	73	147	64.3	0.1
MacArthur Blvd. - BART Access to Telegraph Avenue	19,600	< 50	78	157	64.8	0.5

Source: LSA Associates, Inc., 2007.

**Table V-17 Cumulative Year 2030 Baseline with Tower Alternative Traffic Noise Levels, dBA**

Roadway Segment	ADT	Center-line to 70 Ldn (feet)	Center-line to 65 Ldn (feet)	Center-line to 60 Ldn (feet)	Ldn (dBA) 50 feet from Centerline of Outermost Lane	Increase over Future 2030 No Project Conditions
M.L. King Jr. Way - 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	12,700	< 50	57	117	63.7	0.1
Telegraph Avenue - 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	30,500	< 50	79	164	65.5	0.1
40 <sup>th</sup> Street - West Street to M.L. King Jr. Way	23,500	< 50	85	176	66.0	0.1
40 <sup>th</sup> St. - M.L. King Jr. Way to BART Access	26,900	< 50	92	193	66.5	0.1
40 <sup>th</sup> Street - BART Access to Telegraph Ave.	25,600	< 50	89	186	66.3	0.0
M.L. King Jr. Way - 40 <sup>th</sup> St. to MacArthur Blvd.	12,000	< 50	55	113	63.5	0.3
Telegraph Ave. - 40 <sup>th</sup> St. to 38 <sup>th</sup> Street	29,300	< 50	77	160	65.3	0.2
Telegraph Ave. - 38 <sup>th</sup> St. to MacArthur Blvd.	29,800	< 50	78	162	65.4	0.2
MacArthur Blvd. - West St. to M.L. King Jr. Way	25,900	< 50	91	189	66.0	0.1
MacArthur Blvd. - BART Access to Telegraph Ave.	27,800	< 50	95	197	66.3	0.3

Source: LSA Associates, Inc., 2007.

rate. The additional 193 units, depending on actual bedroom count, could add as much as 28,950 gpd if all 193 units were one bedroom units, or 48,250 gpd if all 193 units were three-bedroom units. This alternative would also increase water demand, storm drainage and solid waste generation (at a rate of five pounds per unit, per day). increase in significance to the public service impacts identified for the proposed project, and no significant public service impacts would result from this alternative.

Given the level of development that would occur under the Tower Alternative, all utility related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Fire Safety Phasing Plan and Conformance with Other Requirements (including all applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines). As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Public Health and Hazard impacts to a less-than-significant level. No increase in significance to the utility impacts identified for the proposed project, and no significant utility impacts would result from implementation of this alternative.

**k. Cultural and Paleontological Resources.** The Tower Alternative would result in a level of disturbance similar to the proposed project. As such, this alternative would have similar impacts to cultural resources via grading and other ground disturbing activities because, as described in Chapter IV.K, Cultural and Paleontological Resources, the project area is sensitive for subsurface historical, archaeological, or paleontological resources, which have the potential to be unearthed during site preparation and construction.

Because the Tower Alternative includes a similar level of development as the proposed project that would include grading and other ground disturbing activities, and further because the project area is sensitive for resources identified above, this alternative would be subject to the same standard conditions as the proposed project. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Public Health and Hazard impacts to less-than-significant. No increase in significance to the cultural impacts identified for the proposed project, and no significant cultural impacts would result from this alternative.

**l. Aesthetic Resources, Shade/Shadow and Wind.** The Tower Alternative includes a 23-story tower at Building B. Under the proposed project, Building B is a five- to six-story residential building. The potential impacts associated with aesthetic resources, shade and shadow, and wind would be greater than the proposed project due to the increased height. The impact on aesthetic resources for all of the site except for Building B would be the same as the proposed project.

Visual simulations showing the Tower Alternative's scale, massing and conceptual appearance as seen from six representative public viewing locations are presented in Figures V-7A through V-7F (at the end of this chapter). As shown in these simulations, this

alternative would represent a substantial increase in the amount of visible building mass and street frontage seen on the site similar to the proposed project. The alternative would be highly visible from some locations along public streets within the project vicinity including 40<sup>th</sup> Street, West MacArthur Boulevard, Telegraph Avenue and SR-24.

The inclusion of a 23-story tower in the central portion of the site adjacent to SR-24 substantially increases the mass and height of this alternative as compared to the proposed project particularly as it is viewed from more distant locations as shown in Figures V-7B.

In relationship to surrounding development, the height of the new development, particularly the tower element and parking structure, could be overbearing when compared to existing development. However, the urban design fabric surrounding the site supports this scale of development including street widths, some of the taller historic and new developments located along the Telegraph Avenue corridor between Downtown and 51<sup>st</sup> Avenue, including the Kaiser Hospital development which will include buildings approximately 200 feet tall.

Like the project, the development proposed under this alternative would provide additional sources of glare and light. Implementation of Standard Condition of Approval, AES-1: Lighting Plan would ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.

The implementation of this alternative would minimally increase shade and shadow and wind impacts over those anticipated from the proposed project. A shadow analysis, see Figures V-8A through V-8F at the end of this chapter, was conducted to determine whether the Tower Alternative would cast new shadows on buildings, streets, and parking areas within and adjacent to the project site.

Overall the shadow impacts on adjacent properties from this alternative would not be substantial as the majority of the shadows will be cast towards the freeway and onto the project site.

Shadows created by the proposed project on December 21, winter solstice, would be the most extensive that would occur as a result this alternative. Because the existing shadow condition within and around the project site on this day is already significant, new shadows created by the project would minimally contribute to the existing shadow condition on this day and, as a result, would not be considered significant.

**m. Alternative Variants.** Below is a discussion of the Tower Alternative with two alternative variants: Full BART Replacement Parking and With a Residential Parking Permit Program (RPP).

- **Full BART Replacement Parking.** The traffic analysis for the proposed project (see Transportation and Circulation Section IV.C) did not reduce project trip generation to



account for reduced BART parking. Thus, traffic conditions under the Tower Alternative with the Full BART Replacement Parking variant would be similar to the analyzed Tower Alternative. The inclusion of Full BART Replacement Parking option within this alternative would not result in any new or significantly different impacts than those identified for the Tower Alternative without full BART replacement parking except for the area of aesthetics. The impacts related to aesthetics if this variant is implemented would be the same as what is described for the Full BART Replacement Parking Alternative described and analyzed below in Section C.1.

- **With a Residential Parking Permit Program (RPP).** As on-site BART parking is reduced, BART patrons who currently drive and park on-site may be attracted to park in the surrounding residential neighborhoods. This would reduce the on-street parking available for local residents. An RPP that would cover approximately a ¼-mile radius around the project site could be used as a tool to offset potential parking impacts in the surrounding neighborhood associated with the reduction in on-site BART parking. The RPP would restrict on-street parking by non-residents to fewer than two hours during the weekdays. Since BART commuters would park longer than two hours, on-street parking would no longer be available to them. Parking would still be available for Telegraph Avenue commercial district shoppers, since they typically park for less than two hours. Implementation of a RPP program would cause a significant reduction in off-site parking supply for BART patrons. It has been estimated that as many as 216 BART patrons currently park on residential streets adjacent to the station. It is estimated that about 25 percent of BART patrons who currently drive and park in the surrounding neighborhood would shift to other travel modes to access the BART Station if on-street parking is no longer available to them (see Appendix F). The rest may no longer use the MacArthur BART Station. The reduction in off-site parking supply for BART patrons would result in fewer vehicles driving to and from the MacArthur BART Station and a reduction in number and magnitude of the identified project impacts at intersections. The potential secondary impacts of this alternative variant would be the same as those described for the project variant. See pages 215 and 216 of Section IV.C, Transportation, Circulation and Parking for a discussion of potential secondary impacts associated with implementation of an RPP program.

### 3. Increased Commercial Alternative

The Increased Commercial Alternative, which assumes a 172,000 square feet of commercial office would be constructed in 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. In addition to the commercial office area, the Increased Commercial Alternative would include 475 residential units (395 market-rate and 80 affordable units), 27,000 square feet of commercial area, 5,000 of community space, and 300 exclusive BART parking spaces. This alternative does not include implementation of an RPP Program. Variants which include 600

BART parking spaces and implementation of an RPP Program are also considered at the end of this section. Site improvements and circulation pattern are the same the proposed project. Table V-18 compares the Increased Commercial Alternative to the proposed project.

**Table V-18 Increased Commercial Alternative Scenario Compared to the Proposed Project**

Use	Increased Commercial Alternative	Proposed Project	Difference Between Project and Alternative
Dwelling Units	475	675	-200
Commercial (SqFt)	172,000	44,000	+128,000
Community Use (SqFt)	5,000	5,000	0
Exclusive BART Parking	300	300	0

Source: MacArthur Transit Community Partners, October 2007.

Infrastructure improvements for the Increased Commercial Alternative would be the same as the proposed project. Building layout, site circulation and improvements to the frontage road remain the same as the proposed project.

All existing buildings would be demolished and the all trees would be removed under this alternative. Remediation of hazardous materials would occur under this alternative, and residential parking permit program would be established for the surrounding neighborhood. This alternative would include the BART Plaza improvements.

Like the proposed project, the project site would be rezoned to S-15, TOD. The S-15 zone is compatible with the current Neighborhood Commercial Mixed-Use General Plan designation. The discretionary actions included in Chapter 3 would apply to the Increased Commercial Alternative.

Figures V-5A and V-5B show a conceptual plan and cross-sections for the Increased Commercial Alternative. The potential impacts of the Increased Commercial Alternative are described below.

- a. Land Use.** The land uses within the Increased Commercial Alternative differ from the proposed project with an increase in commercial area and decrease in residential units. These differences would not result in incompatible land uses nor would they create a physical divide within community project. Like the proposed project, no land use impacts would result from this alternative.
- b. Public Policy.** Implementation of the Increased Commercial Alternative would result in more commercial area and less residential development. This Alternative would be generally

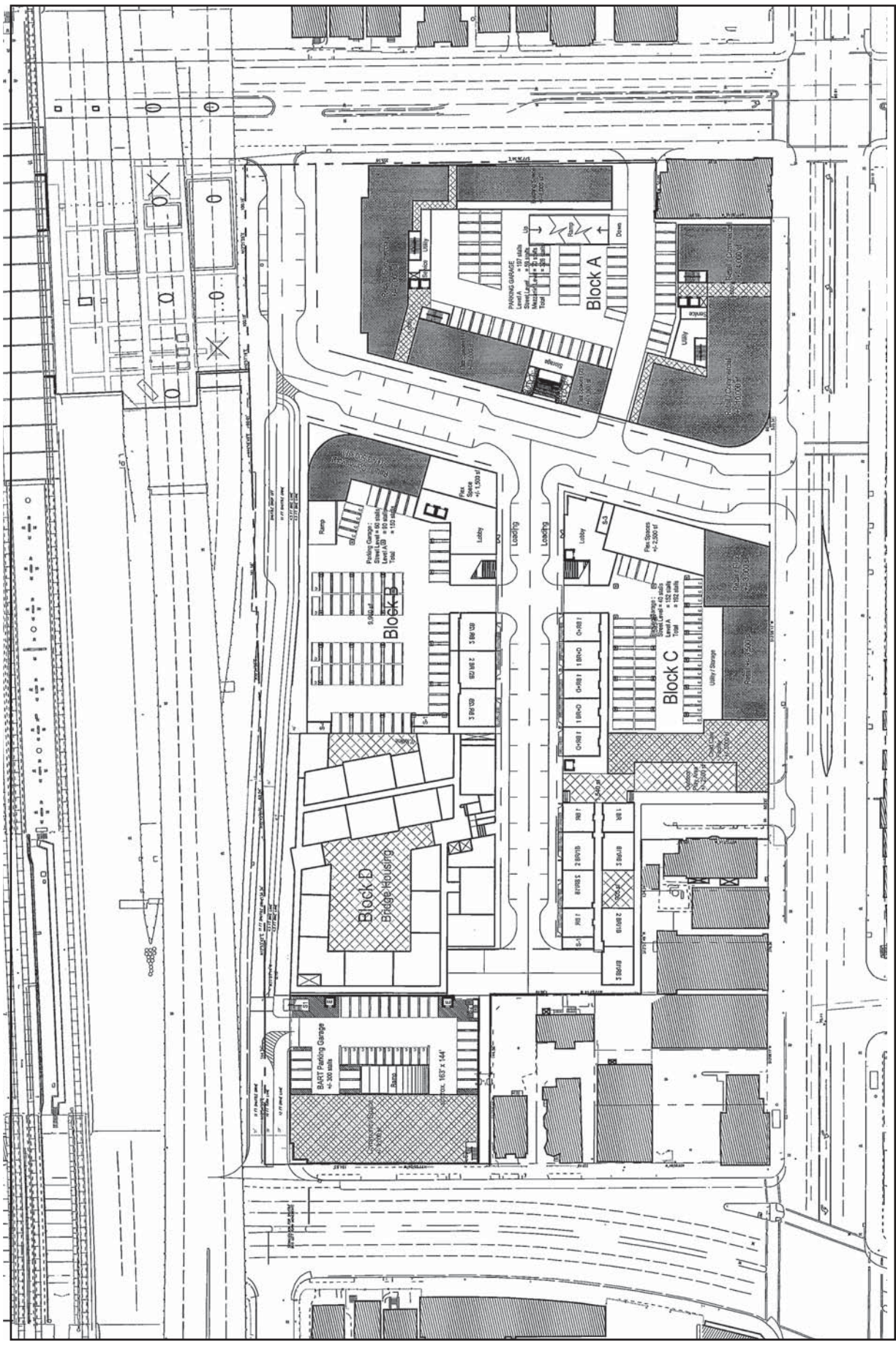
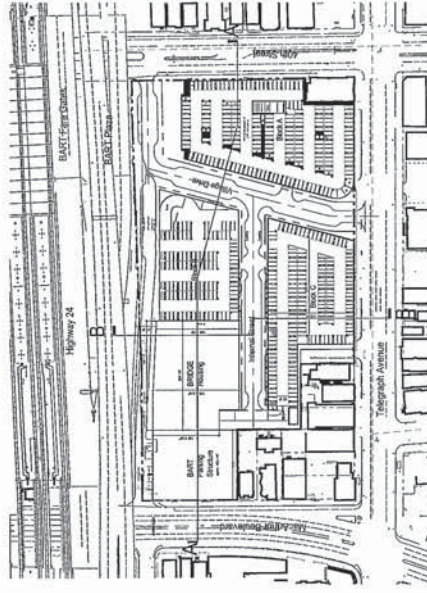


FIGURE V-5A

# MacArthur Transit Village Project EIR Conceptual Plan, Increased Commercial Alternative

NTS

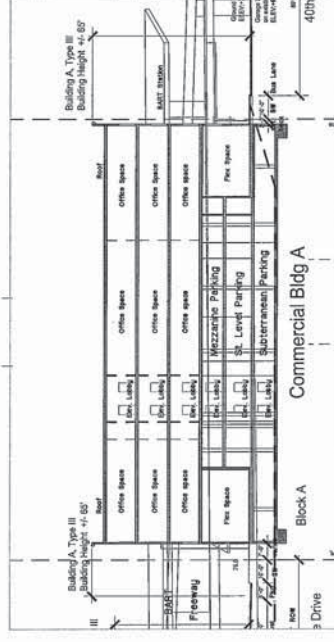




Key Plan



Section B-B



Section A-A

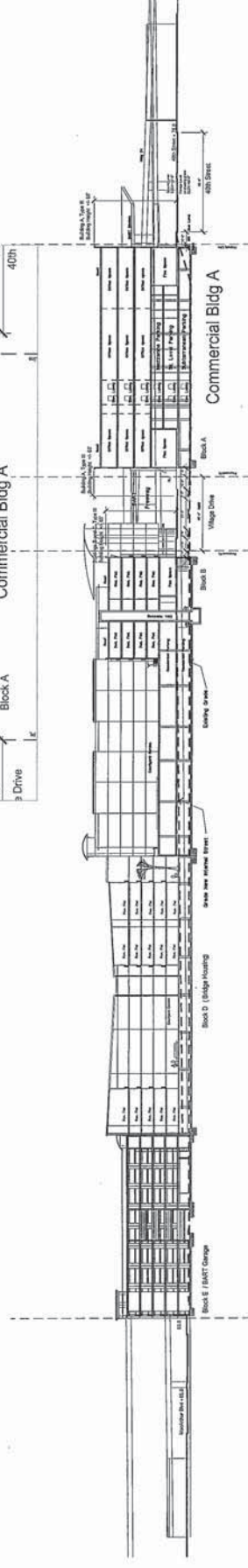


FIGURE V-5B

# MacArthur Transit Village Project EIR Conceptual Cross-Section, Increased Commercial Alternative

consistent with City General Plan policies and BART policies for TODs by creating an active mixed-use development, and like the proposed project, no physical impacts related to inconsistencies with public policy would result from implementation of the Increased Commercial Alternative.

**c. Transportation, Circulation and Parking.** Table V-19 presents the trip generation for the Increased Commercial Alternative and compares it to the proposed project. As shown in the table, the Increased Commercial Alternative would generate 222 daily, 152 AM peak hour and 128 PM peak hour trips more than the proposed project. Since this alternative would replace office uses with residential uses, it would generate fewer outbound trips and more inbound trips than the proposed project during the AM peak hour and more outbound trips and fewer inbound trips during the PM peak hour.

Tables V-20 through V-22 summarize the Existing and Cumulative Years 2015 and 2030 Baseline intersection LOS at the 25 study intersections, respectively. Intersection LOS calculation sheets are provided in Appendix F.

Impacts and Mitigation Measures TRANS-1 through TRANS -9 would continue to be applicable to the Increased Commercial Alternative. In addition, the Increased Commercial Alternative would cause the following significant impact on intersection operations:

**Impact TRANS-1 (Increased Commercial Alternative): The addition of project traffic would cause a significant impact at the Market Street/40<sup>th</sup> Street intersection (#7) under Cumulative Year 2030 Baseline Plus Increased Commercial Alternative. The project would contribute to LOS E operations during the AM peak hour and increase critical movement average delay by more than 6 seconds. (S)**

**Mitigation Measure TRANS-1 (Increased Commercial Alternative):** Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Market Street/40<sup>th</sup> Street intersection. To implement this measure, the project sponsor shall submit a signal optimization plan to the City of Oakland's Transportation Services Division for review and approval. The Plan shall consist of signal turning parameters for the signals in the coordinating group. The project sponsor shall fund the cost of preparing and implementing the Plan. Signal timing parameters shall be reviewed and approved by the City of Oakland. (LTS)

**d. Air Quality.** Air quality impacts associated with the Increased Commercial Alternative would be similar to those associated with the proposed project. The Increased Commercial Alternative would have approximately the same amount of construction activity.

Implementation of the City's standard conditions of approval as part of the project would reduce construction activity impacts to a less-than-significant level. The Increased



**Table V-19 Increased Commercial Alternative Vehicle Trip Generation**

Land Use	ITE Code	Amount	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Condominium <sup>a</sup>	230	475 DU	2,412	31	149	180	145	71	216
Residential Transit Reduction <sup>b</sup>		Daily 19% Peak Hr. 38%	-458	-12	-57	-68	-55	-27	-82
<b>Total Residential Trips</b>			<b>1,954</b>	<b>19</b>	<b>92</b>	<b>112</b>	<b>90</b>	<b>44</b>	<b>134</b>
Commercial <sup>c</sup>	814	27 ksf	1,198	41	32	73	32	41	73
Commercial Transit Reduction <sup>d</sup>		5%	-60	-2	-2	-4	-2	-2	-4
<b>Total Commercial Trips</b>			<b>1,138</b>	<b>39</b>	<b>30</b>	<b>69</b>	<b>30</b>	<b>39</b>	<b>69</b>
Office <sup>e</sup>	710	172 ksf	2,024	254	35	289	46	225	271
Office Transit Reduction <sup>f</sup>		20%	-404	-51	-7	-58	-9	-45	-54
<b>Total Office Trips</b>			<b>1,620</b>	<b>203</b>	<b>28</b>	<b>231</b>	<b>37</b>	<b>180</b>	<b>217</b>
Community Space <sup>g</sup>	565	5 ksf	396	34	30	64	31	35	66
BART Parking Lot <sup>h</sup>		-300 spaces	0	0	0	0	0	0	0
<b>Total Trip Generation</b>			<b>5,108</b>	<b>205</b>	<b>180</b>	<b>476</b>	<b>188</b>	<b>298</b>	<b>486</b>
<b>Proposed Project</b>			<b>4,886</b>	<b>123</b>	<b>201</b>	<b>324</b>	<b>200</b>	<b>158</b>	<b>358</b>
<b>Difference</b>			<b>222</b>	<b>142</b>	<b>-21</b>	<b>152</b>	<b>-12</b>	<b>140</b>	<b>128</b>

Notes: du = dwelling unit; ksf = 1,000 square feet.

<sup>a</sup> Trip generation based on the regression equations for Residential Condominium/Townhouse (Land Use 230) in the Institute of Transportation Engineers' (ITE) *Trip Generation* (7<sup>th</sup> Edition, 2003), as presented below.

Daily Equation:  $\ln(T) = 0.85 \ln(X) + 2.55$

AM Equation:  $\ln(T) = 0.80 \ln(X) + 0.26$  (inbound = 17%, outbound = 83%)

PM Equation:  $\ln(T) = 0.82 \ln(X) + 0.32$  (inbound = 67%, outbound = 33%)

Where: T = trip ends, Ln = natural logarithm, and X = number of dwelling units

<sup>b</sup> 38% peak hour residential transit reduction based on trip generation surveys at Bay Area TODs adjacent to BART stations; confirmed by data presented in *Recommended Trip Generation Adjustments for Transit-Oriented Developments in Oakland* (Dowling Associates, April 2006), as well as *Bay Area Transportation Surveys* (BATS) 2000 data for households within ½ mile of BART stations. Transit reduction for daily trip generation (19%) is lower to account for lower transit mode share for non-work trips.

<sup>c</sup> Daily and PM trip generation based on the rates for Specialty Commercial (Land Use 814) in ITE *Trip Generation*, as presented below.

Daily Rate:  $(T) = 44.32 (X)$

PM Rate:  $(T) = 2.71 (X)$  (inbound = 44%, outbound = 56%)

Where: T = trip ends and X = 1,000 square feet

AM trip generation based on PM trip rate, with reversed inbound/outbound splits.

<sup>d</sup> Commercial transit reduction based on TOD literature on commercial trips, including *Travel Characteristics of Transit-Oriented Development in California* (Lund, Cervero, and Wilson, 2004), and *Ridership Impacts of Transit-Focused Development in California* (Cervero, 1994).

<sup>e</sup> Trip generation based on the regression equations for General Office (Land Use 710) in ITE *Trip Generation*, as presented below.

Daily Equation:  $\ln(T) = 0.77 \ln(X) + 3.65$

AM Equation:  $\ln(T) = 0.80 \ln(X) + 1.55$  (inbound = 88%, outbound = 12%)

PM Equation:  $(T) = 1.12(X) + 78.81$  (inbound = 17%, outbound = 83%)

Where: T = trip ends, Ln = natural logarithm, and X = Thousands of square feet.

<sup>f</sup> Office transit reduction based on TOD literature on office trips, including *Travel Characteristics of Transit-Oriented Development in California* (Lund, Cervero, and Wilson, 2004), and *Ridership Impacts of Transit-Focused Development in California* (Cervero, 1993).

<sup>g</sup> Trip generation based on the average rates for Day Care Center (Land Use 565) in ITE *Trip Generation*, as presented below.

Daily Rate:  $(T) = 79.26 (X)$

AM Rate:  $(T) = 12.79 (X)$  (inbound = 53%, outbound = 47%)

PM Rate:  $(T) = 13.18 (X)$  (inbound = 47%, outbound = 53%)

Where: T = trip ends and X = 1,000 square feet

<sup>h</sup> The project includes removing approximately 300 of the existing 618 parking spaces in the BART lot. In the AM peak hour, any change in trips to the parking lot will most likely continue to occur before the peak hour. To be conservative, we assume that BART patrons currently entering and exiting the lot in the PM peak hour will continue to do so.

Source: Fehr & Peers, 2007.

**Table V-20 Existing Plus Increased Commercial Alternative Intersection Level of Service Summary**

No.	Intersection	Traffic Control	Time Period	Existing No Project		Existing Plus Commercial Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
1	Shattuck Avenue/52 <sup>nd</sup> Street	Signal	AM PM	D D	54.3 51.3	D D	49.9 36.1	No No
2	Telegraph Avenue/52 <sup>nd</sup> Street/ Claremont Avenue	Signal	AM PM	B B	17.7 18.8	B C	17.8 20.2	No No
3	Telegraph Avenue/51 <sup>st</sup> Street	Signal	AM PM	D D	39.1 47.1	D D	39.2 47.5	No No
4	Martin Luther King Jr. Way/ 47 <sup>th</sup> Street/Westbound SR-24 On-Ramp	Signal	AM PM	C B	26.8 11.0	C B	32.2 11.3	No No
5	Martin Luther King Jr. Way/ 45 <sup>th</sup> Street	Signal	AM PM	A A	9.0 9.0	A A	9.0 9.1	No No
6	Telegraph Avenue/45 <sup>th</sup> Street	Signal	AM PM	A A	9.4 6.6	A A	9.2 6.6	No No
7	Market Street/40 <sup>th</sup> Street	Signal	AM PM	B C	17.6 25.0	B C	17.8 25.3	No No
8	West Street/40 <sup>th</sup> Street	Signal	AM PM	B B	13.8 17.4	B B	13.8 17.6	No No
9	Martin Luther King Jr. Way/ 40 <sup>th</sup> Street	Signal	AM PM	B C	13.9 19.9	B B	14.0 16.7	No No
10	Frontage Road/40 <sup>th</sup> Street	SSSC/ Signal <sup>a</sup>	AM PM	B B	10.2 13.8	B B	12.0 11.2	No No
11	BART parking access (west)/ 40 <sup>th</sup> Street	SSSC	AM PM	B B	13.8 17.5	N/A	N/A	No No
12	BART parking access (east)/ 40 <sup>th</sup> Street	SSSC	AM PM	B B	14.6 17.9	N/A	N/A	No No
13	Telegraph Avenue/40 <sup>th</sup> Street	Signal	AM PM	C C	23.8 28.6	B B	17.8 19.7	No No
14	BART parking access/ Telegraph Avenue	SSSC	AM PM	C C	19.3 21.4	N/A	N/A	No No
15	Telegraph Avenue/38 <sup>th</sup> Street	SSSC	AM PM	B C	14.8 21.6	B C	14.6 20.8	No No
16	Market Street/ MacArthur Boulevard	Signal	AM PM	B C	16.8 31.6	B C	16.9 34.7	No No
17	West Street/ MacArthur Boulevard	Signal	AM PM	B B	12.3 14.1	B B	12.6 14.5	No No
18	Martin Luther King Jr. Way/ MacArthur Boulevard	Signal	AM PM	A B	9.0 11.5	B B	10.0 13.3	No No
19	Frontage Road/ MacArthur Boulevard	SSSC/ Signal <sup>a</sup>	AM PM	B B	14.6 15.7	A B	6.4 12.4	No No
20	Telegraph Avenue/ MacArthur Boulevard	Signal	AM PM	B B	18.8 14.4	B B	18.7 19.0	No No
21	Webster Street/ MacArthur Boulevard	Signal	AM PM	A B	8.7 11.4	A B	8.8 11.5	No No
22	Broadway/ MacArthur Boulevard	Signal	AM PM	D D	54.7 42.0	D D	54.5 42.0	No No

**Table V-20 Existing Plus Increased Commercial Alternative Intersection Level of Service Summary**

No.	Intersection	Traffic Control	Time Period	Existing No Project		Existing Plus Commercial Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
23	Telegraph Avenue/34 <sup>th</sup> Street	Signal	AM PM	A	6.8	A	7.8	No
				B	13.0	B	13.8	No
24	Telegraph Avenue/27 <sup>th</sup> Street	Signal	AM PM	C	23.1	C	24.0	No
				C	21.8	C	20.6	No
25	Telegraph Avenue/Village Drive	Signal	AM PM	N/A	N/A	A	9.6	No
						B	15.6	No

Notes: N/A = Intersection does not exist under this scenario.

**Bold** indicates significant impact.

The LOS/Delay for Side-Street Stop-Control (SSSC) intersections represents the worst movement or approach; for Signalized intersections, the LOS/Delay represents overall intersection.

\* The average delay of a critical movement would increase by more than 6 seconds.

<sup>a</sup> Intersection is currently side-street stop-controlled, but will be signalized as part of the project.

Source: Fehr & Peers, 2007.

Commercial Alternative would not result in CO hot-spots, similar to the proposed project, as shown in Table V-23.

The Increased Commercial Alternative would not conflict with the Bay Area 2005 Ozone Strategy. The daily increase in emissions associated with the Increased Commercial Alternative operational and area sources is identified in Table V-24 for reactive organic gases (ROG) and nitrogen oxides (NOx) (two precursors of ozone) and coarse particle matter (PM10). The BAAQMD has established thresholds of significance for ozone precursors and PM10 of 80 pounds per day; however, they have not established a threshold for emissions of PM2.5 or CO2. Emissions for this alternative shown in Table V-24 would not exceed these thresholds of significance for ROG, NOx, and PM10, and therefore, the Increased Commercial Alternative would not have a significant effect on regional air quality.

**e. Noise and Vibration.** Noise and vibration impacts related to the Increased Commercial Alternative would not differ substantially from the proposed project. Noise sensitive receptors would be located at approximately the same distance from SR-24 as the proposed project. As shown in Tables V-25 through V-27, modeled traffic noise levels of affected roadway segments for this alternative would increase slightly over without the project conditions, similar to the proposed project. Traffic volumes and noise levels for traffic on SR-24 and I-580 are expected to remain the same as those of the proposed project. This alternative would result in similar BART noise and ground-borne vibration impacts as the proposed project. Short-term construction related noise impacts would also be similar to those associated with the proposed project. Implementation of the City's standard conditions of approval as part of the project would reduce the Increased Commercial Alternative's noise and vibration impacts to a less-than-significant level.

**Table V-21 Cumulative Year 2015 Baseline Intersection Level of Service  
Summary (Increased Commercial Alternative)**

No.	Intersection	Traffic Control	Time Period	2015 No Project		2015 Plus Commercial Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
1	Shattuck Avenue/ 52 <sup>nd</sup> Street	Signal	AM PM	E D	61.1 42.5	E D	61.5 40.2	No No
2	Telegraph Avenue/ 52 <sup>nd</sup> Street/Claremont Avenue	Signal	AM PM	C D	25.1 37.3	C D	26.3 40.7	No No
3	Telegraph Avenue/ 51 <sup>st</sup> Street	Signal	AM PM	E E	65.5 64.6	E E	68.1 67.9*	No Yes
4	Martin Luther King Jr. Way/ 47 <sup>th</sup> Street/ Westbound SR-24 On-Ramp	Signal	AM PM	C B	32.8 13.7	D B	38.5 15.1	No No
5	Martin Luther King Jr. Way/ 45 <sup>th</sup> Street	Signal	AM PM	A A	9.5 9.7	A A	9.6 9.8	No No
6	Telegraph Avenue/ 45 <sup>th</sup> Street	Signal	AM PM	B A	12.1 10.0	B B	11.7 10.4	No No
7	Market Street/40 <sup>th</sup> Street	Signal	AM PM	C C	20.0 25.1	C C	20.4 25.4	No No
8	West Street/40 <sup>th</sup> Street	Signal	AM PM	B C	16.4 20.0	B C	15.8 21.7	No No
9	Martin Luther King Jr. Way/ 40 <sup>th</sup> Street	Signal	AM PM	B B	14.8 18.9	B C	14.1 20.6	No No
10	Frontage Road/40 <sup>th</sup> Street	Signal	AM PM	A B	7.2 10.1	B B	11.1 12.1	No No
11	BART parking access (west)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	12.8 15.3	N/A	N/A	No No
12	BART parking access (east)/40 <sup>th</sup> Street	SSSC	AM PM	B C	13.9 15.4	N/A	N/A	No No
13	Telegraph Avenue/ 40 <sup>th</sup> Street	Signal	AM PM	C D	29.1 44.2	C D	28.0 41.6	No No
14	BART parking access/ Telegraph Avenue	SSSC	AM PM	E D	40.4 28.2	N/A	N/A	No No
15	Telegraph Avenue/ 38 <sup>th</sup> Street	SSSC	AM PM	C F	15.6 81.3	C F	17.2 92.1	No No
16	Market Street/ MacArthur Boulevard	Signal	AM PM	D D	38.9 53.6	D E	41.5 56.2	No Yes
17	West Street/ MacArthur Boulevard	Signal	AM PM	B B	14.7 17.0	B B	14.6 18.4	No No
18	Martin Luther King Jr. Way/ MacArthur Boulevard	Signal	AM PM	A B	9.1 14.7	B B	11.1 16.1	No No
19	Frontage Road/ MacArthur Boulevard	SSSC/ Signal <sup>a</sup>	AM PM	B C	14.8 21.6	A B	5.0 12.7	No No
20	Telegraph Avenue/ MacArthur Boulevard	Signal	AM PM	C D	21.7 39.5	C D	25.7 42.0	No No
21	Webster Street/ MacArthur Boulevard	Signal	AM PM	B B	10.3 12.2	B B	10.3 12.3	No No

**Table V-21 Cumulative Year 2015 Baseline Intersection Level of Service  
Summary (Increased Commercial Alternative)**

No.	Intersection	Traffic Control	Time Period	2015 No Project		2015 Plus Commercial Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
22	Broadway/ MacArthur Boulevard	Signal	AM	D	47.7	D	47.8	No
			PM	E	60.5	E	60.6	No
23	Telegraph Avenue/ 34 <sup>th</sup> Street	Signal	AM	A	9.4	B	10.1	No
			PM	B	15.5	B	14.9	No
24	Telegraph Avenue/ 27 <sup>th</sup> Street	Signal	AM	C	24.8	C	24.9	No
			PM	C	23.7	C	24.0	No
25	Telegraph Avenue/ Village Drive	Signal	AM	N/A	N/A	B	15.8	No
			PM			B	10.1	No

Notes: N/A = Intersection does not exist under this scenario.

**Bold** indicates significant impact.

The LOS/Delay for Side-Street Stop-Control (SSSC) intersections represents the worst movement or approach; for Signalized intersections, the LOS/Delay represents overall intersection.

\* The average delay of a critical movement would increase by more than 6 seconds.

<sup>a</sup> Intersection is currently side-street stop-controlled, but will be signalized as part of the project.

Source: Fehr & Peers, 2007.

**f. Hydrology and Water Quality.** The Increased Commercial Alternative involves the same development program as the proposed project with the exception of removing 200 residential units and introducing 172,000 square feet commercial office uses within the Building A, a four- to six-story building. This alternative would result in similar amount of runoff that could affect stormwater conveyance systems. As with the proposed project, construction workers and the public would be exposed to potential contaminants in the soil and groundwater related to dewatering on-site.

All hydrology and water quality related standard conditions for the proposed project would be applicable to the Increased Commercial Alternative. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Hydrology and Water Quality impacts to less than significant.

No increase in significance to the hydrology and water impacts identified for the proposed project, and no significant hydrology and water impacts would result from this alternative.

**g. Geology, Soils, and Seismicity.** Under this alternative, grading activities and building foundations would be subject to similar geologic and seismic conditions and constraints as the proposed project. An earthquake on a nearby fault could result in strong seismic shaking at the project site. The surface and near surface site materials are classified as Urban Land, which is a man-made soil type consisting of various grades of un-engineered fill, possibly containing debris. The primary geologic concerns for the site are direct damage



**Table V-22 Cumulative Year 2030 Baseline Intersection Level of Service Summary  
(Increased Commercial Alternative)**

No.	Intersection	Traffic Control	Time Period	Cumulative (2030) Without Project		Cumulative (2030) Plus Commercial Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
1	Shattuck Avenue/52 <sup>nd</sup> Street	Signal	AM PM	F D	82.4 48.7	F D	83.4 49.4	No No
2	Telegraph Avenue/52 <sup>nd</sup> Street/ Claremont Avenue	Signal	AM PM	F E	>120 70.1	F E	>120 75.2	Yes Yes
3	Telegraph Avenue/51 <sup>st</sup> Street	Signal	AM PM	F F	>120 110.3	F F	>120 115.2	Yes Yes
4	Martin Luther King Jr. Way/ 47 <sup>th</sup> Street/Westbound SR-24 On-Ramp	Signal	AM PM	D C	39.3 31.6	D D	45.2 38.0	No No
5	Martin Luther King Jr. Way/ 45 <sup>th</sup> Street	Signal	AM PM	B B	10.6 11.1	B B	10.7 11.2	No No
6	Telegraph Avenue/45 <sup>th</sup> Street	Signal	AM PM	B C	16.8 26.7	B C	17.5 32.6	No No
7	Market Street/40 <sup>th</sup> Street	Signal	AM PM	E D	63.3 35.9	E D	65.9* 37.0	Yes No
8	West Street/40 <sup>th</sup> Street	Signal	AM PM	B D	18.1 52.8	B E	18.3 59.0	No Yes
9	Martin Luther King Jr. Way/ 40 <sup>th</sup> Street	Signal	AM PM	B C	17.3 23.0	B C	17.8 30.8	No No
10	Frontage Road/40 <sup>th</sup> Street	Signal	AM PM	A B	9.0 13.0	B B	10.7 15.2	No No
11	BART parking access (west)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	13.5 15.7	N/A	N/A	No No
12	BART parking access (east)/ 40 <sup>th</sup> Street	SSSC	AM PM	B C	14.6 15.6	N/A	N/A	No No
13	Telegraph Avenue/40 <sup>th</sup> Street	Signal	AM PM	E F	74.9 92.2	F F	86.1 89.0*	Yes Yes
14	BART parking access/ Telegraph Avenue	SSSC	AM PM	F E	>90 47.0	N/A	N/A	No No
15	Telegraph Avenue/38 <sup>th</sup> Street	SSSC	AM PM	C F	24.0 >90	D F	28.5 >120	No No
16	Market Street/ MacArthur Boulevard	Signal	AM PM	F F	>120 >120	F F	>120 >120	Yes Yes
17	West Street/ MacArthur Boulevard	Signal	AM PM	D C	36.7 26.6	D C	37.1 26.9	No No
18	Martin Luther King Jr. Way/ MacArthur Boulevard	Signal	AM PM	B B	10.6 17.7	B C	13.9 25.3	No No
19	Frontage Road/ MacArthur Boulevard	SSSC/ Signal <sup>a</sup>	AM PM	C C	15.3 17.1	A B	6.2 18.7	No No
20	Telegraph Avenue/ MacArthur Boulevard	Signal	AM PM	D F	50.2 106.5	E F	66.9 111.4	Yes Yes
21	Webster Street/ MacArthur Boulevard	Signal	AM PM	B B	12.7 14.1	B B	12.8 14.2	No No

**Table V-22 Cumulative Year 2030 Baseline Intersection Level of Service Summary  
(Increased Commercial Alternative)**

No.	Intersection	Traffic Control	Time Period	Cumulative (2030) Without Project		Cumulative (2030) Plus Commercial Alternative		Significance Yes/No
				LOS	Delay	LOS	Delay	
22	Broadway/MacArthur Boulevard	Signal	AM	F	82.5	F	84.3*	Yes
			PM	F	119.7	F	>120	No
23	Telegraph Avenue/34 <sup>th</sup> Street	Signal	AM	B	11.8	B	12.0	No
			PM	C	21.7	C	21.7	No
24	Telegraph Avenue/27 <sup>th</sup> Street	Signal	AM	D	46.8	D	50.1	No
			PM	D	40.2	D	45.4	No
25	Telegraph Avenue/Village Drive	Signal	AM	N/A	N/A	B	19.8	No
			PM	N/A	N/A	C	20.5	No

Notes: N/A = Intersection does not exist under this scenario.

**Bold** indicates significant impacts.

The LOS/Delay for Side-Street Stop-Control (SSSC) intersections represents the worst movement or approach; for Signalized intersections, the LOS/Delay represents overall intersection.

\* The average delay of a critical movement would increase by more than 4 seconds.

<sup>a</sup> Intersection is currently side-street stop-controlled, but will be signalized as part of the project.

Source: Fehr & Peers, 2007.

to structures from seismic shaking, seismically induced liquefaction and attendant ground failure, expansive soils, and settlement or differential settlement.

All geology, soils and seismicity related standard conditions for the proposed project would be applicable to the Increased Commercial Alternative. These standard conditions include Erosion and Sediment Control Plan, Soils Report, and Geotechnical Report. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce Geology, Soils and Seismicity impacts to less-than-significant. No increase in significance to the geology, soils and seismicity impacts identified for the proposed project, and no significant geology, soils and seismicity impacts would result from this alternative.

**h. Public Health and Hazards.** The Increased Commercial Alternative involves the same development program as the proposed project with the exception of removing 200 residential units and introducing 172,000 square feet commercial office uses within the Building A, a four- to six-story building. As such, this alternative would have similar impacts to public health and hazards via disposal of hazardous materials, or creation of a significant hazard to the public or the environment through reasonable foreseeable upset or accident conditions involving the release of hazardous materials into the environment.

**Table V-23 CO Concentrations for Increase Commercial Alternative Conditions**

Intersection	Receptor Distance to Road Centerline (Meters)	Existing Plus Tower Alternative 1-Hr/8-Hr CO Concentration (ppm)	Cumulative Year 2015 Baseline Plus Tower Alternative 1-Hr/8-Hr CO Concentration (ppm)	Cumulative Year 2030 Baseline Plus Tower Alternative 1-Hr/8-Hr CO Concentration (ppm)	Exceeds State Standards	
					1-Hr	8-Hr
M.L. King Jr. Way and 45th Street	11	4.2/3.0	3.8/2.8	3.6/2.6	No	No
	11	4.1/3.0	3.8/2.8	3.5/2.5	No	No
	11	4.1/3.0	3.8/2.8	3.5/2.5	No	No
	10	4.1/3.0	3.7/2.7	3.5/2.5	No	No
Telegraph Avenue and 45th Street	11	5.0/3.6	4.4/3.2	3.8/2.8	No	No
	11	5.0/3.6	4.4/3.2	3.8/2.8	No	No
	10	5.0/3.6	4.3/3.1	3.8/2.8	No	No
	10	5.0/3.6	4.3/3.1	3.8/2.8	No	No
M.L. King Jr. Way and 40th Street	14	5.2/3.7	4.4/3.2	3.8/2.8	No	No
	14	5.2/3.7	4.4/3.2	3.8/2.8	No	No
	14	5.2/3.7	4.4/3.2	3.8/2.8	No	No
	14	5.2/3.7	4.3/3.1	3.8/2.8	No	No
BART Access and 40th Street	14	4.9/3.5	4.2/3.0	3.7/2.7	No	No
	14	4.7/3.4	4.0/2.9	3.7/2.7	No	No
	12	4.7/3.4	4.0/2.9	3.7/2.7	No	No
	12	4.6/3.3	4.0/2.9	3.7/2.7	No	No
Telegraph Avenue and 40th Street	14	5.4/3.9	4.6/3.3	3.9/2.8	No	No
	14	5.3/3.8	4.6/3.3	3.9/2.8	No	No
	14	5.3/3.8	4.5/3.2	3.9/2.8	No	No
	14	5.2/3.7	4.5/3.2	3.9/2.8	No	No
M.L. King Jr. Way and MacArthur Boulevard	14	4.5/3.2	4.2/3.0	3.8/2.8	No	No
	14	4.4/3.2	4.0/2.9	3.7/2.7	No	No
	14	4.4/3.2	4.0/2.9	3.7/2.7	No	No
	14	4.3/3.1	4.0/2.9	3.7/2.7	No	No
BART Access and MacArthur Boulevard	17	4.4/3.2	4.0/2.9	3.7/2.7	No	No
	14	4.4/3.2	4.0/2.9	3.7/2.7	No	No
	14	4.4/3.2	4.0/2.9	3.7/2.7	No	No
	14	4.4/3.2	3.9/2.8	3.7/2.7	No	No
Telegraph Avenue and MacArthur Boulevard	17	5.7/4.1	4.7/3.4	4.0/2.9	No	No
	14	5.6/4.0	4.7/3.4	4.0/2.9	No	No
	14	5.5/3.9	4.6/3.3	4.0/2.9	No	No
	14	5.4/3.9	4.5/3.2	3.9/2.8	No	No

Note: Includes ambient 1-hour concentration of 3.3 ppm and ambient 8-hour concentration of 2.4 ppm. Measured at the Alice Street, Oakland AQ Station for the years 2004 and 2005, and at the Chapel Way, Fremont AQ Station for the year 2006.

Source: LSA Associates, Inc., 2007.

**Table V-24 Increased Commercial Alternative Regional Emissions in Pounds Per Day**

	Reactive Organic Gases	Nitrogen Oxides	PM10	PM2.5	CO2
Operation (Vehicle) Emissions	27.5	19.3	42.4	8.1	23,994.4
Area Source Emissions	19.4	3.3	0.03	0.03	4,093.1
<b>Total Regional Emissions</b>	<b>46.9</b>	<b>22.6</b>	<b>42.5</b>	<b>8.1</b>	<b>28,087.5</b>
BAAQMD Significance Threshold	80.0	80.0	80.0	NA	NA
Exceed?	No	No	No	NA	NA

Source: LSA Associates, Inc., 2007.

**Table V-25 Existing with Increased Commercial Alternative Traffic Noise Levels, dBA**

Roadway Segment	ADT <sup>a</sup>	Center-line to 70 Ldn (feet)	Center-line to 65 Ldn (feet)	Center-line to 60 Ldn (feet)	Ldn (dBA) 50 Feet from Centerline of Outer-most Lane	Increase over Existing Conditions
M.L. King Jr. Way – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	8,600	< 50	< 50	91	62.0	0.2
Telegraph Avenue – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	21,000	< 50	64	129	63.9	0.2
40 <sup>th</sup> Street - West Street to M.L. King Jr. Way	15,300	< 50	65	133	64.1	0.2
40 <sup>th</sup> Street - M.L. King Jr. Way to BART Access	18,400	< 50	73	150	64.9	0.3
40 <sup>th</sup> Street - BART Access to Telegraph Avenue	17,000	< 50	70	143	64.5	0.0
M.L. King Jr. Way – 40 <sup>th</sup> Street to MacArthur Boulevard	8,500	< 50	< 50	90	62.0	0.3
Telegraph Avenue – 40 <sup>th</sup> Street to 38 <sup>th</sup> Street	19,100	< 50	60	121	63.5	0.4
Telegraph Avenue – 38 <sup>th</sup> Street to MacArthur Boulevard	19,400	< 50	61	123	63.5	0.3
MacArthur Boulevard - West Street to M.L. King Jr. Way	12,500	< 50	61	118	62.8	0.1
MacArthur Boulevard - BART Access to Telegraph Avenue	14,400	< 50	66	129	63.4	0.5

Note: The shaded areas in the tables indicate the roadway segments adjacent to the project site.

<sup>a</sup> ADT=Average Daily Trips calculated from traffic volumes in the Fehr & Peers TIA. Model rounds ADT up to 100 trips.

Source: LSA Associates, Inc., 2007.

**Table V-26 Cumulative Year 2015 Baseline Plus Increased Commercial  
Alternative Traffic Noise Levels, dBA**

Roadway Segment	ADT	Center- line to 70 Ldn (feet)	Center- line to 65 Ldn (feet)	Center- line to 60 Ldn (feet)	Ldn (dBA) 50 Feet from Centerline of Outer- most Lane	Increase Over Cumulative Year 2015 Baseline Without Project Conditions
M.L. King Jr. Way – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	10,400	< 50	< 50	103	62.8	0.2
Telegraph Avenue – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	27,100	< 50	74	152	65.0	0.2
40 <sup>th</sup> Street – West Street to M.L. King Jr. Way	17,900	< 50	72	148	64.8	0.3
40 <sup>th</sup> Street – M.L. King Jr. Way to BART Access	20,900	< 50	79	163	65.4	0.2
40 <sup>th</sup> Street – BART Access to Telegraph Avenue	19,500	< 50	75	156	65.1	0.0
M.L. King Jr. Way – 40 <sup>th</sup> Street to MacArthur Boulevard	10,100	< 50	< 50	101	62.7	0.2
Telegraph Avenue – 40 <sup>th</sup> Street to 38 <sup>th</sup> Street	24,400	< 50	69	142	64.5	0.3
Telegraph Avenue – 38 <sup>th</sup> Street to MacArthur Boulevard	24,700	< 50	70	143	64.6	0.3
MacArthur Boulevard – West Street to M.L. King Jr. Way	17,600	< 50	73	147	64.3	0.1
MacArthur Boulevard – BART Access to Telegraph Avenue	19,600	< 50	78	157	64.8	0.5

Source: LSA Associates, Inc., 2007.

**i. Public Services.** Although the Increased Commercial Alternative, like the proposed the project, would not result in significant impacts, it should be noted that the Increased Commercial Alternative would still have less impacts on public services due to the decrease in units, which would result in a decrease in students generated by the project, a decrease in demand for park and recreation activities and a decrease in domestic calls for police and fire service.

The Increased Commercial Alternative would result in a significant amount of development on the project site and all public service related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Fire Safety Phasing Plan and Conformance with Other Requirements (including all applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines). As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce public service impacts to less-than-significant.



**Table V-27 Cumulative Year 2030 Baseline with Increased Commercial  
Alternative Traffic Noise Levels, dBA**

Roadway Segment	ADT	Center- line to 70 Ldn (feet)	Center- line to 65 Ldn (feet)	Center- line to 60 Ldn (feet)	Ldn (dBA) 50 feet from Centerline of Outermost Lane	Increase over Cumulative Year 2030 Baseline No Project Conditions
M.L. King Jr. Way – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	12,800	< 50	57	118	63.7	0.1
Telegraph Avenue – 45 <sup>th</sup> Street to 40 <sup>th</sup> Street	30,600	< 50	79	165	65.5	0.1
40 <sup>th</sup> Street – West Street to M.L. King Jr. Way	24,200	< 50	86	180	66.1	0.2
40 <sup>th</sup> Street – M.L. King Jr. Way to BART Access	27,100	< 50	92	193	66.6	0.2
40 <sup>th</sup> Street – BART Access to Telegraph Avenue	25,700	< 50	89	187	66.3	0.0
M.L. King Jr. Way – 40 <sup>th</sup> Street to MacArthur Boulevard	12,000	< 50	55	113	63.5	0.3
Telegraph Avenue – 40 <sup>th</sup> Street to 38 <sup>th</sup> Street	29,400	< 50	78	161	65.3	0.2
Telegraph Avenue – 38 <sup>th</sup> Street to MacArthur Boulevard	30,100	< 50	79	163	65.4	0.2
MacArthur Boulevard – West Street to M.L. King Jr. Way	25,900	< 50	91	189	66.0	0.1
MacArthur Boulevard – BART Access to Telegraph Avenue	27,800	< 50	95	197	66.3	0.3

Source: LSA Associates, Inc., 2007.

No increase in significance to the public service impacts identified for the proposed project, and no significant public service impacts would result from this alternative.

**j. Utilities.** The Increased Commercial Alternative involves the same development program as the proposed project with the exception of removing 230 residential units and introducing 172,000 square feet of commercial office uses within Building A, a four- to six-story building.

Although the Increased Commercial Alternative, like the proposed the project, would not result in significant impacts, it should be noted that the Increased Commercial Alternative would generate less wastewater (see Table V-28), water demand, and solid waste (commercial uses generate half of the daily generation of residential uses). The project would have similar impacts on energy and storm drainage.

**Table V-28 Increased Commercial Alternative Projected Wastewater Generation**

Proposed Use	Number of Units/ Square Footage	Generation Rate	Total GPD <sup>a</sup>
1-Bedroom Condo	110 Units	150 gpd per unit	16,500
2-Bedroom Condo	275 Units	200 gpd per unit	55,000
3-Bedroom Condo	90 Units	250 gpd per unit	22,500
Commercial	27,000 Sq.Ft.	100 gpd per 1,000 Sq.Ft.	2,700
Community Space	5,000 Sq.Ft.	100 gpd per 1,000 Sq.Ft.	500
Commercial Office	172,000	200 gpd per 1,000 Sq.Ft.	34,400
<b>Total</b>			<b>131,600</b>

Source: RRM Design Group, 2007.

Given the level of development that would occur under the Increased Commercial Alternative, all utility related standard conditions that apply to the proposed project would also apply to this alternative. These standard conditions include: Fire Safety Phasing Plan and Conformance with Other Requirements (including all applicable federal, State, regional and/or local codes, requirements, regulations, and guidelines). As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce utility impacts to a less-than-significant level. No increase in significance to the utility impacts identified for the proposed project, and no significant utility impacts would result from this alternative.

**k. Cultural and Paleontological Resources.** The Increased Commercial Alternative would have impacts similar to the proposed project for cultural resources via grading and other ground disturbing activities because, as described in Chapter IV.K, Cultural and Paleontological Resources, the project area is sensitive for subsurface historical, archaeological, or paleontological resources, which have the potential to be unearthed during site preparation and construction.

Because the Increased Commercial Alternative would include grading and other ground disturbing activities, and further because the project area is sensitive for resources identified above, this alternative would be subject to the same standard conditions as the proposed project. As is the case with the proposed project, the incorporation of the standard conditions, which are mandatory City requirements, would reduce cultural and paleontological resource impacts to less-than-significant. No increase in significance to the cultural impacts identified for the proposed project, and no significant cultural impacts would result from this alternative.

**l. Aesthetic Resources.** The physical development of the Increased Commercial alternative would be essentially the same as the proposed project.

Visual simulations showing the Increased Commercial alternative's scale, massing and conceptual appearance as seen from six representative public viewing locations are presented in Figures V-9A through V-9F (at the end of this chapter). As shown in these simulations, this alternative would represent a substantial increase in the amount of visible building mass and street frontage seen on the site similar to the proposed project. The alternative would be highly visible from some locations along public streets within the project vicinity including 40<sup>th</sup> Street, West MacArthur Boulevard, Telegraph Avenue and SR-24.

As with the proposed project, the height of the new development, particularly the garage, could be somewhat overbearing when compared to existing development. However, the urban design fabric surrounding the site supports this scale of development including street widths, some of the taller historic and new developments located along the Telegraph Avenue corridor between Downtown and 51<sup>st</sup> Avenue.

Like the project, the development proposed under this alternative would provide additional sources of glare and light. Implementation of Standard Condition of Approval, AES-1: Lighting Plan would ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.

**m. Alternative Variants.** Below is a discussion of Increased Commercial Alternative with two alternative variants: Full BART Replacement Parking and With a Residential Parking Permit Program (RPP).

- **Full BART Replacement Parking.** The traffic analysis for the proposed project (see Transportation and Circulation Section IV.C) did not reduce project trip generation to account for reduced BART parking. Thus, traffic conditions under the Increased Commercial Alternative with the Full BART Replacement Parking variant would be similar to the analyzed Increased Commercial Alternative. The inclusion of Full BART Replacement Parking option within this alternative would not result in any new or significantly different impacts than those identified for the Tower Alternative without full BART replacement parking except for the area of aesthetics. The impacts related to aesthetics if this variant is implemented would be the same as what is described for the Full BART Replacement Alternative described and analyzed below in Section C.1.
- **With a Residential Parking Permit Program (RPP).** As on-site BART parking is reduced, BART patrons who currently drive and park on-site may be attracted to park in the surrounding residential neighborhoods. This would reduce the on-street parking available for local residents. A Residential Parking Permit program (RPP) that would cover approximately a ¼-mile radius around the project site could be used as a tool to offset potential parking impacts in the surrounding neighborhood associated with the reduction in on-site BART parking. The RPP would restrict on-street parking by non-residents to fewer than two hours during the weekdays. Since BART commuters would park longer than two hours, on-street parking would no longer be available to them.

Parking would still be available for Telegraph Avenue commercial district shoppers, since they typically park for less than two hours. Implementation of a RPP program would cause a significant reduction in off-site parking supply for BART patrons. It has been estimated that as many as 216 BART patrons currently park on residential streets adjacent to the station. It is estimated that about 25 percent of BART patrons who currently drive and park in the surrounding neighborhood would shift to other travel modes to access the BART Station if on-street parking is no longer available to them (see Appendix F. The rest may no longer use the MacArthur BART Station. The reduction in off-site parking supply for BART patrons would result in fewer vehicles driving to and from the MacArthur BART Station and a reduction in number and magnitude of the identified project impacts at intersections. The potential secondary impacts of this alternative variant would be the same as those described for the project variant. See pages 215 and 216 of Section IV.C, Transportation, Circulation and Parking for a discussion of potential secondary impacts associated with implementation of an RPP program.

## **D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

CEQA requires the identification of the environmentally superior alternative in an EIR. The No Project/No Build Alternative is considered the environmentally superior alternative in the strict sense that environmental impacts associated with its implementation would be the least of all the scenarios examined (including the proposed project). To maintain the project site at baseline conditions would avoid each of the significant impacts that would result from the proposed project. It is also important to note that while this alternative would be environmentally superior in the technical sense that contribution to these aforementioned impacts would not occur, the No Project/No Build Alternative would also fail to achieve any of the project's objectives. Redevelopment of the BART surface parking lot and surrounding underutilized parcels, with a high quality transit village development would be consistent with the City's General Plan and the Broadway/MacArthur/San Pablo Redevelopment Plan. The redevelopment of the site would improve the image and quality of life in the City of Oakland, enhance the City's economic base, complement the existing and proposed uses in the North Oakland Neighborhood, provide improved access to the MacArthur BART Station, and contribute to employment opportunities during construction.

In cases like this where the No Project/No Build Alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative as described above, indicates that the Mitigated Reduced Building/Site Alternative would generally represent the next-best alternative in terms of the fewest impacts.

Table V-29 Summary of Project and Alternative Impacts

Environmental Impacts	Level of Significance Without Mitigation						Level of Significance With Mitigation or Standard COA							
	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.
A. LAND USE														
No significant land use impacts would occur.														
B. PUBLIC POLICY														
No significant public policy impacts would occur.														
C. TRANSPORTATION, CIRCULATION AND PARKING														
No significant construction period transportation-related impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
TRANS-1: 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.	S	--	S	S	S	S	S	LTS	--	LTS	LTS	LTS	LTS	LTS
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	--	S	--	S	S	S	LTS	--	LTS	--	LTS	LTS	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	--	S	S	S	S	S	LTS	--	LTS	LTS	LTS	LTS	LTS



**Table V-29 Summary of Project and Alternative Impacts**

Environmental Impacts	Level of Significance <u>Without</u> Mitigation						Level of Significance <u>With</u> Mitigation or Standard COA							
	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.
<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.	S	--	S	S	S	S	S	SU	--	SU	LTS	SU	SU	SU
<u>TRANS-5:</u> 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.	S	--	S	S	S	S	S	LTS	--	LTS	LTS	LTS	LTS	LTS
<u>TRANS-6:</u> 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.	S	--	S	S	S	S	S	LTS	--	LTS	LTS	LTS	LTS	LTS
<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.	S	--	S	S	S	S	S	LTS	--	LTS	LTS	LTS	LTS	LTS
<u>TRANS-8:</u> 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.	S	--	S	S	S	S	S	LTS	--	LTS	LTS	LTS	LTS	LTS

**Table V-29 Summary of Project and Alternative Impacts**

	Level of Significance Without Mitigation							Level of Significance With Mitigation or Standard COA						
	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.
Environmental Impacts														
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.	S	--	S	S	S	S	S	SU	--	SU	LTS	SU	SU	SU
D. AIR QUALITY														
No significant construction-related air quality impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
E. NOISE AND VIBRATION														
No significant construction-related noise and vibration impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
F. HYDROLOGY AND WATER QUALITY														
No significant hydrology and water quality impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
G. GEOLOGY, SOILS AND SEISMICITY														
No significant geology, soils and seismicity impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
H. PUBLIC HEALTH AND HAZARDS														
No significant public health and hazards impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
I. PUBLIC SERVICES														
No significant public services impacts would occur with implementation of the City Standard Conditions of Approval listed.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS

**Table V-29 Summary of Project and Alternative Impacts**

	Level of Significance <u>Without</u> Mitigation							Level of Significance <u>With</u> Mitigation or Standard COA						
	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.	Project	No Project/ No Build	Existing Zoning	Mitigated Reduced Building/ Site	Proposed Project w/Full BART	Tower	Inc. Com.
J. UTILITIES AND INFRASTRUCTURE														
No significant utilities and infrastructure impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
K. CULTURAL AND PALEONTOLOGICAL RESOURCES														
No significant cultural and paleontological resources impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS
L. AESTHETIC RESOURCES														
No significant lighting impacts would occur with implementation of the City Standard Conditions of Approval.	--	--	--	--	--	--	--	LTS	LTS	LTS	LTS	LTS	LTS	LTS



Existing view from West MacArthur Boulevard looking north to Entry Drive (Viewpoint 4)



Conceptual visual simulation of Full BART Replacement Parking Alternative

FIGURE V-6A

## **MacArthur Transit Village Project EIR** **Full BART Replacement Parking Alternative Conceptual Visual Simulation**

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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Existing View from Highway 24 southbound towards the project site (Viewpoint 6)



Conceptual visual simulation of Full BART Replacement Parking Alternative

FIGURE V-6B

## MacArthur Transit Village Project EIR Full BART Replacement Parking Alternative Conceptual Visual Simulation

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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Existing View towards site from the MacArthur BART station platform (Viewpoint 5)



Conceptual visual simulation of Full BART Replacement Parking Alternative

FIGURE V-6C

## **MacArthur Transit Village Project EIR** **Full BART Replacement Parking Alternative Conceptual Visual Simulation**

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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Existing view of project site from the intersection of Telegraph Avenue and 40th Street (Viewpoint 1)



Conceptual visual simulation of Full BART Replacement Parking Alternative

FIGURE V-6D

## **MacArthur Transit Village Project EIR** **Full BART Replacement Parking Alternative Conceptual Visual Simulation**

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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Existing view of site from Telegraph Avenue (viewport 2)



Conceptual visual simulation of Full BART Replacement Parking Alternative

FIGURE V-6E

## **MacArthur Transit Village Project EIR** **Full BART Replacement Parking Alternative Conceptual Visual Simulation**

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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Existing view of site from the intersection of MacArthur Blvd. and Telegraph Avenue. (Viewport 3)



Conceptual visual simulation of Full BART Replacement Parking Alternative

FIGURE V-6F

## **MacArthur Transit Village Project EIR** **Full BART Replacement Parking Alternative Conceptual Visual Simulation**

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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Existing view from West MacArthur Boulevard looking north to Entry Drive (viewport 4)



Conceptual visual simulation of Tower Alternative

FIGURE V-7A

## **MacArthur Transit Village Project EIR** **Tower Alternative Conceptual Visual Simulation**





Existing View from Highway 24 southbound towards the project site (Viewpoint 6)



Conceptual visual simulation of Tower Alternative

FIGURE V-7B

## **MacArthur Transit Village Project EIR** **Tower Alternative Conceptual Visual Simulation**



Existing view towards site from the MacArthur BART Station platform (Viewport 5)



Conceptual visual simulation of Tower Alternative

FIGURE V-7C

## MacArthur Transit Village Project EIR Tower Alternative Conceptual Visual Simulation



Existing view of project site from the intersection of Telegraph Avenue and 40th Street (Viewpoint 1)



Conceptual visual simulation of Tower Alternative

FIGURE V-7D

## MacArthur Transit Village Project EIR Tower Alternative Conceptual Visual Simulation





Existing view of site from Telegraph Avenue (viewport 2)



Conceptual visual simulation of Tower Alternative

FIGURE V-7E

## **MacArthur Transit Village Project EIR** **Tower Alternative Conceptual Visual Simulation**



Existing view of site from the intersection of MacArthur Blvd. and Telegraph Avenue. (Viewport 3)

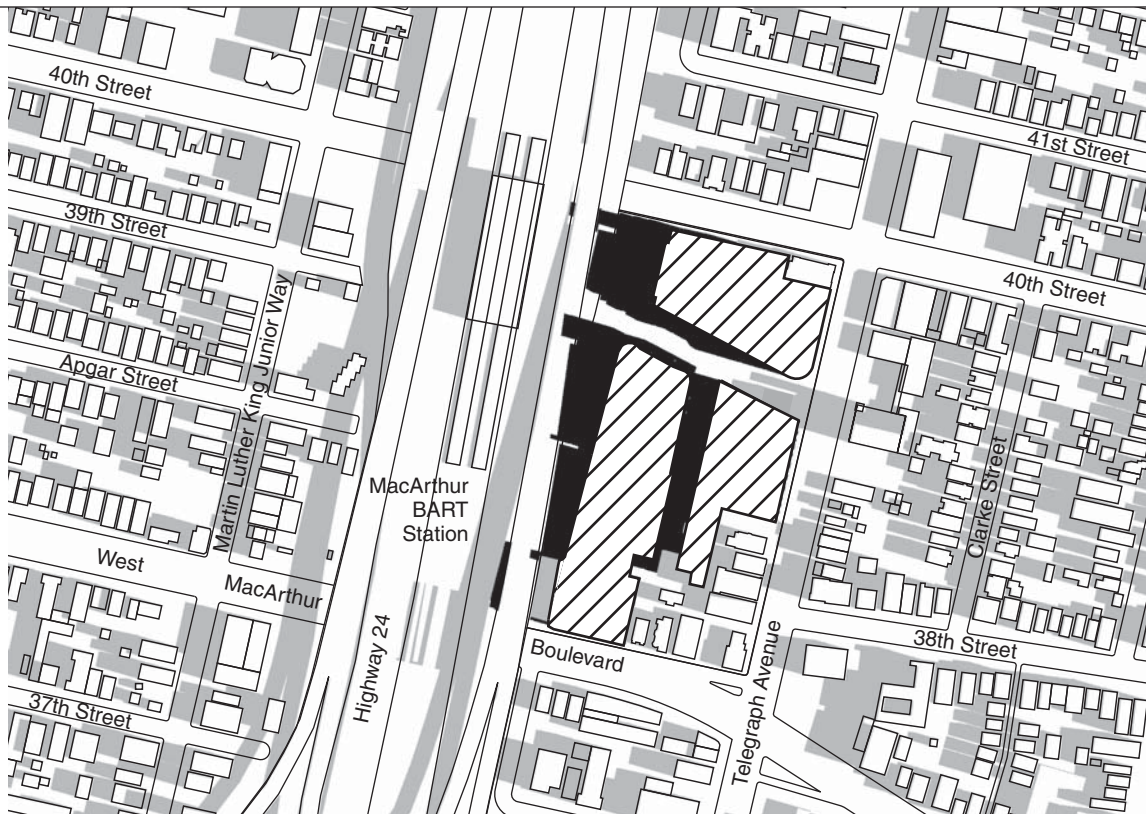


Conceptual visual simulation of Tower Alternative

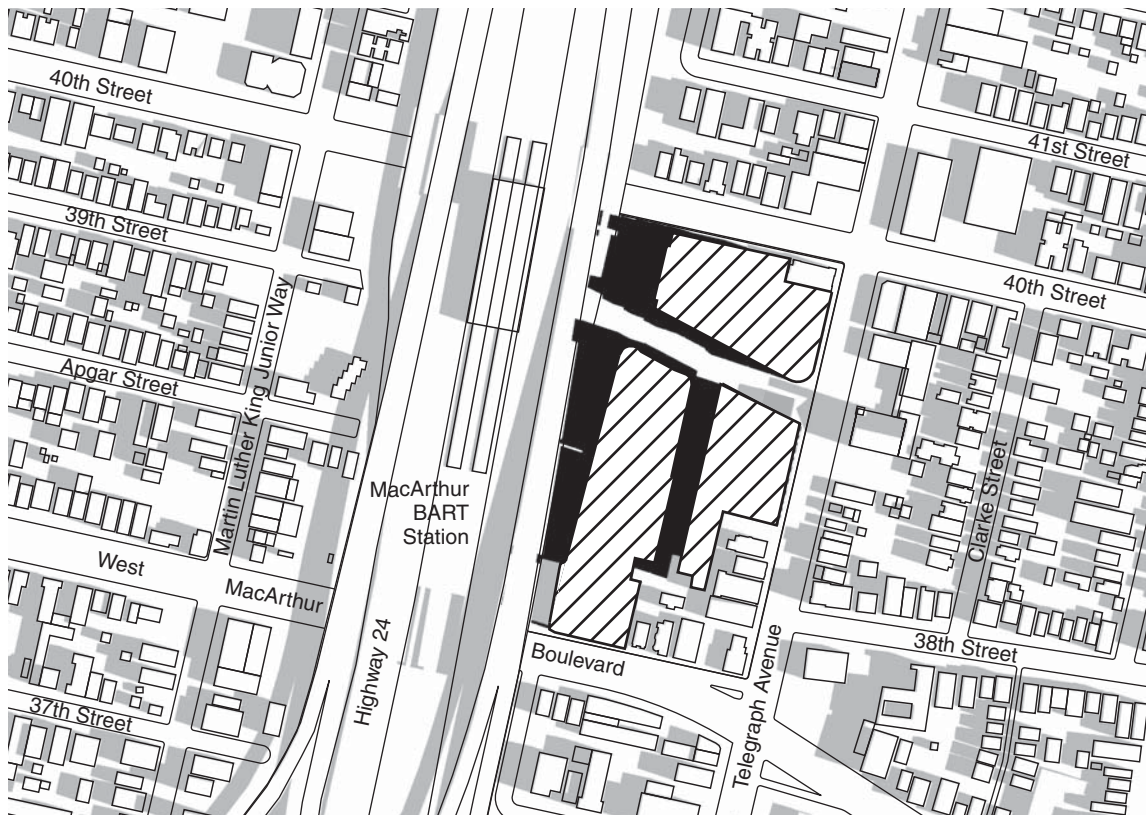
FIGURE V-7F

## **MacArthur Transit Village Project EIR** **Tower Alternative Conceptual Visual Simulation**





March 21, 9:00 am PDT



September 21, 9:00 am PDT



FIGURE V-8A

## MacArthur Transit Village Project EIR Tower Alternative Shadow Patterns

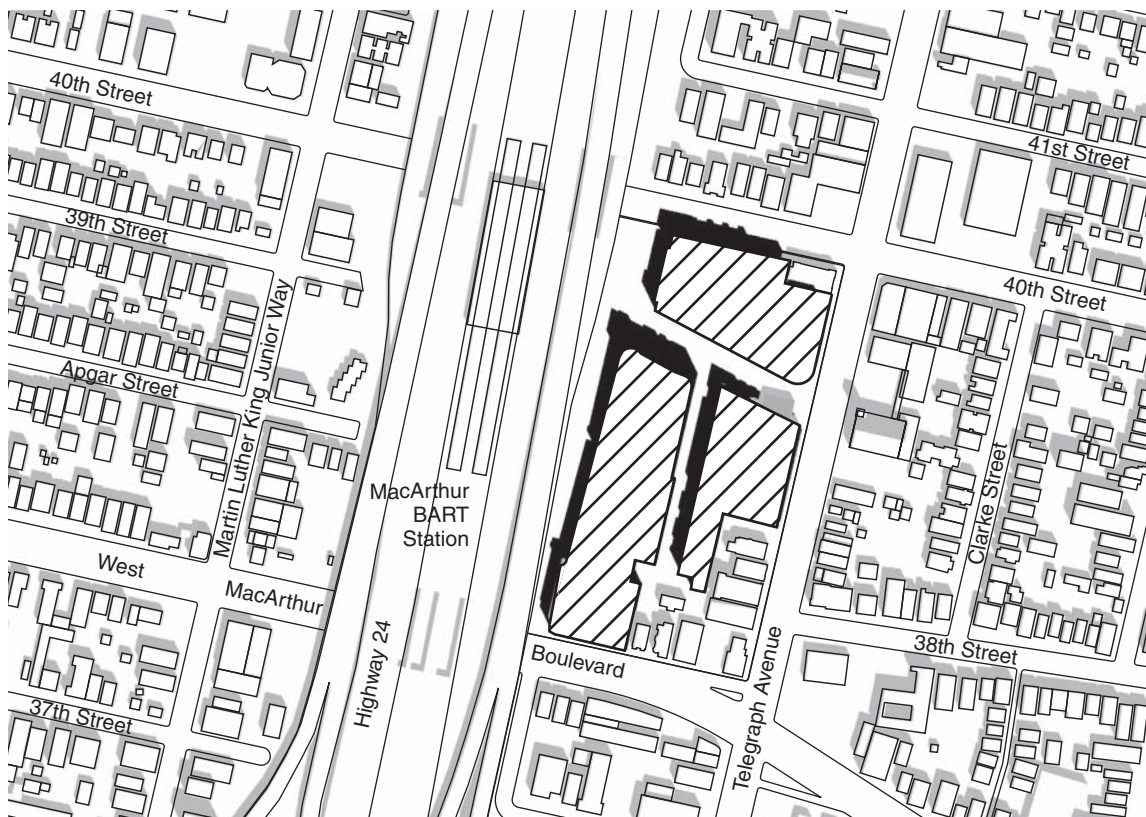
SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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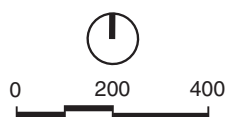




March 21, 12:00 noon PDT



September 21, 12:00 noon PDT



 Project Buildings
  Existing Shadow
  New Project Shadow

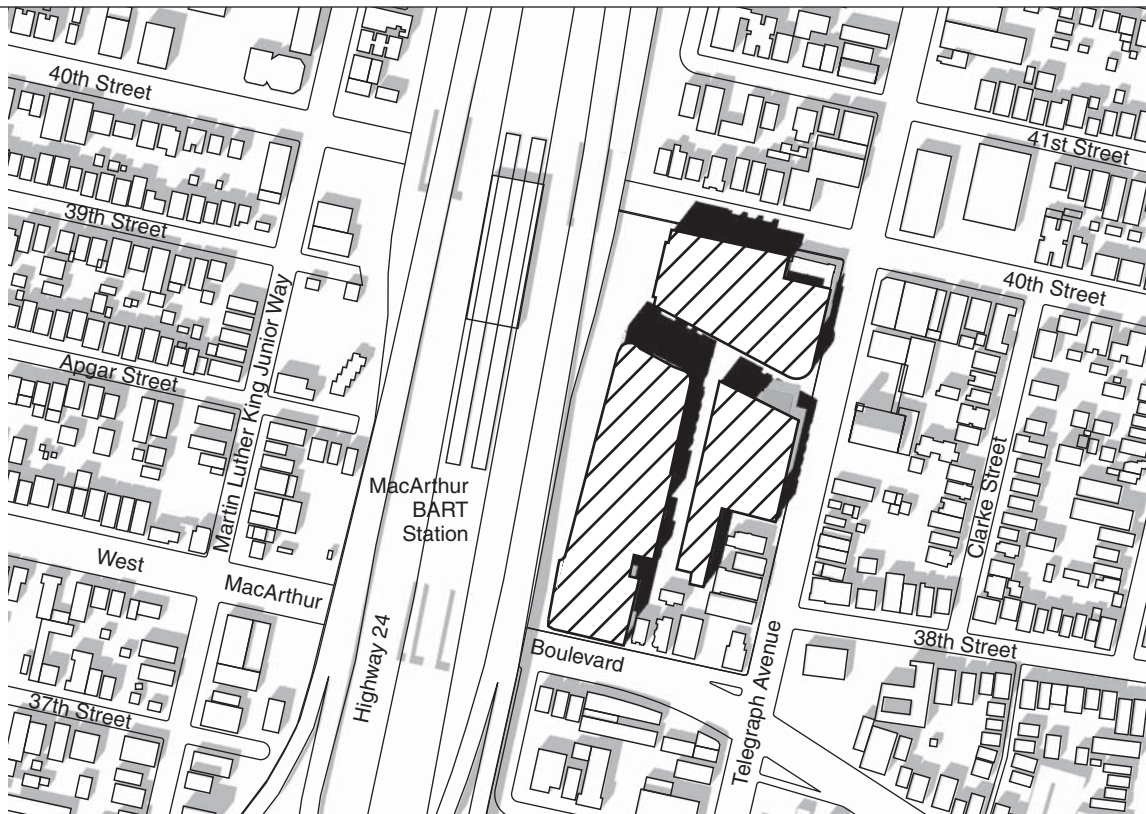
FIGURE V-8B

## MacArthur Transit Village Project EIR Tower Alternative Shadow Patterns

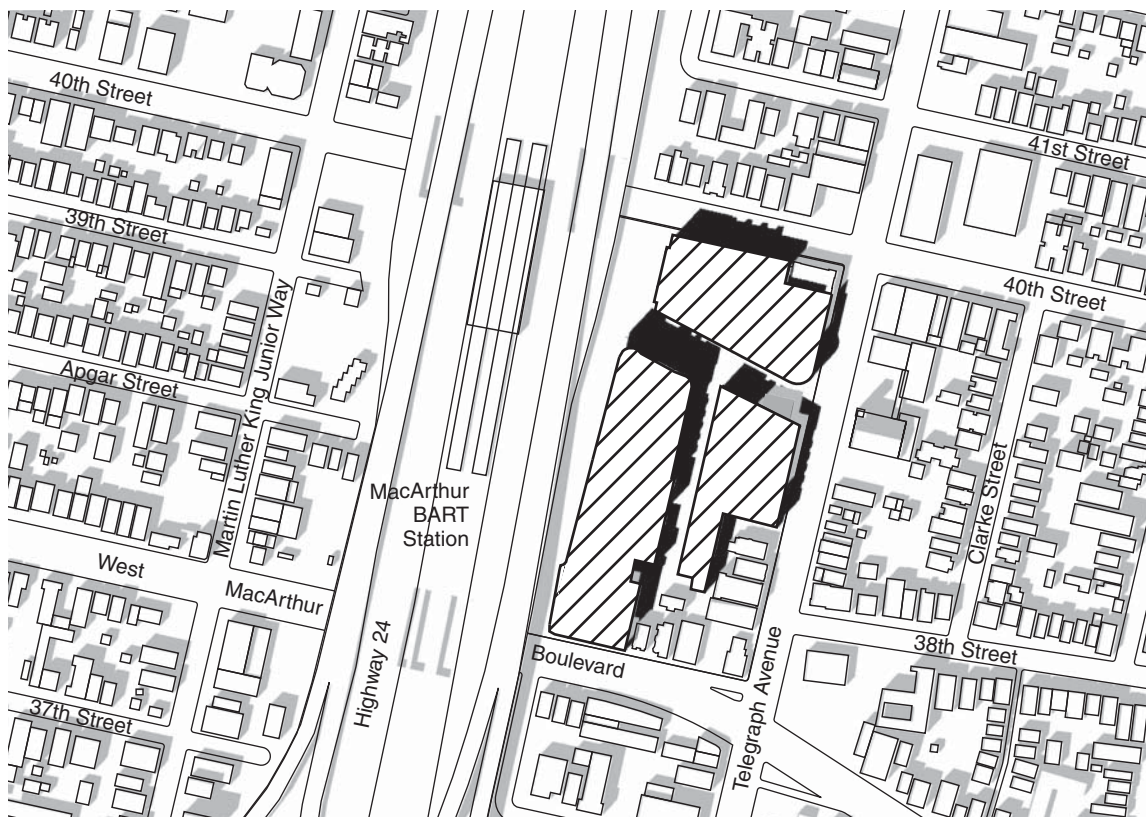
SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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544

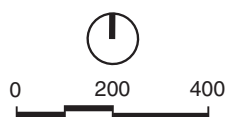




March 21, 3:00 pm PDT



September 21, 3:00 pm PDT



 Project Buildings
  Existing Shadow
  New Project Shadow

FIGURE V-8C

## MacArthur Transit Village Project EIR Tower Alternative Shadow Patterns

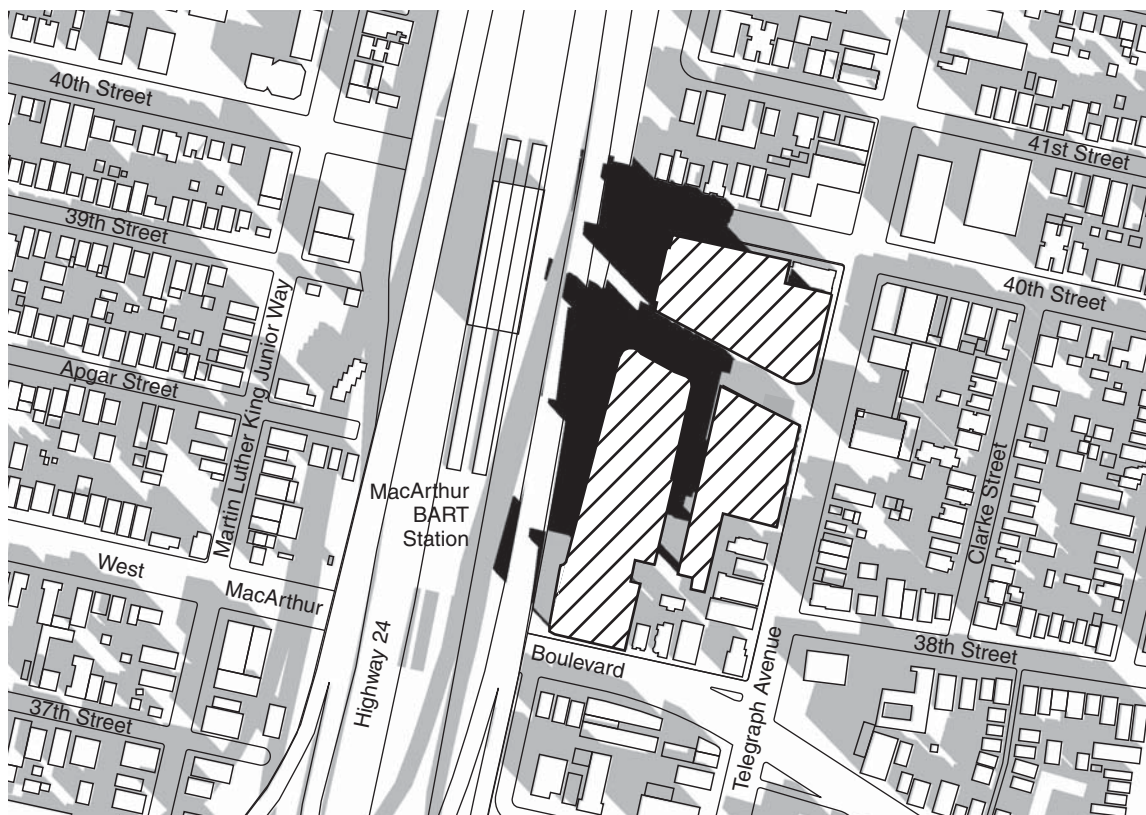
SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

N:\2007\1407011 MacArthur BART Transit Village EIR\Documents\Background\Visual





June 21, 9:00 am PDT



December 21, 9:00 am PST



Project Buildings



Existing Shadow



New Project Shadow

FIGURE V-8D

## MacArthur Transit Village Project EIR Tower Alternative Shadow Patterns

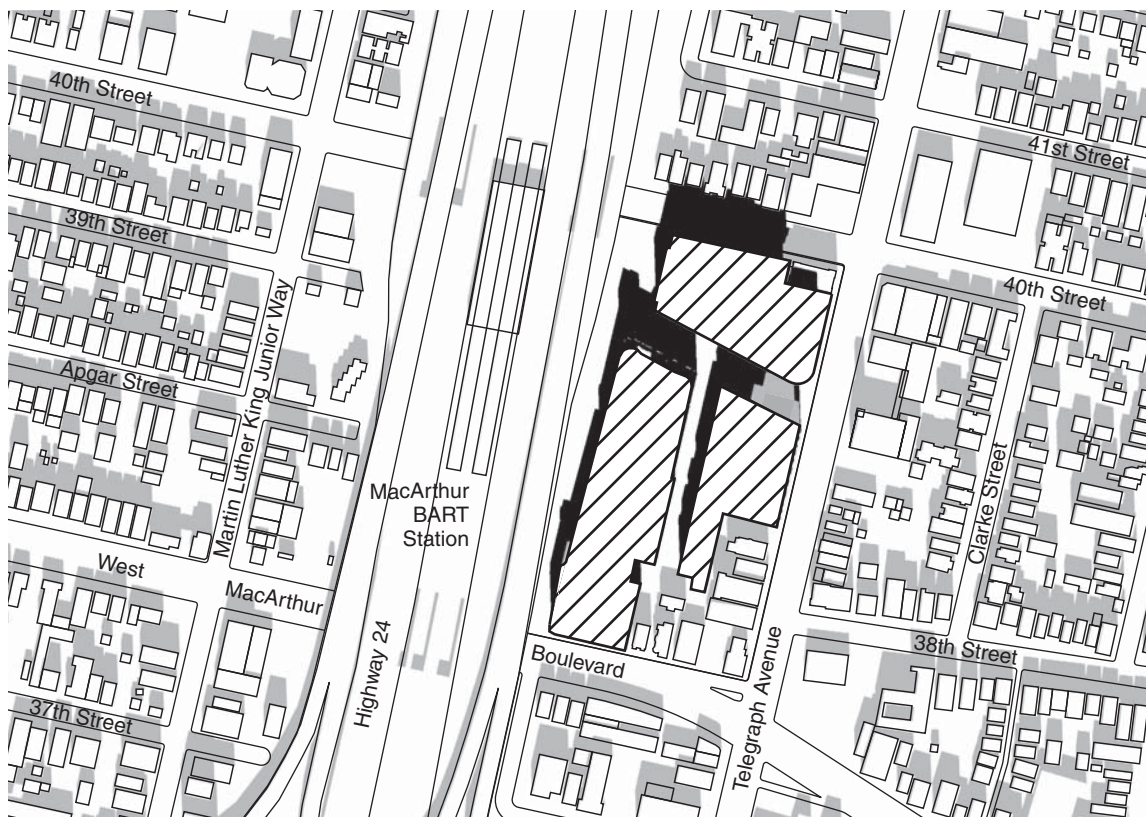
SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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546





June 21, 12:00 noon PDT



December 21, 12:00 noon PST



FIGURE V-8E

## MacArthur Transit Village Project EIR Tower Alternative Shadow Patterns

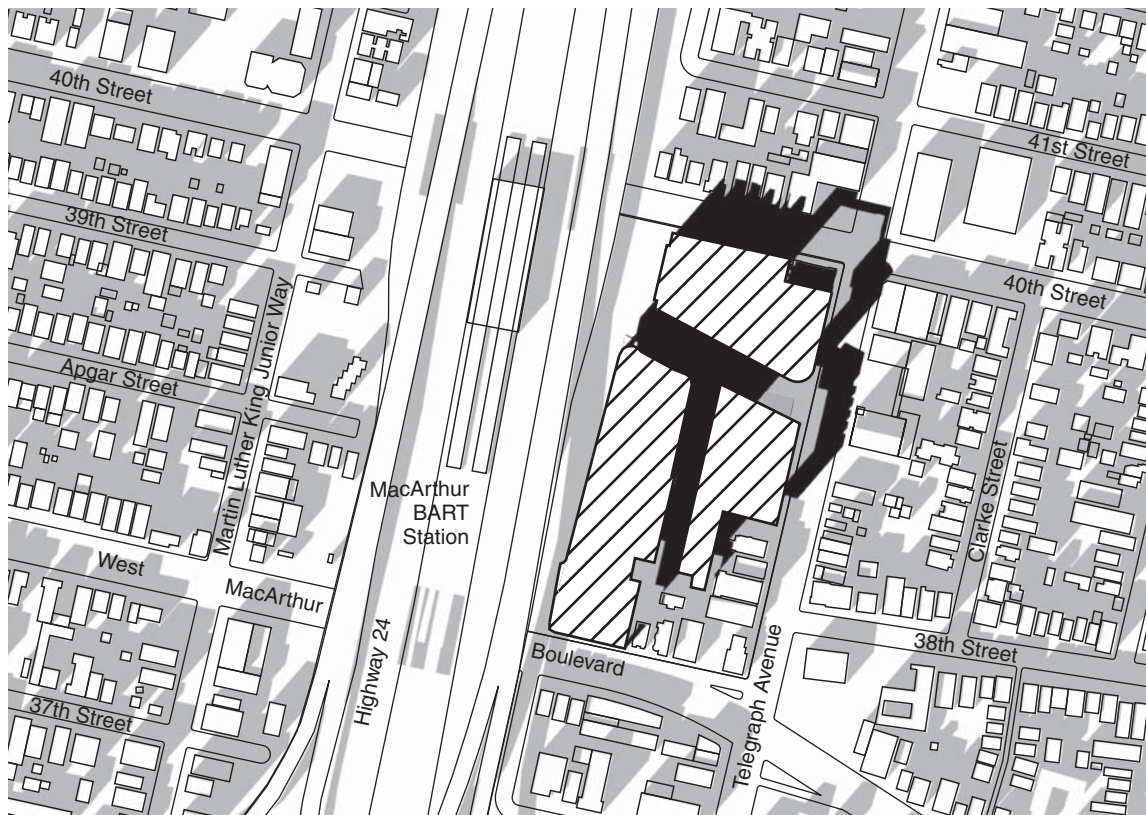
SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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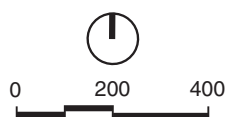




June 21, 3:00 pm PDT



December 21, 3:00 pm PST



Project Buildings



Existing Shadow



New Project Shadow

FIGURE V-8F

## MacArthur Transit Village Project EIR Tower Alternative Shadow Patterns

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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Existing view from West MacArthur Boulevard looking north to Entry Drive (viewport 4)



Conceptual visual simulation of Increased Commercial Alternative

FIGURE V-9A

## **MacArthur Transit Village Project EIR** **Increased Commercial Conceptual Visual Simulation**





FIGURE V-9B

**MacArthur Transit Village Project EIR**  
**Increased Commercial Conceptual Visual Simulation**

SOURCE: ENVIRONMENTAL VISION, RRM DESIGN GROUP., 2007

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