

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

SUMMARY

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

BACKGROUND

This EIR has been prepared to evaluate the potential environmental effects of the MacArthur Transit Village project. The project site includes the BART parking lot, the BART plaza, Frontage Road between West MacArthur Boulevard and 40th Street, and seven privately-owned parcels. Figure III-2 of the Draft EIR shows the project location and is attached to this report for reference (See Attachment 1). The MacArthur Transit Village Project seeks to redevelop and revitalize an underutilized site in Oakland to create a vibrant transit village that provides pedestrian-oriented, mixed-use development (residential, commercial and community services) that enhances the character of the neighborhood and improves access to (for all travel modes) and ridership of BART.

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

SCOPE OF THE EIR

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

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

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

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

POTENTIALLY SIGNIFICANT IMPACTS IDENTIFIED IN THE DRAFT EIR

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

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

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

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

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

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

PUBLICATION AND DISTRIBUTION OF THE DRAFT EIR

The Draft EIR was made available for public review on January 31, 2008. The Notice of Availability for the Draft EIR was posted at the Alameda County Clerk Recorder, published in the Oakland Tribune, mailed to property owners within 300 feet of the project area, distributed to State and local agencies, posted on the project site, and emailed to MacArthur BART Citizen's Planning Committee email distribution list. The Notice of Availability is attached to this report (see Attachment 3). Copies of the Draft EIR were also distributed to City officials, including the Planning Commission, and made available for public review at the Oakland Main Library (124 14th Street), at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315), and the City's website.¹

CONCLUSION

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

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

RECOMMENDATION

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

Prepared by:



Charity Wagner
Contract Planner

Approved by:

¹

GARY PATTON
Deputy Director of Planning and Zoning

ATTACHMENTS:

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