

# CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA 94612-2033

Community and Economic Development Agency  
 Planning & Zoning Services Division

(510) 238-3941  
 FAX (510) 238-6538  
 TDD (510) 839-6451

## COMBINED NOTICE OF RELEASE AND AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARINGS ON THE MACARTHUR TRANSIT VILLAGE PROJECT

**PROJECT TITLE:** MAC ARTHUR TRANSIT VILLAGE EIR  
**CASE NO.** ER 0006-04  
**PROJECT SPONSOR:** MacArthur Transit Community Partners, LLC

**PROJECT LOCATION:** The project site is approximately 8.2 acres and is comprised of 10 parcels, the existing BART Plaza, two unimproved roadway rights-of-way between Telegraph Avenue and Frontage Road, and Frontage Road between West MacArthur Boulevard and 40<sup>th</sup> Street. Project site addresses and APNs are shown in the table below:

Address	Assessor Parcel Number	Current Use
532 39 <sup>th</sup> Street	012-0969-053-03	BART Parking
516 Apgar Street	012-0968-055-01	BART Parking
515 Apgar Street	012-0967-049-01	BART Parking
3921 Telegraph Avenue	012-0969-002-00	Braids By Betty
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market
3901 Telegraph Avenue	012-0969-004-00	Lee's Auto
3875 Telegraph Avenue	012-0968-003-01	Medical Offices
526 W. MacArthur Boulevard	012-0967-009-00	Hotel
544 W. MacArthur Boulevard	012-0967-010-00	Hotel
BART Plaza	--	BART Plaza
39 <sup>th</sup> Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking
Apgar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking

**DESCRIPTION OF PROJECT:** The proposed project consists of a new Transit Village at the MacArthur BART station. The General Plan designates the project site as Neighborhood Center Mixed Use and the Existing Zoning is Commercial Shopping, Mediated Design Review (C-28/S-18) and High Density Residential, Mediated Design Review (R-70/S-18). The proposed project includes a rezone from C-28/S-18 and R-70/S-18 to Transit Oriented Development (S-15). The proposed project would require a series of discretionary actions associated with approval of the proposed project including, but not limited to: Rezone, S-15 Zone Text Amendment, Planned Unit Development/Development Plans, Design Review, Owner Participation Agreement/Disposition and Development Agreement, Development Agreement, Subdivision Maps, and Tree Removal Permits. Parcels that comprise the project site are included in the Hazardous Waste and Substances Sites (Cortese) List.

The proposed project would involve the demolition of all existing buildings and parking lots on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that will accommodate for-rent and for-sale residential units, neighborhood-serving commercial and commercial uses, live/work units and a community center or childcare use. New land uses in the project area would be consistent with the land uses prescribed in the S-15, Transit-Oriented Development Zone. The project also includes two new internal roadways, a parking garage, landscaping and other streetscape improvements (i.e., benches and street lighting), and improvements to the BART plaza. In summary the project includes the following elements:

- Demolition of existing structures and remediation of hazardous materials;
- Up to 675 dwelling units (562 market-rate units and 113 affordable rentals units);
- Up to 44,000 square feet of commercial space (includes up to 18 live/work units);
- 5,000 square feet of community center space or childcare facility;
- Approximately 1,000 parking spaces (structured), which includes 300 exclusive BART patrons parking spaces, and 30 to 45 on-street parking spaces would be provided.
- The development of pedestrian and bicycle friendly internal streets and walkways;
- Two new traffic signals at the intersections of Village Drive/Telegraph Avenue and West MacArthur Boulevard/Frontage Road;
- A Residential Parking Permit program option for the adjacent neighborhoods;
- Improvements to the BART Plaza and other public access improvements; and
- Sustainable development that meets the objectives of the US Green Building Council LEED Neighborhood Development (ND) Pilot Program goals.

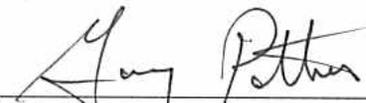
**ENVIRONMENTAL REVIEW:** A Draft Environmental Impact Report (DEIR) was been prepared for the project, under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et. seq. The DEIR analyzes potentially significant environmental impacts in the following environmental categories: Land Use; Public Policy; Transportation, Circulation and Parking; Air Quality; Noise and Vibration; Hydrology and Water Quality; Geology, Soils and Seismicity; Public Health and Hazards; Public Services; Utilities and Infrastructure; Cultural Resources and Paleontological Resources; and Aesthetic Resources. The Draft EIR identifies two significant unavoidable environmental impacts related to Transportation, Circulation and Parking (unacceptable Level of Service at two intersections: Broadway/MacArthur Boulevard and Market Street/MacArthur Boulevard under the Cumulative Year 2030 Baseline Plus Project condition). Copies of the DEIR are available for review or distribution to interested parties at no charge at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. The Draft EIR may also be reviewed at the following website:

<http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/macarthur.html>

**PUBLIC HEARINGS:** The City Planning Commission will conduct a public hearing on the Draft EIR and the project on **March 5, 2008 at 6:00 p.m.** in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza.

The City of Oakland is hereby releasing this Draft EIR, finding it to be accurate and complete and ready for public review. Members of the public are invited to comment on the EIR and the project. There is no fee for commenting, and all comments received 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 sufficiency 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 may be made at the public hearing described above or in writing. Please address all written comments to Charity Wagner, Consulting Planner RE: Case No. ER 0006-04, City of Oakland, Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; 510-238-6538 (fax); or e-mailed to [clwagner@rrmdesign.com](mailto:clwagner@rrmdesign.com). Comments should be received no later than 4:00 p.m. on March 17, 2008. Please reference case number ER 000604 in all correspondence. If you challenge the environmental document or project in court, you may be limited to raising only those issues raised at the Planning Commission public hearing described above, or in written correspondence received by the Community and Economic Development Agency on or prior to 4:00 p.m. on March 17, 2008. After all comments are received, a Final EIR will be prepared and the Planning Commission will consider certification of the Final EIR and render a decision/make a recommendation on the project at a later meeting date to be scheduled. For further information, please contact Charity Wagner at (415) 730-6718 at [clwagner@rrmdesign.com](mailto:clwagner@rrmdesign.com).

January 31, 2008  
File Number ER 0006-04

  
\_\_\_\_\_  
Gary Patton  
Deputy Director of Planning & Zoning  
Major Development Projects

Form A  
Notice of Completion & Environmental Document Transmittal

SCH # **2006022075**

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

Project Title: Mac Arthur Transit Village  
Lead Agency: City of Oakland Contact Person: Charity Wagner, Consulting Planner  
Mailing Address: 250 Frank H. Ogawa Plaza Phone: (415) 730-6718  
City: Oakland Zip: 94612 County: Alameda

Project Location:  
County: Alameda City/Nearest Community: Oakland Total Acres: 8.2  
Cross Streets: Telegraph Avenue and 40th Street Zip Code: 94609  
Assessor's Parcel No. multiple (see attached) Section: \_\_\_\_\_ Twp. \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_  
Within 2 Miles: State Hwy #: State Route 24/I-580 Waterways: San Francisco Bay  
Airports: NA Railways: Oakland Terminal Railway Schools: multiple

Document Type:  
CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement to EIR (Note prior SCH # below)  EA  Final Document  
 Neg Dec  Subsequent EIR (Note prior SCH # below)  Draft EIS  Other \_\_\_\_\_  
 Mit Neg Dec  Other \_\_\_\_\_  FONSI

Local Action Type:  
 General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other \_\_\_\_\_

Development Type:  
 Residential: Units 675 Acres \_\_\_\_\_  Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Transportation: Type \_\_\_\_\_  
 Commercial: Sq.ft. 44,000 Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Power: Type \_\_\_\_\_ MW \_\_\_\_\_  
 Educational \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_  
 Recreational \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Other: community use (potentially day care) 5,000 Sq.ft.

Project Issues Discussed in Document:  
 Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other \_\_\_\_\_

Present Land Use/Zoning/General Plan Designation:  
General Plan: Neighborhood Center Mixed Use; Zoning: Commercial Shopping and High Density Residential/ Mediated Design Review (C-28/S-18 and R-70/S-18)

Project Description: (please use a separate page if necessary)  
Please see attached.

**Reviewing Agencies Checklist**

continued

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Air Resources Board         | <input type="checkbox"/> Office of Emergency Services                                   |
| <input type="checkbox"/> Boating & Waterways, Department of     | <input type="checkbox"/> Office of Historic Preservation                                |
| <input type="checkbox"/> California Highway Patrol              | <input type="checkbox"/> Parks & Recreation   |
| <input type="checkbox"/> Caltrans District # _____              | <input type="checkbox"/> Pesticide Regulation, Department of                            |
| <input type="checkbox"/> Caltrans Division of Aeronautics       | <input type="checkbox"/> Public Utilities Commission                                    |
| <input checked="" type="checkbox"/> Caltrans Planning           | <input type="checkbox"/> Reclamation Board  |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> Regional WQCB # _____  |
| <input type="checkbox"/> Coastal Commission                     | <input type="checkbox"/> Resources Agency   |
| <input type="checkbox"/> Colorado River Board Commission        | <input type="checkbox"/> S.F. Bay Conservation & Development Commission                 |
| <input type="checkbox"/> Conservation, Department of            | <input type="checkbox"/> San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy |
| <input type="checkbox"/> Corrections, Department of             | <input type="checkbox"/> San Joaquin River Conservancy                                  |
| <input type="checkbox"/> Delta Protection Commission            | <input type="checkbox"/> Santa Monica Mountains Conservancy                             |
| <input type="checkbox"/> Education, Department of               | <input type="checkbox"/> State Lands Commission   |
| <input type="checkbox"/> Office of Public School Construction   | <input type="checkbox"/> SWRCB: Clean Water Grants                                      |
| <input type="checkbox"/> Energy Commission                      | <input type="checkbox"/> SWRCB: Water Quality   |
| <input type="checkbox"/> Fish & Game Region # _____             | <input type="checkbox"/> SWRCB: Water Rights  |
| <input type="checkbox"/> Food & Agriculture, Department of      | <input type="checkbox"/> Tahoe Regional Planning Agency                                 |
| <input type="checkbox"/> Forestry & Fire Protection             | <input checked="" type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> General Services, Department of        | <input type="checkbox"/> Water Resources, Department of                                 |
| <input type="checkbox"/> Health Services, Department of         | <input type="checkbox"/> S Other <u>San Francisco Bay Area Rapid Transit District</u>   |
| <input type="checkbox"/> Housing & Community Development        | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Integrated Waste Management Board      |   |
| <input type="checkbox"/> Native American Heritage Commission    |   |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date January 31, 2008

Ending Date March 15, 2008

**Lead Agency (Complete if applicable):**

Consulting Firm: RRM Design Group  
 Address: 10 Liberty Ship Way  
 City/State/Zip: Sausalito, CA 94965  
 Contact: Lynette Dias, Principal  
 Phone: ( 415 ) 331-8282

**Applicant:** MacArthur Transit Community Partners, LLC  
 Address: 130 Webster Street  
 City/State/Zip: Oakland, CA 94607  
 Phone: ( 510 ) 273-2009

Signature of Lead Agency Representative  Date 1-28-08

Assessor's Parcel Nos.

012-0969-053-03; 012-0968-055-01; 012-0967-049-01; 012-0969-002-00; 012-0969-003-00;  
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The proposed project would involve the demolition of all existing buildings and parking lots on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that will accommodate for-rent and for-sale residential units, neighborhood-serving commercial and commercial uses, live/work units and a community center or childcare use. New land uses in the project area would be consistent with the land uses prescribed in the S-15, Transit-Oriented Development Zone. The project also includes two new internal roadways, a parking garage, landscaping and other streetscape improvements (i.e., benches and street lighting), and improvements to the BART plaza. In summary the project includes the following elements:

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