



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Director, OakDOT

SUBJECT: Issuance of An Unconditional
Certificate Of Completion for
MacArthur Transit Village Phase One
Public Improvements

DATE: March 25, 2026

City Administrator Approval


Jestin Johnson (Apr 15, 2026 10:53:55 PDT)

Date: Apr 15, 2026

RECOMMENDATION

Adopt A Resolution Accepting Public Infrastructure Improvements, Directing The Filing Of An Unconditional Certificate Of Completion For The MacArthur Transit Village Phase One Improvements Per The Subdivision Improvement Agreement (SIA) For Deferred Construction Of Public Infrastructure Improvements, And Making California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Phase One (Phase 1) improvements for the MacArthur Transit Village project as required in the Subdivision Improvement Agreement (SIA) between the City of Oakland (City) and MacArthur Transit Community Partners LLC (Developer) have been completed, inspected, and determined to meet City standards. The Developer has petitioned the City to issue an Unconditional Certificate of Completion (UCC) for the completed work.

Approval of the proposed Resolution authorizes the City Engineer to accept the completed public improvements in the right-of-way, issue a UCC in accordance with the requirements provided in the SIA, and file the UCC with the Alameda County Recorder's Office. At the Developer's expense, a separate maintenance surety bond in the amount of \$897,750.00, or approved securities, are required by the SIA for the one-year maintenance period that will begin upon the permit's final date, which is the date upon which the City Engineer executes and files the UCC.

BACKGROUND / LEGISLATIVE HISTORY

The MacArthur Transit Village project site is bounded by West MacArthur Boulevard, 40th Street, Telegraph Avenue, and the MacArthur BART station and State Highway 24. All properties in the Phase 1 subdivision are owned by San Francisco Bay Area Rapid Transit District (BART). The project includes 89 affordable housing units, a manager's unit, and a parking garage. The completed project will have new internal access roads, create public easements for

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pedestrians, traffic, and emergency vehicle access and utilities, and other infrastructure improvements.

On July 26, 2011, the City Council adopted [Resolution No. 83516 C.M.S.](#) conditionally approving a Final Map for Tract Number 8047 for the MacArthur Transit Village Phase 1, the vacation (abandonment) of a portion of Apgar Street within the MacArthur Transit Village project site, the dedications of public easements and right-of-way, and authorizing the City Administrator to enter into a SIA for deferred construction of public infrastructure improvements, all associated with construction of a parking garage for the BART and an affordable housing multifamily-unit building, including streets, street lights, traffic signals, sanitary sewer, storm drains, curbs, gutters, and sidewalks.

On April 26, 2012, and in accordance with the SIA, the Developer obtained a Public Infrastructure permit, PX1100070, for the construction of Phase 1 improvements and provided surety in the form of a Performance Bond in the amount of \$3,591,000.00 and Labor and Materials Bond in the amount of \$1,795,500.00.

The Developer has now completed all the public improvements associated with the subject permit and the SIA. As required by the SIA, Subdivider and City agree that the amount of \$897,750.00, one-quarter of the public infrastructure Performance Bond, is to be retained by the City, as the one-year Maintenance Bond for repair or construction of any defect in the public improvements.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of this proposed Resolution will free up funds needed for the Developer to continue the overall MacArthur Transit Village Project. MacArthur Transit Village Phase One has also constructed new sanitary sewer and storm drain infrastructure to be accepted by the City, which contributes to the city-wide goal for vibrant, sustainable infrastructure. Adoption of this resolution will enable the Developer to apply previously bonded funds toward future phases of the MacArthur Transit Village, avoiding delays in delivering affordable housing and transit-oriented development benefits to the public, including increased affordable housing, improved access to public transportation, and economic opportunities for the community.

Upon adoption of this proposed Resolution and in accordance with the requirements stated in the SIA, the City Engineer will issue the UCC to the Developer after receiving the required maintenance bond, or approved securities, and record the UCC with the Alameda County Clerk-Recorder Office. In accordance with the SIA, upon filing of the UCC, the previously submitted Performance, Labor, and Material Sureties will be released. This course of action is recommended because staff has determined the Developer has completed the work.

Declining to adopt this proposed Resolution will require the Developer to tie up funds that will otherwise be used for further MacArthur Transit Village phases, resulting in added delays and costs for the overall development.

FISCAL IMPACT

Staff costs for processing the UCC are covered by fees set by the Master Fee Schedule and have been paid by the Developer.

PUBLIC OUTREACH / INTEREST

Adjoining property owners were notified of the project at the time when the Tentative Subdivision Map was approved and later during the construction of public improvements.

COORDINATION

This report was coordinated by the Department of Planning and Building, Budget Bureau, and the Office of the City Attorney.

RACE AND EQUITY

Adoption of the proposed Resolution will have no direct impact or opportunities related to race and equity.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action is exempt from the California Environmental Quality Act (CEQA) and the CEQA Guidelines because the City's acceptance of the completed improvements is a ministerial action that is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268. On June 4, 2008, the City of Oakland Planning Commission certified the MacArthur Transit Village Environmental Impact Report (EIR), adopted California Environmental Quality Act (CEQA) findings and recommended approval of the MacArthur Transit Village Planned Unit Development (PUD) to City Council. The Oakland City Council affirmed and adopted the Planning Commission's certification of the EIR, the CEQA-related findings, and approval of the MacArthur Transit Village PUD on July 1, 2008. As such, there are no circumstance pursuant to CEQA Guidelines sections 15162 and 15164 that would necessitate further environmental review. Therefore, filing the Unconditional Certificate of Completion is a ministerial act that is part of the previously approved project, and no additional environmental review is required.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:

A Resolution Accepting Public Infrastructure Improvements, Directing The Filing Of An Unconditional Certificate Of Completion For The MacArthur Transit Village Phase One Improvements Per The Subdivision Improvement Agreement (SIA) For Deferred Construction Of Public Infrastructure Improvements, And Making California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Franklin Dang, Assistant Engineer II, at fdang@oaklandca.gov.

Respectfully submitted,


Josh Rowan (Apr 14, 2026 10:37:30 PDT)

JOSH ROWAN
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