

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](#)

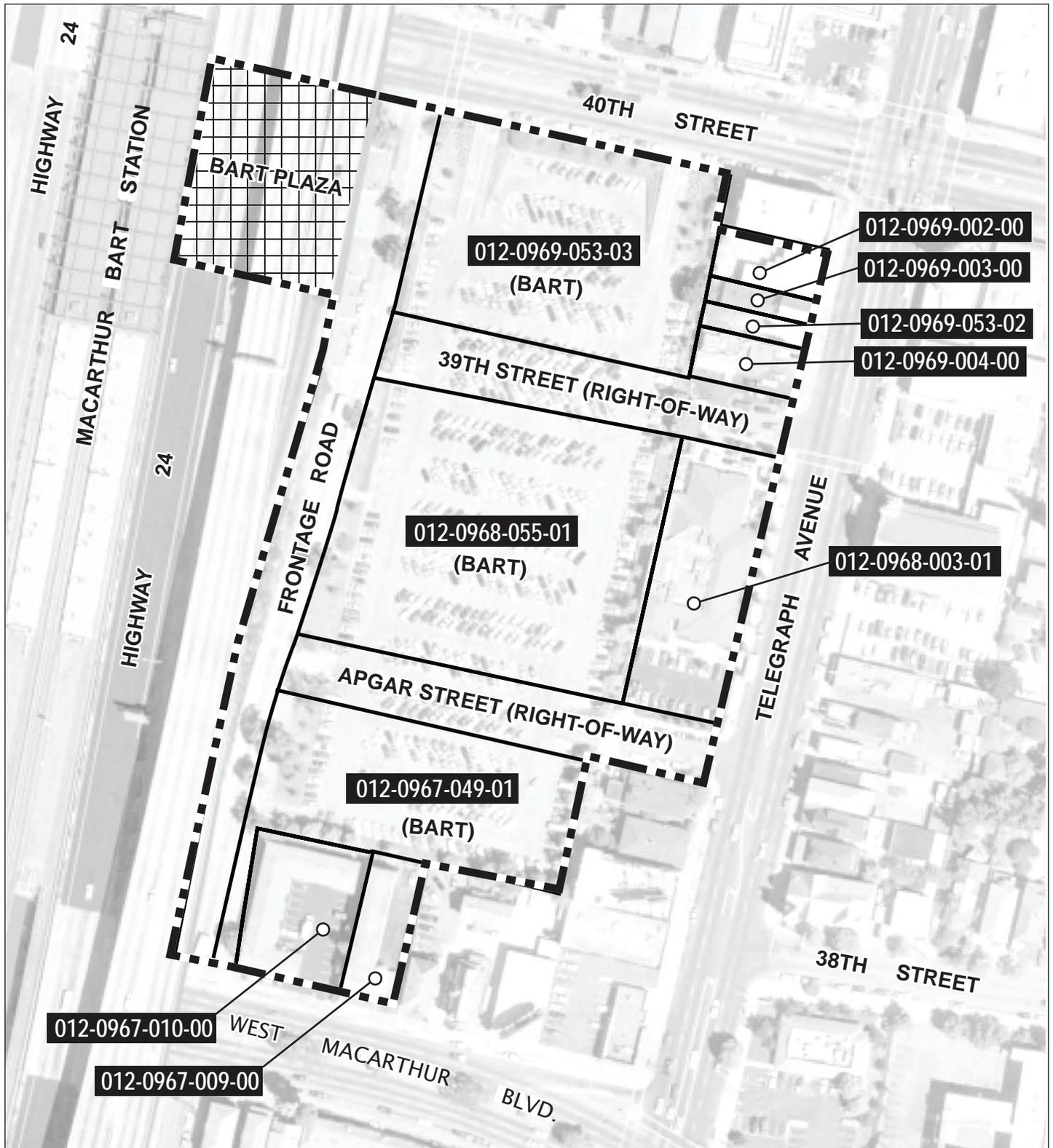
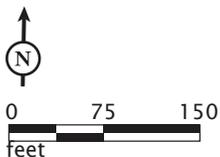
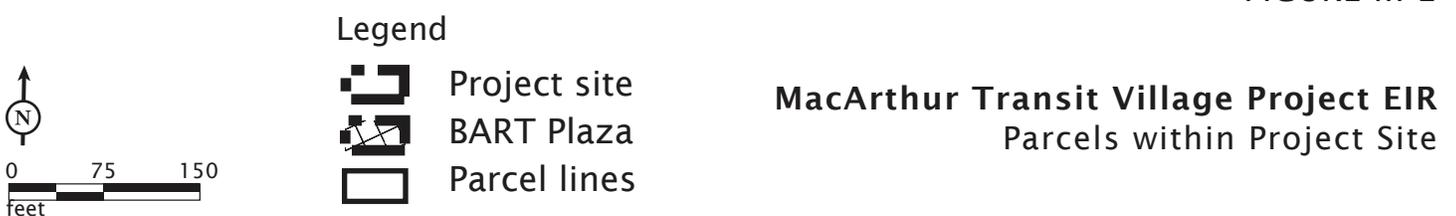


FIGURE III-2



SOURCE: CITY OF OAKLAND, 2006.

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II. SUMMARY

A. PROJECT UNDER REVIEW

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. 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), as shown in Figure I-1. 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. The proposed project is described in detailed in Chapter III, Project Description.

B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapter V, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures. CEQA requires a summary to include discussion of: (1) potential areas of controversy; (2) significant impacts; (3) cumulative impacts; (4) significant irreversible and unavoidable impacts; and (5) alternatives to the proposed project. Each of these topics are summarized below.

1. Potential Areas of Controversy

Letters and verbal comments received on the Notices of Preparation (NOP) (February 15, 2006 and June 13, 2006) raised a number of topics that the commentors wanted addressed in the EIR, including transportation, parking, air quality, noise, visual resources, storm drainage and water quality, utilities and infrastructure impacts that may result from the proposed project. In addition, some of the comments offered in the NOP comment letters addressed the merits of the project itself and not the potential adverse environmental

impacts that are the subject of this EIR. Verbal comments offered by those in attendance at the CEQA Scoping Sessions, held on February 28, 2006 and March 15, 2006, included many of the comments offered in writing as comments on the NOP. Copies of the NOPs and written comment letters are included in Appendix A.

2. Significant Impacts

Under CEQA, a significant impact on the environment is defined as "...a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."¹ Implementation of the proposed project has the potential to result in adverse environmental impacts related to transportation. Transportation impacts would be significant without the implementation of Standard Conditions of Approval and mitigation measures, but, with the exception of two intersections (#3 and #22), would be reduced to a less-than-significant level if the Standard Conditions of Approval and mitigation measures noted in this report are implemented. Impacts are anticipated to be less than significant for all other environmental topics.

3. Alternatives to the Proposed Project

Chapter V 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/No Build Alternative**, which assumes the continuation of existing conditions within the project site.
- The **Existing Zoning Alternative**, which 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). Development would consist of 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.

¹14 California Code Regs. 15382; Public Resources Code 21068.

- The **Mitigated Reduced Building/Site Alternative**, which 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 four five- to six-story structures with approximately 200 dwelling units, 20,000 square feet of commercial space and 750 parking spaces (including 300 exclusive BART parking spaces).

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 **Proposed Project with 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 Proposed Project with Full BART Replacement Parking 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 or childcare facility). 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 four-story residential building. In the Tower Alternative, residential units would increase to 868 units with 720 market-rate and 148 affordable units (as opposed to 675 residential units with 562 market-rate and 113 affordable units) and parking would increase to approximately 1,210 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 or childcare facility. 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 occur at 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 commercial area and 5,000 of community space or childcare facility. Site improvements and circulation pattern are the same the proposed project.

4. Significant Unavoidable and Cumulative Impacts

As discussed at the end of each topical section in Chapter IV, Setting, Impacts and Mitigation Measures, the project would not significantly contribute to any significant cumulative impacts for any topics other than transportation. 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)
- the Telegraph Avenue/40th Street intersection (#13)
- Market Street/MacArthur Boulevard intersection (#16)
- Telegraph Avenue/MacArthur Boulevard intersection (#20)
- Broadway/MacArthur Boulevard intersection (#22)

The project's contribution to the cumulative impact at each of the above intersections can be mitigated to a less-than-significant level except at intersection #3 and intersection #22. No other significant and unavoidable impacts would result.

C. SUMMARY TABLE

Information in Table II-1, Summary of Impacts, City Standard Conditions of Approval and Mitigation Measures has been organized to correspond with environmental issues discussed in Chapter IV. The table is arranged in four columns: (1) impacts; (2) level of significance prior to mitigation (when mitigation is necessary); (3) required Standard Conditions of Approval and/or recommended mitigation measures; and (4) level of significance after implementation of Standard Conditions of Approval and/or mitigation. Levels of significance are categorized as follows: LTS = Less Than Significant; S = Significant; and SU = Significant and Unavoidable. A series of mitigation measures is noted where more than one mitigation measure is required to achieve a less-than-significant impact, and alternative mitigation measures are identified when available. For a complete description of potential impacts and recommended mitigation measures, please refer to the specific discussions in Chapter IV.

Table II-2 lists recommended improvements identified throughout the document to address project issues not considered significant environmental impacts under CEQA. The recommendations should be considered by the City during the review of the project's merits, independent of the CEQA impacts and mitigation measures. The failure to adopt such recommendations, however, would not result in any new impacts or the increase in severity of previously identified impacts.

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
A. LAND USE			
<i>No significant land use impacts would occur.</i>			
B. PUBLIC POLICY			
<i>No significant public policy impacts would occur.</i>			
C. TRANSPORTATION, CIRCULATION AND PARKING			
<p><i>No significant construction period transportation-related impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>	<p>COA TRANS-1: Prior to the issuance of each building permit, the project sponsor and construction contractor shall meet with the Transportation Services Division and other appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project sponsor shall develop a construction management plan for review and approval by the City Transportation Services Division. The plan shall also be submitted to BART and AC Transit for review and comment. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. • Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. • Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site). • Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant. 	<p>LTS</p>	

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
COA TRANS-1 <i>continued</i>		<ul style="list-style-type: none"> • Temporary construction fences to contain debris and material and to secure the site. • Provisions for removal of trash generated by project construction activity. • A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. • Subject to City review and approval, prior to start of construction, a construction worker transportation demand management (TDM) program shall be implemented to encourage construction workers to carpool or use alternative transportation modes in order to reduce the overall number of vehicle trips associated with construction workers. • Identification and maintenance of vehicular, bicycle, pedestrian and transit access to and from the BART Station. <p>It is anticipated that this Construction Traffic Management Plan would be developed in the context of a larger Construction Management Plan, which would address other issues such as hours of construction on-site, limitations on noise and dust emissions, and other applicable items.</p>	
<p><u>TRANS-1</u>: The addition of project traffic would cause a significant impact at the Telegraph Avenue/51st 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.</p>	S	<p><u>TRANS-1</u>: Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/51st Street intersection and coordinate signal phasing and timing with the adjacent Telegraph Avenue/52nd Street and Claremont Avenue intersection and other intersections in the same coordination group. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland’s Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing the plan.</p>	LTS

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-1 <i>continued</i>		As shown in Table IV.C-15, after implementation of this measure, the intersection would continue to operate at LOS E during the PM peak hour. However, the increase in average delay for the critical movements would be reduced to less than the 6-second threshold of significance. No significant effects would result from implementation of this measure.	
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	<p>TRANS-2: Change the signal cycle length to 90 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Market Street/MacArthur Boulevard intersection. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland's Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the Market Street/MacArthur Boulevard intersection. The project sponsor shall fund the cost of preparing and implementing the plan.</p> <p>As shown in Table IV.C-15, after implementation of this measure, the intersection would operate at LOS C during both AM and PM peak hours. No significant effects would result from implementation of this measure.</p>	LTS
TRANS-3: The addition of project traffic would cause a significant impact at the Telegraph Avenue/52 nd 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	<p>TRANS-3: Implement the following measures:</p> <ul style="list-style-type: none"> • Prohibit left-turns from northbound Telegraph Avenue into westbound 52nd Street during the peak commute times (i.e., 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). Currently, a small volume of traffic uses this movement (about 10 peak hour vehicles), which can be diverted to 51st Street. Thus, the peak hour prohibition on left-turns would not result in excessive and circuitous diversions. • Change signal cycle length to 120 seconds and optimizing signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/52nd Street and Claremont Avenue intersection; coordinate signal timing and phasing with the adjacent Telegraph Avenue/51st Street intersection and other intersections in the same coordination group. 	LTS

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-3 <i>continued</i>		<p>To implement these measures, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Signing plans to prohibit left-turns from northbound Telegraph Avenue into westbound 52nd Street. • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p> <p>As shown in Table IV.C-17, after implementation of this measure, the intersection would continue to operate at LOS F during the AM peak hour. However, the increase in intersection average delay would be reduced to less than the two-second threshold of significance. The intersection would operate at LOS C during the PM peak hour after implementation of this measure. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. However, no significant effects would result from implementation of this measure.</p>	
<p>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.</p>	S	<p>TRANS-4: Implement the following measures:</p> <ul style="list-style-type: none"> • Change signal cycle length to 120 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/51st Street intersection and coordinate signal phasing and timing with the adjacent Telegraph Avenue/52nd Street and Claremont Avenue intersection and other intersections in the same coordination group. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland's Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing the plan. 	SU

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-4 <i>continued</i>		<p>As shown in Table IV.C-17, after changing the signal cycle and turns, the intersection would continue to operate at LOS F during the PM peak hour, and the increase in average delay for the critical movements would continue to be more than the 4-second threshold of significance. Thus, this measure is not sufficient to mitigate the impact to a less-than-significant level. In addition, the increase in signal cycle length may result in additional delay for pedestrians and bicycles.</p> <ul style="list-style-type: none"> To help further minimize impacts at this intersection, a Transportation Demand Management (TDM) program shall be implemented at the project site to encourage more residents and employees to shift from driving alone to other modes of travel. Potential TDM measures may include, but are not limited to, transit ticket subsidies, awareness programs, direct transit sales, providing a guaranteed ride home program, and parking management strategies. The effectiveness of the TDM program shall be regularly monitored, and if necessary adjusted to meet its goals. The project applicant shall submit the TDM program to the City for its review and approval. The plan shall also be submitted to BART for review and comment. The project applicant shall also be responsible for funding and implementing the TDM program. <p>The components of the proposed TDM program have not been finalized. Additionally, it is difficult to accurately predict a TDM program's effectiveness and to quantify the effects on reducing project trip generation. To present a conservative analysis, this study assumes that the intersection would continue to operate at LOS F with the implementation of this mitigation measure. Thus, these measures will partially mitigate the impact, but are not sufficient to mitigate the impact to a less-than-significant level.</p>	

LTS = Less Than Significant , SU = Significant and Unavoidable, S = Significant

Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<p>TRANS-5: The addition of project traffic would cause a significant impact at the West Street/40th 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.</p>	<p>S</p>	<p>TRANS-5: Optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the West Street/40th Street intersection. To implement this measure, the project sponsor shall submit a signal optimization plan to City of Oakland’s Transportation Services Division for review and approval. The plan shall consist of signal timing parameters for the West Street/40th Street intersection. The project sponsor shall fund the cost of preparing and implementing the plan.</p> <p>As shown in Table IV.C-17, after implementation of this measure, the intersection would operate at LOS A during the PM peak hour. No significant effects would result from implementation of this measure.</p>	<p>LTS</p>
<p>TRANS-6: The addition of project traffic would cause a significant impact at the Telegraph Avenue/40th 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.</p>	<p>S</p>	<p>TRANS-6: Implement the following measures:</p> <ul style="list-style-type: none"> • Provide protected/permitted left-turn phasing on eastbound and westbound 40th Street approaches. • Change signal cycle length to 105 seconds during the PM peak hour, and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/40th Street intersection. The change in signal cycle length may also require coordination with other intersections in the same coordination group. <p>To implement these measures, the project sponsor shall submit the following to City of Oakland’s Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to provide left-turn phasing on eastbound and westbound 40th Street approaches. • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p>	<p>LTS</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
TRANS-6 <i>continued</i>		As shown in Table IV.C-17, after implementation of these measures, the intersection would operate at LOS D during both AM and PM peak hours. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. However, no significant effects would result from implementation of this measure.	
<p>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.</p>	S	<p>TRANS-7: The impact shall be mitigated by the following:</p> <ul style="list-style-type: none"> • Stripe a left-turn lane on northbound Market Street at MacArthur Boulevard. The left-turn lane can be accommodated within the existing right-of-way, but may result in loss of a few on-street parking and relocation of an AC Transit bus stop on northbound Market Street. • Change signal cycle length to 110 seconds during the AM peak hour and 90 seconds during the PM peak hour, and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Market Street/MacArthur Boulevard intersection. <p>To implement these measures, the project sponsor shall submit the following to City of Oakland’s Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to stripe a left-turn lane on northbound Market Street at MacArthur Boulevard. • Signal timing plans for the Market Street/MacArthur Boulevard intersection. <p>The project sponsor shall fund the cost of preparing and implementing these plans.</p> <p>As shown in Table IV.C-17, after implementation of these measures, the intersection would operate at LOS C during both AM and PM peak hours. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. However, no significant effects would result from implementation of this measure.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<p>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.</p>	<p>S</p>	<p>TRANS-8: Implement the following measures:</p> <ul style="list-style-type: none"> • Provide protected/permitted left-turn phasing on northbound and southbound Telegraph Avenue approaches. • Change signal cycle length to 120 seconds and optimize signal timing (i.e., adjust the allocation of green time for each intersection approach) at the Telegraph Avenue/MacArthur Boulevard intersection. Signal phasing and timing shall also be coordinated with other intersections in the same coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland’s Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection to provide left-turn phasing on northbound and southbound Telegraph Avenue approaches. • Signal timing parameters for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing the plan.</p> <p>As shown in Table IV.C-17, after implementation of this measure, the intersection would operate at LOS D during the AM peak hour and LOS E during the PM peak hour. The increase in signal cycle length may result in additional delay for pedestrians and bicycles. No significant effects would result from implementation of this measure.</p>	<p>LTS</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<p>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.</p>	<p>S</p>	<p>TRANS-9: Implement the following measures:</p> <ul style="list-style-type: none"> To help further minimize impacts at this intersection, a Transportation Demand Management (TDM) program shall be implemented at the project site to encourage more residents and employees to shift from driving alone to other modes of travel. Potential TDM measures may include, but are not limited to, transit ticket subsidies, awareness programs, direct transit sales, providing a guaranteed ride home program, and parking management strategies. The effectiveness of the TDM program shall be regularly monitored, and if necessary adjusted to meet its goal. The project applicant shall submit the TDM program to the City for its review and approval. The plan shall also be submitted to BART for review and comment. The project applicant shall also be responsible for funding and implementing the TDM program. <p>The components of the proposed TDM program have not been finalized. Additionally, it is difficult to accurately predict a TDM program's effectiveness and to quantify the effects on reducing project trip generation.</p> <p>To present a conservative analysis, this study assumes that the intersection would continue to operate at LOS F with the implementation of this mitigation measure. Thus, these measures will partially mitigate the impact, but are not sufficient to mitigate the impact to a less-than-significant level.</p>	<p>SU</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
D. AIR QUALITY			
<p><i>No significant construction-related air quality impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p>COA AIR-1: Dust Control. <i>Prior to issuance of a demolition, grading, or building permit.</i> During construction, the project applicant shall require the construction contractor to implement the following measures required as part of BAAQMD basic and enhanced dust control procedures required for construction sites. These include:</p> <p>BASIC (Applies to ALL construction sites)</p> <ul style="list-style-type: none"> a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites. e) Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads. f) Limit the amount of the disturbed area at any one time, where feasible. g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. 	<p>LTS</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Air Quality <i>continued</i>		h) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. i) Replant vegetation in disturbed areas as quickly as feasible. j) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). k) Limit traffic speeds on unpaved roads to 15 miles per hour. l) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.	
		ENHANCED (All "Basic" Controls listed above plus the following if the construction site is greater than 4 acres) a) All "Basic" controls listed above, plus: b) Install sandbags or other erosion control measures to prevent silt runoff to public roadways. c) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). d) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person shall be provided to the BAAQMD prior to the start of construction as well as posted on-site over the duration of construction. e) Install appropriate wind breaks at the construction site to minimize wind blown dust.	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Air Quality <i>continued</i>		<p>COA AIR-2: Construction Emissions. <i>Prior to issuance of a demolition, grading, or building permit.</i> To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:</p> <ul style="list-style-type: none"> a) Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1, provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105. b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period. 	
E. NOISE AND VIBRATION			
No significant construction-related noise and vibration impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		<p>COA NOISE-1: Days/Hours of Construction Operation. <i>Ongoing throughout demolition, grading, and/or construction.</i> The project applicant shall require construction contractors to limit standard construction activities as follows:</p> <ul style="list-style-type: none"> a) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. 	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident’s preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.</p> <p>c) Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <ul style="list-style-type: none"> • Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of resident’s preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division. • After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed. <p>d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</p> <p>e) No construction activity shall take place on Sundays or Federal holidays.</p> <p>f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>COA NOISE-2: Noise Control. <i>Ongoing throughout demolition, grading, and/or construction.</i> To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to city review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). b) Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented. 	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>COA NOISE-3: Noise Complaint Procedures. <i>Ongoing throughout demolition, grading, and/or construction.</i> Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> a) A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours); b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor’s telephone numbers (during regular construction hours and off-hours); c) The designation of an on-site construction complaint and enforcement manager for the project; d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. 	LTS
		<p>COA NOISE-4: Interior Noise. <i>Prior to issuance of a building permit.</i> If necessary to comply with the interior noise requirements of the City of Oakland’s General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase; however, the following sound-rated assembly recommendations, based on</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>the conceptual project layout and design (described in Chapter III, Project Description) should be included in the final study and will be included in the Standard Condition of Approval:</p> <p>An alternate form of ventilation, such as air conditioning systems, shall be included in the design for all units located within 659 feet of the centerline of SR-24, or within 153 feet of the centerline of 40th Street, or within 166 feet of the centerline of MacArthur Boulevard to ensure that windows can remain closed for prolonged periods of time to meet the interior noise standard and Uniform Building Code Requirements.</p> <p>All residential building façades directly exposed to and within 240 feet of the centerline of SR-24 must be constructed to meet the interior DNL 45 dB requirement; this likely could be achieved with an overall STC-30 rating with windows having a minimum STC-34 rating. This could be achieved with a typical 1-inch insulated glazing assembly, possibly with one light being laminated (or other appropriate example assembly). Quality control must be exercised in construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed.</p> <p>COA NOISE-5: Pile Driving and Other Extreme Noise Generators. <i>Ongoing throughout demolition, grading, and/or construction.</i> To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Noise & Vibration <i>continued</i>		<p>determined by the Building Official and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p> <ul style="list-style-type: none"> a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example, and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements. 	LTS
		<p>COA NOISE-6: Vibrations Adjacent Historic Structures. <i>Prior to issuance of a demolition, grading or building permit.</i> The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage buildings adjacent to the project site and design means and methods of construction that shall be utilized to not exceed the thresholds.</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
F. HYDROLOGY AND WATER QUALITY			
<p><i>No significant hydrology and water quality impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p>COA HYDRO-1 (same as COA GEO-1): Erosion and Sedimentation Control Plan. Prior to any grading activities.</p> <p>a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><i>Ongoing throughout grading and construction activities.</i></p> <p>b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	<p>LTS</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Hydrology & Water Quality <i>continued</i>		<p>COA HYDRO-2: Stormwater Pollution Prevention Plan (SWPPP). <i>Prior to and ongoing throughout demolition, grading, and/or construction activities.</i> The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP). At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit a copy of the SWPPP and evidence of approval of the SWPPP by the SWRCB to the Building Services Division. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.</p>	LTS
		<p>COA HYDRO-3: Post-Construction Stormwater Pollution Management Plan. <i>Prior to issuance of building permit (or other construction-related permit.</i> The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Hydrology & Water Quality <i>continued</i>		<p>a) The post-construction stormwater pollution management plan shall include and identify the following:</p> <ul style="list-style-type: none"> • All proposed impervious surface on the site; • Anticipated directional flows of on-site stormwater runoff; and • Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and • Source control measures to limit the potential for stormwater pollution; and • Stormwater treatment measures to remove pollutants from stormwater runoff. <p>b) The following additional information shall be submitted with the post-construction stormwater pollution management plan:</p> <ul style="list-style-type: none"> • Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and • Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures. <p>All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater pollution management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Hydrology & Water Quality <i>continued</i>		<i>Prior to final permit inspection.</i> The applicant shall implement the approved stormwater pollution management plan.	
		<p>COA HYDRO-4: Maintenance Agreement for Stormwater Treatment Measures. <i>Prior to final zoning inspection.</i> For projects incorporating stormwater treatment measures, the applicant shall enter into the “Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement,” in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:</p> <ul style="list-style-type: none"> • The applicant accepting responsibility for the adequate installation/ construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and • Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder’s Office at the applicant’s expense. 	LTS
G. GEOLOGY, SOILS AND SEISMICITY			
<i>No significant geology, soils and seismicity impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i>		<p>COA GEO-1 (same as COA HYDRO-1): Erosion and Sedimentation Control Plan. <i>Prior to any grading activities.</i></p> <p>a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity <i>continued</i>		<p>slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><i>Ongoing throughout grading and construction activities.</i></p> <p>b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	
		<p>COA GEO-2: Soils Report. <i>Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.</i> A preliminary soils report for each construction site within the project area shall be required as part of this project. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <p><i>A. Logs of borings and/or profiles of test pits and trenches:</i></p> <p>a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.</p> <p>b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity <i>continued</i>		<p>c) All boring logs shall be included in the soils report.</p> <p><i>B. Test pits and trenches:</i></p> <p>a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.</p> <p>b) Soils profiles of all test pits and trenches shall be included in the soils report.</p> <p><i>C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.</i></p> <p><i>D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</i></p> <p><i>E. Soils Report.</i> A written report shall be submitted which shall but is not limited to the following:</p> <p>a. Site description.</p> <p>b. Local and site geology.</p> <p>c. Review of previous field and laboratory investigations for the site.</p> <p>d. Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building.</p> <p>e. Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist.</p> <p>f. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required.</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
<p>Geology, Soils and Seismicity <i>continued</i></p>		<p>g. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report.</p> <p>h. All other items which a Soils Engineer deems necessary.</p> <p>i. The signature and registration number of the Civil Engineer preparing the report.</p> <p><i>F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance , the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</i></p>	
		<p>COA GEO-3: Geotechnical Report. <i>Required as part of the submittal of a tentative Tract Map or tentative Parcel Map.</i></p> <p>a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part if this project. Specifically:</p> <p>Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.</p> <p>The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).</p> <p>The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, will be included in the final design, as approved by the City of Oakland.</p>	<p>LTS</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity <i>continued</i>		<p>The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the “No Build” zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.</p> <p>Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.</p> <p>A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.</p> <p>Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</p> <p>b) Tentative Tract or Parcel Map approvals shall require, but not be limited to approval of the Geotechnical Report.</p>	
H. PUBLIC HEALTH AND HAZARDS			
<p><i>No significant public health and hazards impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p>COA HAZ-1: Hazards Best Management Practices. <i>Prior to issuance of a demolition, grading, or building permit.</i> The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <ul style="list-style-type: none"> a) Follow manufacture’s recommendations on use, storage, and disposal of chemical products used in construction; b) Avoid overtopping construction equipment fuel gas tanks; c) During routine maintenance of construction equipment, properly contain and remove grease and oils; 	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards <i>continued</i>		d) Properly dispose of discarded containers of fuels and other chemicals. e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in Standard Conditions of Approval (see COA HAZ-3 and HAZ-5 below) as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.	
		COA HAZ-2: Asbestos Removal in Structures. <i>Prior to issuance of a demolition permit.</i> If asbestos is found to be present in building materials to be removed, demolition and disposal is required to be conducted in accordance with procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of Bay Area Air Quality Management District (BAAQMD) regulations, as may be amended.	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards <i>continued</i>		<p>COA HAZ-3: Phase I and/or Phase II Reports. <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.</p>	LTS
		<p>COA HAZ-4: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. <i>Prior to issuance of a demolition, grading, or building permit.</i> The project applicant shall submit a comprehensive assessment report, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.</p>	LTS
		<p>COA HAZ-5: Environmental Site Assessment Reports Remediation. <i>Prior to issuance of a demolition, grading, or building permit.</i> If the environmental site assessment reports recommend remedial action, the project applicant shall:</p> <ul style="list-style-type: none"> a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps. b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency. 	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards <i>continued</i>		<p>c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.</p> <p>Prior to issuing any permits for construction at the project site, a Construction-Phase Risk Management Plan (RMP) shall be prepared for the project. The RMP shall include any health and safety measures determined necessary in the HHRA to protect the health of construction workers and nearby public during construction activities. These measures may potentially include dust control, air monitoring, and/or the use of personal protective equipment during construction activities. Action levels for contaminants of concern shall be established, with detailed descriptions of corrective actions to be taken in the event that the action levels are reached during monitoring. The RMP shall also include safety and emergency response measures included in the City's Standard Conditions HAZ-1 and HAZ-2. The RMP shall be reviewed and approved by the City of Oakland or designated regulatory oversight agency.</p> <p>d) Implementation of COA HAZ-5 would require a Remediation Action Plan (RAP). Required remedial actions shall include measures to ensure that any potential added health risks to future site users as a result of hazardous materials are reduced to a cumulative human health risk of less than 1×10^{-6} (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, or other site-specific goals established by regulatory oversight agencies. The potential risks to human health in excess of these goals may be reduced either by remediation of the contaminated soils or groundwater (e.g., excavation).</p>	

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards <i>continued</i>		and off-site disposal of soils and treatment of groundwater) and/or implementation of institutional controls and engineering controls (IC/EC). IC/EC may include the use of hardscape (buildings and pavements), importation of clean soil in landscaped areas to eliminate exposure pathways, and deed restrictions. Specific remedies would depend on the findings of the site-specific HHRA and the requirements of the regulatory agencies	
		COA HAZ-6: Lead-Based Paint Remediation. <i>Prior to issuance of a demolition, grading, or building permit.</i> If lead-based paint is present, the project applicant shall submit specifications signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.	LTS
		COA HAZ-7: Asbestos Remediation. <i>Prior to issuance of a demolition, grading, or building permit.</i> If asbestos-containing materials (ACM) are present, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.	LTS
		COA HAZ-8: Other Materials Classified as Hazardous Waste. <i>Prior to issuance of a demolition, grading, or building permit.</i> If other building materials or stored materials classified as hazardous waste by State or federal law is present, the project applicant shall submit written confirmation that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards <i>continued</i>		<p>COA HAZ-9: Health and Safety Plan per Assessment. <i>Prior to issuance of a demolition, grading, or building permit.</i> If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.</p>	LTS
		<p>COA HAZ-10: Fire Safety Phasing Plan. <i>Prior to issuance of a demolition, grading, or building permit and concurrent with any p-job submittal permit.</i> The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.</p>	LTS
		<p>COA HAZ-11: Fire Safety. <i>Prior to and ongoing throughout demolition, grading, and/or construction..</i> The project applicant and construction contractor will ensure that during project construction, all construction vehicles and equipment will be fitted with spark arrestors to minimize accidental ignition of dry construction debris and surrounding dry vegetation.</p>	LTS
I. PUBLIC SERVICES			
<p><i>No significant public services impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p>COA SERV-1: Conformance with other Requirements. <i>Prior to issuance of a demolition, grading, P-job, or other construction related permit.</i> a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Building Services Division, the City’s Fire Marshal, and the City’s Public Works Agency.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Services <i>continued</i>		b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.	
		COA SERV-2: Fire Safety Phasing Plan. <i>Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit,</i> the project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.	LTS
J. UTILITIES AND INFRASTRUCTURE			
<i>No significant utilities and infrastructure impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i>		COA UTIL-1: Waste Reduction and Recycling. The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. <i>Prior to issuance of demolition, grading, or building permit.</i> Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/ alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo).The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Utilities & Infrastructure <i>continued</i>		<p><i>Ongoing.</i> The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p>	
		<p>COA UTIL-2: Storm Water and Sewer. <i>Prior to completing the final design for the project's sewer service.</i> Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
K. CULTURAL AND PALEONTOLOGICAL RESOURCES			
<p><i>No significant cultural and paleontological resources impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p>COA CULT-1: Archaeological Resources. <i>Ongoing throughout demolition, grading, and/or construction</i></p> <p>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.</p> <p>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.</p>	<p>LTS</p>

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Cultural & Paleontological Resources <i>continued</i>		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 would prepare a report on the findings for submittal to the Northwest Information Center.	
		<p>COA CULT-2: Human Remains. <i>Ongoing throughout demolition, grading, and/or construction</i></p> <p>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.</p>	LTS

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Table II-1 Summary of Impacts, Conditions of Approval (COA) and Mitigation Measures (MM)

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Cultural & Paleontological Resources <i>continued</i>		<p>COA CULT-3: Paleontological Resources. <i>Ongoing throughout demolition, grading, and/or construction</i></p> <p>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.</p>	LTS
L. AESTHETIC RESOURCES			
<p><i>No significant lighting impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.</i></p>		<p>COA AES-1: Lighting Plan. <i>Prior to the issuance of an electrical or building permit</i></p> <p>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.</p>	LTS

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Table II-2 Recommendations

TRANS-1: In consultation with City of Oakland staff and pending feasibility studies, the following improvements should be considered in and around the project area:

- Removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard.
- Providing street furniture and widening sidewalks where feasible in and around the project site.
- Providing pedestrian scale lighting on MacArthur Boulevard under the freeway overpass.
- Specific intersection improvements, such as advanced stop bars, median refuge islands, reduced corner curb radii, raised crosswalks, curb bulb-outs, audible pedestrian signals, and pedestrian and bicycle signal detection.

TRANS-2: Project applicant should pay to monitor traffic volumes and speeds on the following roadways before and after the completion of the proposed project:

- 37th Street between West MacArthur Boulevard and Telegraph Avenue;
- 38th Street between Telegraph Avenue and Webster Street; and
- Clarke Street and Ruby Street between 38th Street and 40th Street.

In consultation with local residents, and in accordance with all legal requirements, appropriate traffic calming measures, such as speed humps, or roadway closures, should be considered if and when excessive traffic volumes or speeding are observed. These potential improvements should be funded by the project applicant.

NOISE-1: All exterior active use areas, including playgrounds, patios, and decks, shall either be shielded by buildings to block any direct line of sight to 40th Street, MacArthur Boulevard, or SR-24; or be located a minimum of 87 feet from the centerline of 40th Street, a minimum of 94 feet from the centerline of MacArthur Boulevard, and a minimum of 372 feet from the centerline of SR-24.

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 40th Street. Project site addresses and APNs are shown in the table below:

Address	Assessor Parcel Number	Current Use
532 39 th 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 th 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.

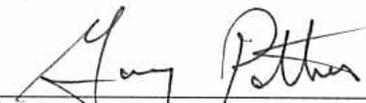
ENVIRONMENTAL REVIEW: A Draft Environmental Impact Report (DEIR) was been prepared for the project, under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et. seq. The DEIR analyzes potentially significant environmental impacts in the 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. 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.

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;
012-0969-053-02; 012-0969-004-00; 012-0968-003-01; 012-0967-009-00; 012-0967-010-00

Project Description:

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 not included in the Hazardous Waste and Substances Sites (Cortese) List; however, other hazards or hazardous waste, not included in the Cortese List, may be located on the project site.

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.

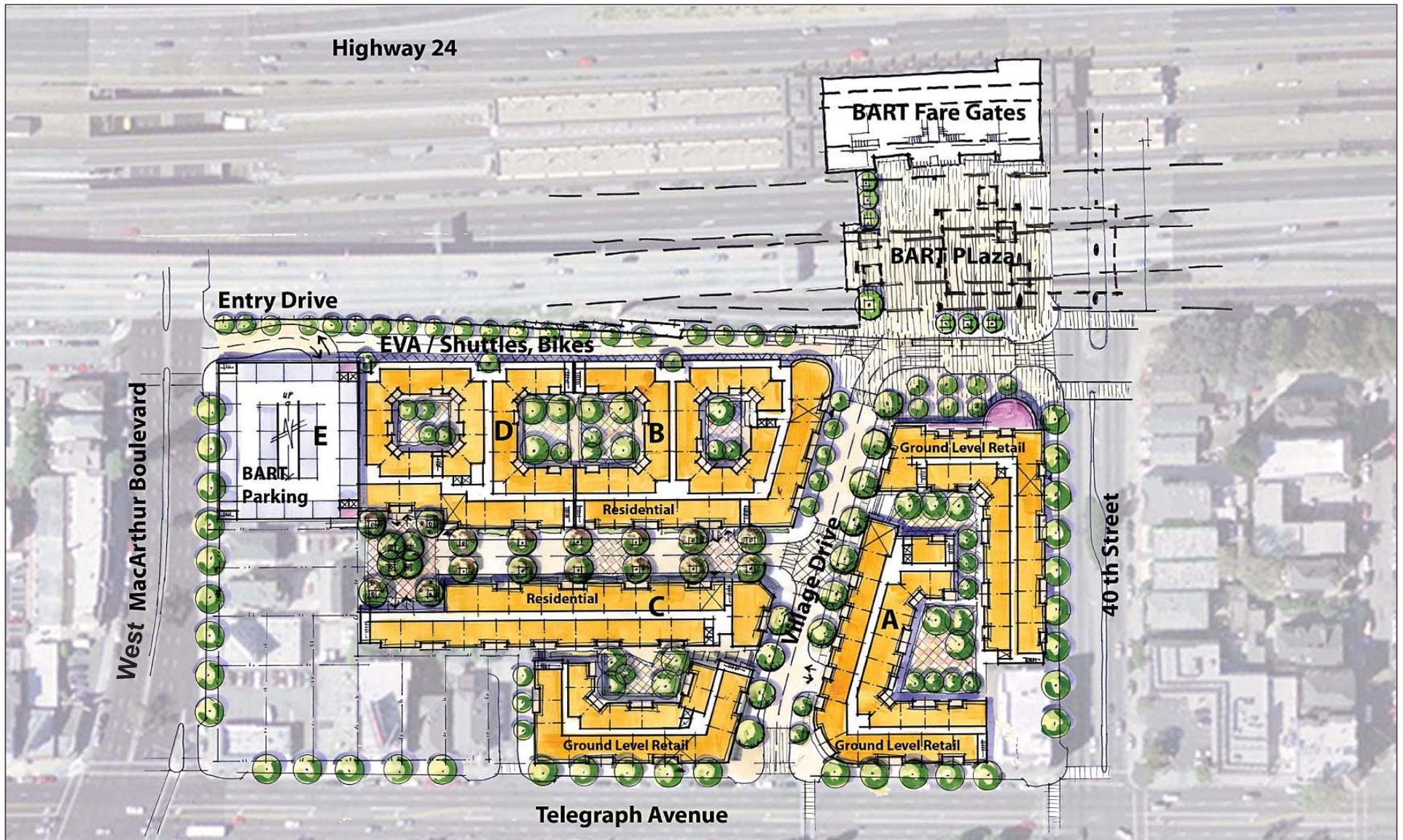
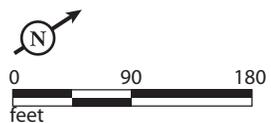
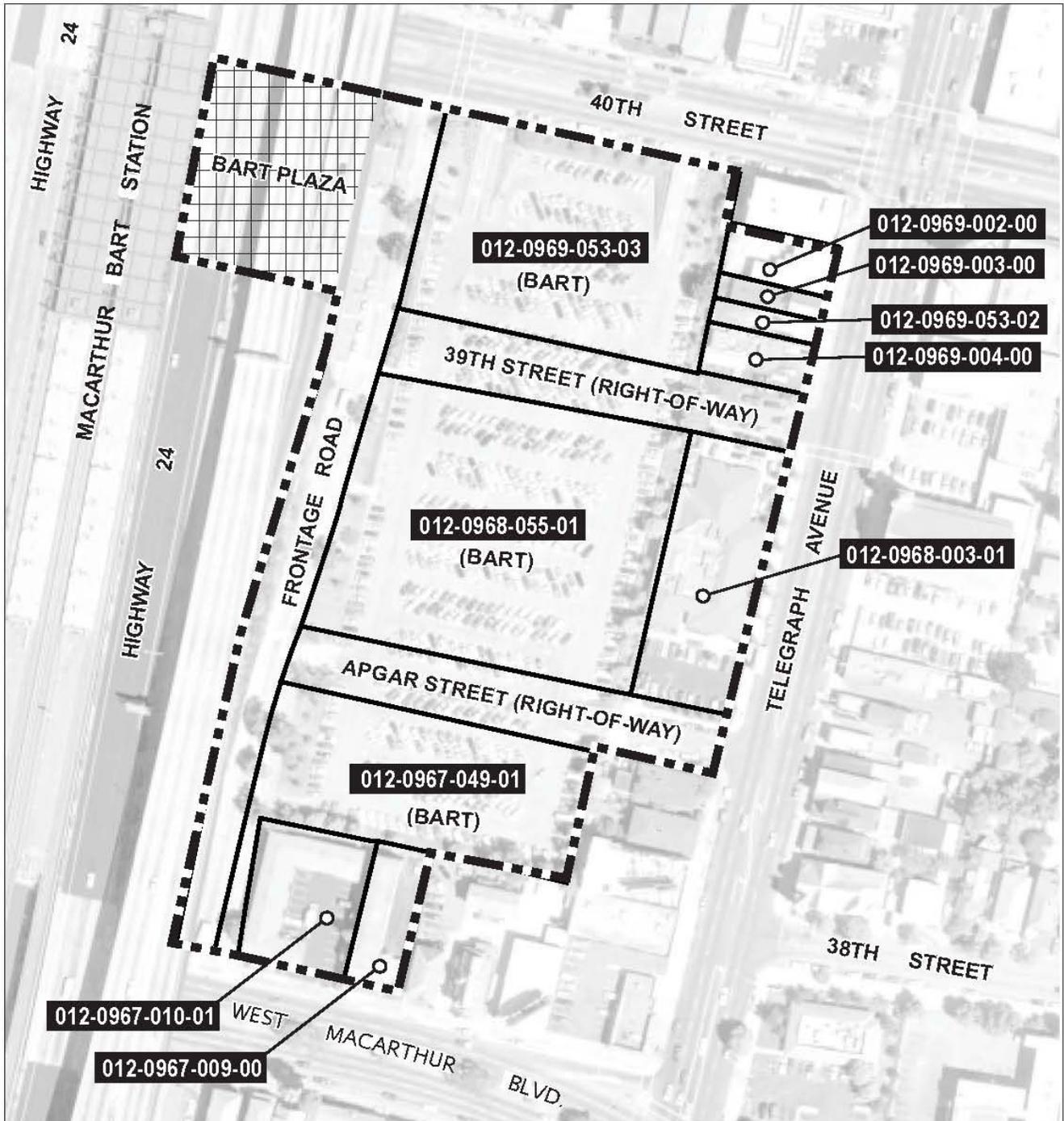


FIGURE III-3



MacArthur Transit Village Project EIR
Conceptual Site Plan

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 (see map on reverse and Table 2 below)
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 624 residential units, 42,500 square feet of commercial space (including live/work and flex space), 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
Planning Permits Required:	Rezone (from C-28, Commercial Shopping Zone and R-70, High Density Residential Zone to S-15, Transit-Oriented Development Zone), Zoning Text Amendment relating to S-15 Open Space Requirements, Development Agreement; Planned Unit Development (PUD) Permit, Design Review, Conditional Use Permit (CUP) to exceed parking requirements for residential uses and to allow off-street parking to serve non-residential land uses, and Tree Removal Permits for removal of 67 protected trees.
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) was published on January 31, 2008; Final EIR is being prepared.
Historic Status:	No CEQA historic resources are affected by the project; none of the existing buildings on-site are considered CEQA historic resources and 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
Date Filed:	October 5, 2007 (revised submittal; original submittal February 5, 2006)
Status:	Workshop on Preliminary Development Plan; the project, along with certification of the EIR, will be considered by the Planning Commission at a future public hearing.
Action to be Taken:	No formal action; Receive public and Commission comments about the design and merits of the proposed project.
Staff Recommendation:	Take public testimony concerning the design and merits of the proposal and provide direction to staff and the applicant.
Finality of Decision:	No decision will be made on the project 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

The purpose of this report is to provide an outline of the project components and key issues to facilitate preliminary comments on the proposed MacArthur Transit Village project. The project involves demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that would accommodate 624 residential units, 35,500 square feet of neighborhood-serving retail and commercial uses, 8 live/work units, a 5,000 square feet community center use and 300-space parking garage for BART patrons. Parking for residential units (at a 1:1 ratio) would be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A. The transit village also includes creation of two new streets: Village Drive would provide an east/west connection in between Telegraph Avenue and the BART Plaza and 40th Street; and Internal Street would provide north/south connection from Village Drive to the southern edge of the project. Additionally, the Frontage Road would be reconfigured to allow continued access by shuttle operators and BART patrons.

Staff determined that an Environmental Impact Report (EIR) was needed for this project. The MacArthur Transit Village Draft EIR was published on January 31, 2008 and the public comment period closed on March 17, 2008. The Response to Comments Document (RTC), which together with the Draft EIR will become the Final EIR, is currently being prepared. The Draft EIR and RTC Document will be considered by the Planning Commission at the same meeting it considers the proposed project.

BACKGROUND

Since 1993, the City has been working with BART and the MacArthur BART Citizens Planning Committee (“CPC”), comprised of community residents and representatives of neighborhood organizations, in a planning process for the development of the MacArthur Transit Village. After the previously selected project developer, Creative Housing Associates, failed to perform under their Exclusive Negotiating Agreement (“ENA”) with the Agency in 2003, the Agency and BART selected a new development team for this project in April 2004 through a competitive Request for Proposals process. This development team, MacArthur Transit Community Partners, LLC (MTCP), is a limited liability company that consists of a partnership between McGrath Properties (formerly known as Aegis Equity Partners) and BUILD (BRIDGE Urban Infill Land Development, LLC).

The MacArthur BART Citizen's Planning Committee (CPC) was created to assist the City and BART in the development of the MacArthur BART station. The CPC is made up of community members that live in the neighborhood surrounding the BART Station. Since being chosen in April 2004, MacArthur Transit Community Partners (MTCP) has met regularly with the MacArthur BART CPC to discuss and receive comments on the development. A partial list of project meeting activity over the past four years is provided below:

- November 15, 2004, MacArthur BART Citizen's Planning Committee
- May 18, 2005, MacArthur BART Citizen's Planning Committee
- November 9, 2005, MacArthur BART Citizen's Planning Committee
- February 16, 2006, Mosswood Park Neighbors
- February 22, 2006, MacArthur BART Citizen's Planning Committee
- March 15, 2006, Planning Commission EIR Scoping Meeting
- September 26, 2006, 38th Street Neighbors
- October 5, 2006, MacArthur BART Citizen's Planning Committee
- September 11, 2007, Mosswood Park Neighbors
- September 12, 2007, Beebe Memorial Church Members
- November 1, 2007, MacArthur/Broadway/San Pablo Redevelopment Project Area Committee
- November 5, 2007, 38th Street Neighbors
- November 12, 2007, West Street Watch
- December 12, 2007: Design Review Committee (review and comment on PDP)
- February 7, 2008, MacArthur BART Citizen's Planning Committee
- March 5, 2008, Planning Commission Meeting to take comments on Draft EIR
- April 17, 2008, Bicycle and Pedestrian Advisory Committee

PURPOSE OF THE MEETING

The purpose of today's meeting is to hear comments from the public and the Planning Commission concerning the design and merits of the proposal. No action will be taken at today's hearing. The decision of project entitlements will occur at a future hearing in front of the Planning Commission. Staff requests that Planning Commission review and comment on the permits required, overall project design and project merits. Additionally staff requests that the Planning Commission take comments from the public on these same items and then provide direction to staff and the applicant regarding any additional information/analysis that the Commission would like to see prior to the meeting to take action on the proposed project. Staff anticipates the following meeting dates for this project:

- May 21, 2008, Planning Commission Meeting to take action on the proposed project;
- June 10, 2008, City Council CED Committee Meeting;
- June 17, 2008, City Council/Redevelopment Agency Hearing; and
- July 15, 2008, City Council/Redevelopment Agency Meeting (second reading of ordinances).

Implementation of the project is heavily reliant on State Grant Funds (Prop 1C and TOD applications), which require timely action on the Preliminary Development Plan and related actions. Staff would like to use this workshop to open up the dialogue with the Commission and the public regarding the project merits and entitlements requested, so that the Commission has increased knowledge of the project and is better prepared to act on the project when it returns to the Commission in May.

PROPERTY DESCRIPTION

The project site is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24. 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. The project area includes the majority of the block on Telegraph Avenue between West MacArthur Boulevard and 40th Street; however, several parcels within this block are not included within the project site (see map on page 2). Table 1 shows the parcels within the project site.

Table 1: Project Site Parcels

Address	Assessor Parcel Number	Current Use	Acreage (Acres)
532 39 th Street	012-0969-053-03	BART Parking	1.61
516 Apgar Street	012-0968-055-01	BART Parking	2.07
515 Apgar Street	012-0967-049-01	BART Parking	1.12
3921 Telegraph Avenue	012-0969-002-00	Braids By Betty	0.15
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant	0.06
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market	0.06
3901 Telegraph Avenue	012-0969-004-00	Lee's Auto	0.11
3875 Telegraph Avenue	012-0968-003-01	Medical Offices	0.61
526 W. MacArthur Boulevard	012-0967-009-00	Hotel	0.20
544 W. MacArthur Boulevard	012-0967-010-00	Hotel	0.17
39 th Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.62
Apgar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.60
Total Acres			7.38

There are a variety of land uses surrounding the site. Beebee Memorial Cathedral, commercial, and residential uses are located to the east across Telegraph Avenue from the project site. To the north of the project site, across 40th Street, are residential and commercial uses. Residential and commercial uses also extend further north of the project site along Telegraph Avenue. State Route 24, and the BART tracks, are located immediately west of the project site. A residential neighborhood that includes a mix of densities is located further west. The State Route 24/Interstate 580 interchange is located southwest of the project site. Commercial uses are located to the south of the project site, across West MacArthur Boulevard.

PROJECT DESCRIPTION

The proposed project would involve demolition of the existing structures and the construction of five buildings (labeled A-E on the project drawings) on the project site, including three mixed-use buildings with ground floor retail spaces and residential units on upper floors, one entirely residential building and one parking garage. 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. 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.

Table 2 and the text below provide a summary of the proposed buildings and uses within the project. The project drawings for the proposal are attached to this report (see Attachment A).

Table 2: Summary of Proposed Development

Building	Residential Units/Affordable Units	Live/Work Units	Retail SF ^b	Community SF	Building Height (Feet)	Number of Stories	Parking Spaces
A	213/7	3	23,500	--	50-85	4/6	242
B	132/5	2	5,000	--	55-80	6	134
C	189/6	3	9,000	5,000	55-70	5/6	189
D	90/90	--	--	--	45-65	5	91
E	--	--	5,000	--	68	6	324
Total	624/108	8	42,500¹	5,000	--	--	980²

¹ Retail area shown in table includes square footage of live/work units.

² Parking shown in table does not include the proposed 44 on-street parking spaces.

Building A. Building A ranges in height from a four- to six-story building and is located in the northeast corner of the project site with frontage on 40th Street, Telegraph Avenue, Village Drive. Building A is a mixed-use building with 23,500 square feet of commercial space located on the ground floor and 213 for-sale market-rate condominiums, and seven for-sale below-market rate condominiums on the upper floors. Of the 23,500 square feet of commercial space, 3,000 square feet, would be “flex spaces” on Village Drive and 3,000 square feet of “flex space” on 40th Street. Flex spaces may be occupied by live/work units, retail uses and/or community space for residents (i.e., gym or recreation room) in the buildings in which the flex space is located. Parking for Building A is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking at the street level is wrapped by commercial area so the parking is not visible from the street. Access to the condominium units is provided by internal courtyards and vehicular access to the parking garage under Building A is provided by a driveway on Village Drive.

Building B. Building B is a six-story building located along the western edge of project site, south of Village Drive and adjacent to the shuttle access road with building frontage on Village Drive, Entry Drive and the proposed north/south internal street. Building B is a mixed-use building with 3,500 square feet of commercial space and 1,500 square feet of “flex space” on the ground floor, 132 for-sale market-rate condominiums and five below-market rate for-sale condominium units located throughout on all floors. Residential condominium units would be located on the upper floors of Building B and on the ground floor adjacent to the internal street. Parking for Building B is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street from Village Drive or Internal Street. The street level parking area is visible from Frontage Road. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Front entrances with stoops and small porches are envisioned along the internal street frontage of Building B. Vehicular access to the parking garage under Building B is provided by a driveway on the internal street.

Building C. Building C is a five- and six-story building located along the eastern edge of the project site at the southwest corner of Telegraph Avenue and Village Drive. Building C is a mixed-use building with 6,500 square feet of commercial space and 2,500 square feet of “flex space” on the ground floor, 189 market rate condominiums and five below-market rate residential condominium units on the upper floors. Building C also includes 5,000 square feet of community-serving space located on the ground floor. The 5,000 square feet of community space is accompanied by a 2,000 square foot outdoor play area as the

applicant is currently considering that a private childcare provider may occupy the community space. Residential condominium units would be located on the upper floors of Building C and on the ground floor adjacent to the internal street. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Parking for Building C is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street. Vehicular access to the parking garage under Building C is provided by two driveways on the internal street.

Building D. Building D is a five-story building (with a below-podium parking garage) located along the western edge of the project site (directly south of Building B) with building frontage on the internal street and the Frontage Road. Building D is an entirely residential building with 90 for-rent, below-market-rate (affordable) apartment units. Building D would include a community room with a kitchen and shared laundry facilities for use by apartment tenants. Parking for Building D is provided in single-level, below grade parking garage. Access to the apartment units would be provided via internal courtyards and vehicular access to the parking garage under Building D is provided by a driveway on the internal street.

Building E. Building E is a six-story parking garage located at the southwest corner of the project site with frontage on West MacArthur Boulevard and Entry Drive. The garage would accommodate 300 parking spaces for BART patrons and the ground floor would include 5,000 square feet of commercial space. The commercial space would front onto West MacArthur Boulevard. Pedestrian access to Building E would be located on West MacArthur Boulevard, Entry Drive and the internal street. Vehicular access to the Building E would be provided by a two-way driveway on Entry Road which vehicles would access via West MacArthur Boulevard.

Site Access and Circulation. Several circulation improvements are proposed for the project site. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and an internal north/south street off of Village Drive. New sidewalks, bicycle paths, and streetscape improvements would be constructed.

Frontage Road. The existing Frontage Road would be replaced, but remain in the same location as the existing Frontage Road, which is parallel to State Route 24, it extends from 40th Street to West MacArthur Boulevard. Frontage Road is a two-way road for the segments between 40th Street and Village Drive and between West MacArthur Boulevard and the Parking Garage driveway. South of the Frontage Road/Village Drive intersection, and before the Parking Garage, vehicular access would be limited to emergency vehicle access, southbound shuttle operators, and building services. The majority of traffic at this section of Frontage Road would be shuttles traveling southbound between 40th Street and West MacArthur Boulevard. Additionally, the intersection of Frontage Road and West MacArthur Boulevard provides access to and from the Parking Garage (Building E) and vehicles can also access Frontage Road at the Village Drive intersection to exit onto 40th Street. Sidewalks would be provided along the west side of Frontage Road and bicycle lanes would be included on Frontage Road.

Village Drive. Village Drive would be a two-way, two-lane road between Telegraph Avenue and the Frontage Road. It is anticipated that Village Drive would be open to vehicular traffic and pedestrian, as well as patrons who use kiss-and-ride. On-street parking and kiss-and-ride loading and unloading areas would be provided on Village Drive. Village Drive also includes large sidewalks because it is envisioned as the main pedestrian connection through the project site. Ground floor commercial and live-work units in Buildings A, B and C would be oriented to face Village Drive with pedestrian scale retail uses with outdoor seating areas and retail displays at the transit village plaza (across from the BART plaza) and on Telegraph Avenue.

Internal Street. An internal two-way street is proposed south of Village Drive. The internal street would provide vehicular access to Buildings B, C, and D. The internal street is not a through street; a turn-around area is provided at the terminus of the street. On-street parking and sidewalks are proposed for both sides of the internal street at the southern edge of the project site. The internal street is envisioned as a residential street (no commercial space would front onto the internal street). Residential unit entrances (including stoops and small porches) would face onto the internal street. The primary pedestrian access to the internal street would be from Village Drive, but a pedestrian pathway located along the east elevation of the parking garage (Building E) would allow also pedestrians and bicyclists to access the internal street from West MacArthur Boulevard.

Parking. Parking for residential units would be provided at a 1 space per 1 unit ratio within each of the mixed-use and residential buildings. The S-15 zone requires only ½ space per unit. Approximately 30 parking spaces for commercial uses would be provided within the parking garage in Building A. The S-15 zone does not include specific parking ratios for commercial uses. Parking would be permitted on Village Drive and Internal Street. Approximately 45 on-street parking would be available on the project site. Parking for BART patrons would be provided in the BART parking garage (Building E).

REQUESTED APPROVALS

This project, like many major projects in Oakland, will be processed through two phases of project approvals. This first phase of approvals includes the EIR, Rezone to S-15, Text Amendment relating to S-15 Open Space Requirement, Development Agreement, Planned Unit Development (PUD) with Preliminary Development Plan (PDP), Conditional Use Permit (CUP) to exceed residential parking requirements and to allow off-street parking for non-residential land uses, Design Review and Tree Removals. The second phase of approvals would include the Final Development Plans and Vesting Tract Maps. The following discussion describes each of the permits requested.

EIR

The proposed project includes certification of the MacArthur Transit Village EIR. The Draft EIR was published on January 31, 2008 and the 45-day public comment period ended on March 17, 2008. A total of 22 comment letters were received during the comment period. Staff is currently preparing the Response to Comments Document, which together with the Draft EIR, will be the Final EIR that the Commission must consider before the requested project approvals. The Draft EIR was discussed at the March 5, 2008, Planning Commission meeting (the staff report for the March 5th meeting is included in this report as Attachment B).

Rezone

The proposed project includes rezoning of all parcels in the project area. The parcels that are currently developed with BART surface parking are zoned R-70, Residential High Density and the other parcels in the project area (with frontage on Telegraph and West MacArthur) are currently zoned C-28, Commercial Shopping Zone. Additionally, all of the parcels in the project area are currently located in the S-18, Mediated Design Review Overlay Zone. As part of the project, all parcels would be rezoned S-15, Transit-Oriented Development (TOD) Zone. The project includes rezoning to the S-15 Zone because the current zoning would not allow the proposed project; the S-15 Zone is a “best fit” zone for the existing General Plan Land Use Designation of Neighborhood Center Mixed Use; the proposed project is a TOD project immediately adjacent to a BART station, and proposed zoning of S-15 is intended for TOD projects. The proposed project is consistent with the development standards of the S-15 Zone, with the exception of maximum permitted height and minimum required open space. As described below, the project includes a text amendment to modify the open space requirements in the S-15 Zone and a PUD bonus to permit an increase in the permitted building height.

Text Amendment

The proposed project includes a staff-initiated Zoning Text Amendment to modify the minimum open space requirement in the S-15 Zone. The Zoning Text Amendment would reduce the minimum open space requirements in the S-15 Zone from 180 square feet per unit (150 sq.ft. group open space and 30 sq.ft. private open space) to 75 sq.ft. of open space, which is consistent with the open space requirement for residential projects in the City’s Downtown Open Space Combining (S-17) Zone. The text amendment to reduce open space is intended to further the goals of TOD by increasing design flexibility for open space by removing the separate group and open space standards and encourage increased density. The text amendment would apply to all properties zoned S-15. Currently, there are only two areas of the City that are zoned S-15: parcels adjacent to Fruitvale BART station and parcels adjacent to West Oakland BART station. Staff has surveyed other cities to determine how open space requirements are regulated in high density, TOD, and mixed-use zones within other agencies. The Cities of San Francisco, Berkeley and Emeryville apply a 40 to 80 square foot per unit requirement on new residential development in mixed-use, TOD and high-density zones. The proposed text amendment is intended to reduce the S-15 Zone requirements for open space to be consistent with the City’s current standard for open space in downtown residential projects.

The Preliminary Development Plans show that the project would provide approximately 60,000 square feet of group open space (approximately 95 sq.ft. per unit) within court yards and the open space plaza. The project’s open space would increase as the plans are more defined with the size and location of balconies.

Development Agreement

The proposed project includes a Development Agreement (DA) between the City and the project applicant. The project applicant requests adoption of a DA to provide vesting rights for the proposed project. The project approvals requested at this phase, would not vest the approval of the project for any extended period of time. The applicant requests a DA to allow the life of the requested approval to be extended to 15 years. In exchange for the extended vested rights, the applicant proposes community benefits including:

- Underpass improvements at West MacArthur and Highway 24 including lighting, street furniture and sidewalk improvements in effort to improve pedestrian connections from Martin Luther King Jr. Way to the BART station.
- Greenscape improvements on West MacArthur between the project boundary and Telegraph Avenue.

It should also be noted that as part of the project term sheet previously negotiated with the Redevelopment Agency, the project includes the following benefits:

- Development of affordable housing (17% of the total unit count);
- Compliance with the Agency’s Small/Local Business Enterprise, Local Employment, Apprenticeship, Prevailing Wage, First Source Hiring and Living Wage Programs;
- Execution of a Project Labor Agreement; and
- Payment of initial costs for implementation of a Residential Permit Parking (RPP) Program.

Staff and the project applicant are currently negotiating terms and conditions for the DA. It is anticipated that the negotiations will be completed prior to the Commission meeting to consider project approvals.

Planned Unit Development/Preliminary Development Plan

The proposed project includes approval of Planned Unit Development Permit (PUD). Provisions of the S-15 Zone (Sections 17.97.030 and 17.97.200) require approval of a PUD to allow development involving a BART station and for projects of more than 100,000 sq.ft. The purpose of the PUD is to ensure orderly

development and establish a vision for development of large projects. The PUD provisions require submittal of a Preliminary Development Plan (PDP). The PDP includes the proposal for site layout and design including circulation patterns, conceptual landscape designs and proposed building bulk, mass and height. The PDP does not represent final building design and architectural details for the proposed project; the Design Review Committee and Planning Commission consider these details as part of the Final Development Plan.

The project applicant has submitted a PDP package (see attachment A). The PDP includes site plans, elevations, floor plans, and landscaping plans for the proposed project as described on pages four to seven of this report. Prior to implementation of the proposed project, the applicant would be required to return to the Commission with Final Development Plans (FDP) that are consistent with the site layout, design and bulk, mass and height shown in the PDP package. Additionally, staff is working on design guidelines which would be imposed as a condition of approval for the project. These design guidelines will include design parameters as a tool for staff to use to ensure that the FDP is consistent with the vision and design concepts of the PDP package.

As previously mentioned, the proposed project complies with the development standards of the S-15 Zone, except for standards related to building height and minimum open space (see above for discussion of text amendment related to open space). The maximum building height in the S-15 Zone is 45 feet, or 55 feet provided one-foot of setback is provided for each one foot in height over 45 feet. As a bonus of establishing a PUD, the PUD provisions (Section 17.122.100 G) allow large projects to waive or modify the maximum building height to encourage integrated site design. Buildings within the proposed project range in height from 50 to 85 feet (see sheet A-1.OH of Attachment A for a building height diagram) and are consistent with the bonus provisions of the PUD regulations.

Design Review

The proposed project includes preliminary design review approval of the PDP package. This approval is limited to the building siting and bulk, mass and height of proposed structures. Detailed building design and architectural review would be considered with Final Development Plans. The Design Review Committee reviewed the proposed PDP package at their meeting on December 12, 2007 and they stated overall support for the preliminary development plans and felt that the conceptual project plans are moving in the right direction. As stated above, staff is working on design guidelines which would be imposed as a condition of approval for the project, which would be a tool for staff to use to ensure that the FDP is consistent with the vision and design concepts of the PDP package.

Major Conditional Use Permit

The proposed project includes a Major Conditional Use Permit (CUP) related to parking within the project area. The S-15 Zone requires ½ parking space per unit and the proposed project includes 1 parking space per unit. Provisions of the parking code (Section 17.166.290 (5)) require a CUP to provide parking in excess of the S-15 Zone requirements. Additionally, the S-15 does not require parking for commercial uses (Section 17.116.080) and the parking code (Section 17.166.290 (2)) requires a CUP to provide off-street parking for non-residential land uses. The proposed project includes approximately 25 off-street parking spaces within the parking garage in Building A. The proposed project requires a Major Conditional Use Permit to exceed the S-15 parking requirements for residential land uses and to provide off-street parking for non-residential land uses.

COMMUNITY CONCERNS

Staff has heard several items of concern from members of the community regarding this project. The following discussion includes key items of community concern that have been raised at community meetings and communications to staff. In addition to the concerns listed below, staff has also received

correspondence from members of the community in support of the proposed project. Written correspondence received by staff regarding the merits of this project (not including Draft EIR comment letters) is included in this report as Attachment C.

Parking

The proposed project includes a parking reduction from 600 to 300 BART patron parking spaces. Members of the community have voiced concern with regard to the parking reduction and the amount of parking proposed for residents, visitors and commercial patrons of the project. The majority of comments that staff has received relate to reduction of parking being a bad idea because the parking lot is currently over capacity, BART patron parking spills over into neighborhood streets, and the amount of parking proposed won't suit the needs of the residents, guests and commercial users of the project.

The proposed project would address the parking concerns in two ways: 1) the project would include the potential for a Residential Permit Parking Program that would extend ¼ mile radius around the project site; and 2) the project would require a Transportation Demand Management Program (TDM) Plan as part of the mitigation measures of the EIR.

The RPP Program would limit street parking to two hours for non-residents of the RPP Program area. However, it is difficult to ensure implementation of an RPP Program because the program requires a petition signed by 51 percent of the resident population in the proposed RPP area and is subject to City Council approval. Should the RPP Program be the desire of the resident population and the City Council, the project applicant has committed to funding the initial costs of an RPP Program as part of the project term sheet agreement with the Redevelopment Agency.

The project would also include a TDM Plan, as required per Mitigation Measures of the EIR. The TDM Plan will include measures to increase parking capacity (i.e., use of off-site lots, shared parking within the project area, valet parking in the BART garage, etc), measures to increase non-auto access to the BART Station by existing BART patrons, and measures to increase the overall use of the public transit. A draft TDM plan will be provided to the Commission at the meeting to consider project approvals.

Safety/Security

Members of the community have raised concern regarding safety and security of project residents and BART patrons. Some community members would like to see security cameras installed within the project. Staff has met with the Police Department and OPD has reviewed the PDP package. Both planning staff and OPD are concerned increased safety and security at and around the project site. The proposed project would include increased street lighting and would increase activity in the area and additional "eyes on the street" by adding commercial and residential space on the project street frontages. However, safe paths of travel to and from the project site are also a concern. Staff will continue to coordinate with the Police Department and anticipates that the PDP will include conditions of approval to promote safety and security at and around the project site.

Construction Noise

Some area residents have expressed concerns for construction noise and requested that noise barriers be constructed to help limit the noise during construction. The proposed project would be subject to the City's permitted construction hours, which are 7:00 a.m. to 7:00 p.m. Monday to Friday, except for extreme noise generating activity (i.e., pile driving) which is limited to 8:00 a.m. to 4:00 p.m. Monday to Friday. Some limited construction activity is permitted on Saturday and require authorization of the Building Services Division. No construction is permitted on Sunday or Federal holidays. Additionally, the project is required to prepare a set of site specific noise attenuation measures for review and approval by the City to further reduce extreme noise generating activity prior to any construction, demolition or grading activity.

Relocation/Removal of Existing Businesses

The project would require demolition of all structures on the project site; therefore, the existing businesses would have to move to a new location or be relocated within a portion of the project area. Some of the businesses that are currently operating on the project site have expressed concern about relocation or removal of their businesses as a result of the proposed project. This is a Redevelopment Agency sponsored project and as part of the acquiring the parcels within the project, the Agency is required to assist in the relocation of existing businesses. Additionally, the applicant has met with owner of the Lee's Auto Detailing and the owner of the 3-unit commercial building on Telegraph and is discussing the possibility of relocating these existing commercial tenants within project.

Furthering Division of Neighborhood on West Side of BART Station/Freeway

There is some concern among the community that the proposed project would further divide the community because the project area does not extend to the west side of freeway. The project area does not include property on the west side of the freeway and proposed improvements are limited to the east side of the freeway, with the exception of the proposed West MacArthur improvements as part of the DA (see discussion above). The City and BART have been working with the MacArthur BART CPC since 1993, and questions about options for improving pedestrian connections between the BART station and the west side of the freeway have long since been raised. In response to these concerns, the City and BART hired a consulting team to work with the MacArthur BART CPC to prepare a design plan to study improving the pedestrian and bicycle connection to the station and also the feasibility of building a second entrance to the station from the West Side in 2004. The resulting plan, the MacArthur BART Station West Side Pedestrian Enhancement Project, was sponsored by a Caltrans Environmental Justice Grant. The plan developed a list of potential streetscape improvements for 40th Street that were prioritized by the MacArthur BART CPC. The results of the second entrance study showed that it was not financially feasible, nor feasible from a security perspective, to have a second entrance to the station from the west due to the extended length of the tunnel that would be required to traverse the freeway underpasses. After completing the plan, the City applied for and received capital grant funding to implement the streetscape improvements on 40th Street, which are currently under construction. The streetscape improvements include enhanced pedestrian lighting both inside and outside of the underpass area, a bicycle lane, a traffic signal and new crosswalk that directly access the BART plaza on the west-side of the 40th Street and BART Frontage Road intersection, and artistic colored lighting and surface treatment improvements in the underpass.

Bike Access and Parking

Members of the community have expressed the desire to increase bike access to the station and to include a bike storage/parking facility within the project. The proposed project includes bike access on new roadways within the project, including 2-way bike access on the Frontage Road and bike parking would be provided within the project. Additionally, new bike racks and bike lockers will be added to the BART plaza as part of the BART Plaza improvements. The project applicant presented the project to the City's Bike and Pedestrian Advisory Committee (BPAC) at their meeting on April 17, 2008. The BPAC appreciated the fluidness of the plan's circulation, and requested that the project applicant keep in mind that safety and effectiveness of bike and pedestrian access at and around the project site.

Tree Removal

Members of the community have expressed concern with the removal of mature trees. All trees on-site, with the exception of the existing trees along Telegraph Avenue, would be removed as part of the proposed project (see plan sheet L-05 of Attachment A). Of the trees to be removed, 67 are classified as

protected trees and require approval of a tree removal permit.¹ As part of the tree removal permit, the project would be required to plant replacement trees. The PDP package includes a conceptual landscape master plan that includes new tree plantings within and around the project site. The conceptual landscape plan shows approximately 200 new trees to be planted as part of the project including trees along the west side of Telegraph, the south side of 40th Street, along Village Drive, along Internal Street, along Frontage Road, along West MacArthur Boulevard, adjacent to the BART plaza, within the transit village plaza and within the building courtyards. The conceptual landscape plans also include a preliminary plant list (see plan sheet L-06 of Attachment A). The plant list includes seven different tree species, and a variety of perennials, ground cover, shrubs vines and grasses.

Building Height & Proximity to Existing Building at Telegraph and 40th

The proposed project would include construction of two new buildings along Telegraph Avenue and one new building on 40th Street. The buildings on Telegraph Avenue (Buildings A and C) would be 55 to 75 feet in height with the tallest portion being the corner of Telegraph Avenue at Village Drive. The building on 40th Street (Building A) would be 60 to 80 feet in height. Some community members have expressed concern about building height on Telegraph Avenue and 40th Street. With regard to concerns about building height and proximity to existing buildings, staff has heard mostly from the building owner and tenants of the 3-story of the building at 505 40th Street, located at the southwest corner of Telegraph Avenue and 40th Street. 505 40th Street is approximately 50 feet tall, includes ground floor retail (currently vacant), dwelling units on the second and third floors and is immediately adjacent to the proposed project. The building owner and tenants at 505 40th Street have expressed concern about the height and building setback of Building A, which would be located just south and west of their building. Building A would range in height from 50 to 80 feet on the south side of 505 40th Street and 60 to 70 feet on the west side of 505 40th Street and be setback of 5 to 8 feet from the property line. The existing building at Telegraph and 40th is built to the property line, so there is concern that the proposed setback is not enough and that it should be increased so that the dwelling units will not be shadowed, or lose natural light and existing views. Neither the existing or proposed zoning requires a side setback, but staff appreciates the concern with respect to potential loss of natural light and air into the existing dwelling units. The project applicant has met with the building owner of 505 40th Street, and staff will continue to work with the project applicant to minimize the impacts related to natural light and air into the existing units at 505 40th Street. Additionally, it appears that the first floor of 505 40th Street and the existing commercial building to the south may be structurally attached. The City has a standard condition of approval that requires a demolition plan to be approved prior to any demolition activity on-site. Staff will expand this standard condition to include specific parameters for demo of existing 1-story commercial building so as not to harm the structural integrity of the existing building to remain at 505 40th Street.

CONCLUSION

Staff recommends that the Planning Commission take public testimony on the merits of the proposal and provide direction to staff and the applicant on any key areas of community concern, as well as, any additional information/analysis that the Commission would like to see when this item returns to the Commission for formal action in May.

¹ Section 12.36.020 of the Oakland Municipal Code defines Protected Trees as follows: On any property California or Coast Live Oak measuring four inches dbh or larger; and any other tree measuring nine inches dbh or larger except Eucalyptus and Monterey Pine. Additionally, all Monterey Pines are protected trees when on City property and in development-related situations where more than five Monterey Pine trees per acre are proposed to be remove.

Prepared by:



Charity Wagner
Contract Planner

Approved by:

GARY PATTON
Deputy Director of Planning and Zoning

Approved for forwarding to the
Planning Commission:

Dan Lindheim
Director Community & Economic Development Agency

ATTACHMENTS:

Attachment A: Project Drawings

Attachment B: March 5, 2008 Planning Commission Staff Report for hearing on Draft EIR

Attachment C: Project Merit Correspondence (does not include comment letters on Draft EIR)

Note that Attachments A and B are not repeated with this attachment for the June 4, 2008 Meeting

Wagner, Charity L.

From: Val [diane501@sbcglobal.net]
Sent: Tuesday, August 14, 2007 10:17 AM
To: Wagner, Charity L.
Cc: Andy Friend; jbrunner@oaklandnet.com; pberlin@oaklandnet.com; officeofthemayor@oaklandnet.com
Subject: Letter in Support of More Monitored Security Cameras Around BART Transit Village
Follow Up Flag: Follow up
Flag Status: Red

Dear Ms. Wagner,

I am writing in support of that more surveillance cameras which could be monitored by OPD, BART police and community members be installed around all the major corners of the BART station and proposed village. 40th ST. is a major traffic corridor and route to the BART station on both side of Telegraph and it has been referred to by Lt. Green is a major mugging/crime corridor in our neighborhood for several years now. I constantly see broken glass from cars on 40th St., particularly near the Catholic church side of the street.

The Transit village will be a great asset to our community. But for people to come to the village and buy in they must feel they are living in a safe are and a community. Hence it is essential for BART and the City of Oakland to not just invite more residents to the City of Oakland for their tax dollars, but to committ to the protection of the residents coming.

It's my feeling that BART hasn't paid nearly enough attention to the issue of crime around the MacArthur BART station which is a heavily used station in the system. While we pay into the BART system we are not getting our return for our patronage. Also, MacArthur BART as you are probably aware is a transfer point too to the different BART lines so it's an especially important area.

40th Street more and more is becoming a heavily used street but there is not enough security or presence in the early morning or late evening hours on the Martin Luther King side of the station. In my opinion, far more cameras should be installed in this area. And if the community and the OPD and BART officers are interested and willing to monitor them, then they would be an extremely valuable tool.

Over the years our community and neighborhood has been able to put crime out of business at the large Housing Authority project located midway on the 900 block of 40th St. If you drove past you would not be aware that a large crime-plagued project once existed there.

We can do the same thing with the MacArthur BART station given the willingness and high energy of the West Street Watch members to rid their neighborhood and community of crime in my opinion. They have already victoriously addressed the issue of the AI's Liquor Store. I hope you will committ to working with our community on this important tool for crime fighting efforts used by committed communities around the country. Thanks for your attention to this matter.

Sincerely,
Val Eisman
872 42nd St.
Oakland, CA 94608

Wagner, Charity L.

From: Val [diane501@sbcglobal.net]
Sent: Tuesday, September 11, 2007 9:58 AM
To: Wagner, Charity L.
Cc: jmeeks@oaklandnet.com; jbrunner@oaklandnet.com; gpatton@oaklandnet.com; Dias, Lynette; Andy Friend
Subject: Re: Letter in Support of More Monitored Security Cameras Around BART Transit Village

Charity, thank you for your response. I have now moved from Oakland. I, remain concerned and committed however to those in my former neighborhood who are unable to move to a safer city.

Cameras are effective if monitored. Monitoring is the whole key and I hope you will seriously consider this their incorporation in your project design and the surrounding area. Please see the link to article below entitled SF Airport Makes Use of Surveillance Tech

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/08/19/BA17RKROH.DTL&hw=cameras+crime&sn=010&sc=523ng>

Sincerely,
 Val Eisman

----- Original Message -----

From: Wagner, Charity L.
To: Val
Cc: gpatton@oaklandnet.com ; Dias, Lynette
Sent: Tuesday, September 11, 2007 9:37 AM
Subject: RE: Letter in Support of More Monitored Security Cameras Around BART Transit Village

Hello Val,

Thank you for your message regarding the MacArthur BART Transit Village Project. I've also recently received a message from Andy Friend on be-half of Westside Watch and NOFLAC regarding increased security and crime prevention at and around the BART station. As I mentioned in an e-mail to Andy Friend, increasing security for BART patrons, future residents and surrounding community members is a key feature of the proposed project. The project applicant is considering CPTED (Crime Prevention Through Environmental Design) techniques throughout the project design process.

Currently, the project applicant is working on submittal of a Preliminary Development Plan application to be reviewed by City Departments, including Oakland Police Department. Once submitted, the project plans will be posted on-line at the City's major projects website:
<http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/macarthur.html>. The most recent set of schematic renderings are now posted on this webpage.

Yes, I am committed to working with you and other community members to implement good planning practices with development of the MacArthur BART Transit Village. Lastly, I would like to apologize for this tardy response to your e-mail. I've just recently returned to the office after a 3-week vacation. Please feel free to contact me with questions or additional project comments.

Best, Charity

Charity Wagner
 rrmdesigngroup

10 Liberty Ship Way, Suite 300
Sausalito, CA 94965
P: (415) 331-8282 ext. 201 | F: (415) 331-8298
www.rrmdesign.com

From: Val [mailto:diane501@sbcglobal.net]
Sent: Tuesday, August 14, 2007 10:17 AM
To: Wagner, Charity L.
Cc: Andy Friend; jbrunner@oaklandnet.com; pberlin@oaklandnet.com; officeofthemayor@oaklandnet.com
Subject: Letter in Support of More Monitored Security Cameras Around BART Transit Village

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Sincerely,
Val Eisman
872 42nd St.
Oakland, CA 94608

Wagner, Charity L.

From: A Friend [ajfriend@hotmail.com]
Sent: Tuesday, September 11, 2007 9:44 AM
To: Wagner, Charity L.
Cc: gpatton@oaklandnet.com; Dias, Lynette; edric kwan
Subject: RE: [WSWatch] MacArthur Transit Village Security

Good Morning Charity,

Thank you for your reply. I have forwarded it to our group and we will be providing letters with specific requests to you soon, including recommendations from OPD. We also have members who are and will be intimately involved with this project.

Please provide me with any appropriate project updates and i will distribute to our members. Thanks again for your response and willingness to work with us.

Andy Friend

Board Member & Co-Founder of West Street Watch & NOFLAC
ajfriend@hotmail.com

Subject: RE: [WSWatch] MacArthur Transit Village Security
Date: Tue, 11 Sep 2007 09:19:48 -0700
From: cwagner@rrmdesign.com
To: ajfriend@hotmail.com
CC: gpatton@oaklandnet.com; ldias@rrmdesign.com

Hello Andy,

Thank you for your message regarding the MacArthur BART Transit Village Project. I am pleased to hear that you, as well as WSW and NOFLAC, are interested in participating in the planning process for this project. Yes, increasing security for BART patrons, future residents and surrounding community members is a key feature of the proposed project. The project applicant is considering CPTED (Crime Prevention Through Environmental Design) techniques throughout the project design process. I look forward to your detailed suggestions for the project, and will certainly forward them onto to the project applicant.

Currently, the project applicant is working on submittal of a Preliminary Development Plan application to be reviewed by City Departments, including OPD. Once submitted, the project plans will be posted on-line at the City's major projects website:
<http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/macarthur.html>.
The most recent set of schematic renderings are now posted on this webpage.

Lastly, I would like to apologize for this tardy response to your e-mail. I've just recently returned to the office after a 3-week vacation. Please feel free to contact me with questions or additional project comments, and thanks again for your message with the attached materials on West Street Watch.

Best, Charity

Charity Wagner
rrmdesigngroup
10 Liberty Ship Way, Suite 300

4/21/2008

Sausalito, CA 94965
P: (415) 331-8282 ext. 201 | F: (415) 331-8298
www.rrmdesign.com

From: A Friend [mailto:ajfriend@hotmail.com]
Sent: Monday, August 13, 2007 12:29 PM
To: Wagner, Charity L.
Cc: wswatch@yahoogroups.com; James Meeks; Jane Brunner; Paul Berlin; David Kozicki; nancy nadel; opd@yahoogroups.com
Subject: RE: [WSWatch] MacArthur Transit Village Security

Dear Charity Wagner,

My name is Andy Friend and I am a Co-Founder and Board Member of West Street Watch and the North Oakland Flatland Leadership Action Committee (NOFLAC). I am writing to you regarding the MacArthur Transit village and its critical role in public safety for our community. As you may be aware, the location of the future transit village is in a 'transitional' neighborhood where crime is the overriding concern in our community. We are already very aware of the fact that the current MacArthur Bart station, according to Lt. Berlin of the Oakland Police Department, allows easy access and escape for criminals from outside of our area. We are already very aware of the dangers we face when we need to use this Bart station as many members of our community and even our specific organization have been assaulted and/or robbed within the immediate vicinity of the MacArthur Bart station. Cars parked on the streets in the immediate area of the MacArthur Bart station have their windows broken and are robbed on a regular basis. I personally have seen many illegal acts including drug sales and use, public intoxication and violent outbursts at the Bart station.

We look forward to the MacArthur Transit Village being built and believe it can be a catalyst for change and provide many benefits to our community, but we also feel that this major development must be planned properly and responsibly when it comes to the safety of transit village residents, visitors and neighbors. We strongly urge you to involve the active participation of the OPD in planning preventative and proactive security measures. For example, we are in strong support of the use of crime cameras as a tool that OPD can use to review, respond to and investigate crimes. However this is simply one of many security measures that can be taken.

We look forward to working with you to ensure that the upcoming MacArthur Transit Village Project is planned and constructed with public safety as priority. For your reference, I have attached a West Street Watch Brochure for you to learn more about our group. I can assure you that we will be very involved in this project to ensure our community voices are heard. West Street Watch will be following up shortly with another letter detailing specific suggestions and requests for this project.

Thank you,

Andy Friend

Co-Founder and Board Member of West Street Watch and NOFLAC.
ajfriend@hotmail.com

To: WSWatch@yahoogroups.com
From: ekwan@ci.fremont.ca.us
Date: Mon, 13 Aug 2007 10:15:05 -0700
Subject: [WSWatch] MacArthur Transit Village Security

Good Morning WSWers!

All letters (or e-mails) of support and/or concerns about safety on the future MacArthur Transit Village should be sent to the project planner Charity Wagner at clwagner@rrmdesign.com. If you support surveillance cameras linked to the internet which are accessible to the public and OPD like the ones on MLK/40th and MLK/Apgar, please emphasize that need in your e-mail and cc our WSW listserve. Remember that it is important that OPD plays a role in reviewing the locations of the cameras so that the cameras provide maximum support to OPD. Thank you.

edric.

>>> 'Kleinbaum, Katherine (Kathy)' <KKleinbaum@oaklandnet.com> 8/13/2007 9:59 AM >>>
Edric,

The MacArthur Transit Village project will not be going for the planning commission for approvals until next Spring. Those approvals will be for a preliminary development plan, and not for specific buildings, However, at that point in time, letters of support would be helpful with the camera caveat attached.

The project planner is currently an outside contract planner. Her name is Charity Wagner and she can be reached at clwagner@rrmdesign.com.

Kathy Kleinbaum
City of Oakland
CEDA, Redevelopment Division
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612
Ph: (510) 238-7185
Fax: (510) 238-3691

-----Original Message-----

From: Edric Kwan [<mailto:ekwan@ci.fremont.ca.us>]
Sent: Monday, August 13, 2007 8:55 AM
To: Kleinbaum, Katherine (Kathy)
Cc: diane501@sbcglobal.com; Berlin, Paul; WSWatch@yahooogroups.com
Subject: Fwd: Re: [oakland10y] RE: [WSWatch] Re: RESPONSE: City Plan for crime cameras on MLK?

Hi Kathy, just something to really consider when the MacArthur Transit village conditions of approval are established and when the construction documents are being prepared. I know it's still early since the project is in the EIR phase but none the less, please keep in mind that security is a concern with neighbors and multiple cameras are requested to be installed. I'm hoping that OPD will have the opportunity to review the project and determine locations of such cameras and other crime reducing measures that can be enveloped with the project. Please let me know when is the appropriate time for our community members to begin sending letter of support w/ requests for cameras. Who is the project planner and his/her contact information? Thanks for your continued help. edric.

EDRIC KWAN, P.E.
Development Associate Civil Engineer
Community Development Department
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006

Phone: (510) 494-4768, Fax: (510) 494-4721

>>> 'Val' <diane501@sbcglobal.net> 8/11/2007 8:07 PM >>>

Kevin, thank you for this vital information. It's really important that the MacArthur bArt station along 40th St. be secured on both sides. It is unconscionable that the citizens of our city must take their lives into their hands coming and going to work and using public transportation of the MacArthur BART station plus associated buses along the route.

It's obviously we won't have enough walking officers for awhile although I still hope redevelopment monies might purchase one but the cameras would be great. Thanks, keep us all posted.

Thank you Lt. Berlin for your ongoing, amazing dedication to our community.
Val Eisman

----- Original Message -----

From: Kevin Dwyer

To: WSWatch@yahoogroups.com ; larry_e_rice@hotmail.com

Cc: officeofthemayor@oaklandnet.com ; nnadel@oaklandnet.com ;

pberlin@oaklandnet.com ; JBrunner@oaklandnet.com ; phsully@aol.com ;

ZWald@oaklandnet.com ; citymanager@oaklandnet.com ; cityochang@aol.com ;

delafuente@oaklandnet.com ; dbrooks@oaklandnet.com ; thayes.oak@juno.com ;

jrusso@oaklandcityattorney.org ; jquan@oaklandnet.com ; 101550@msn.com ;

Oaklandkev65@hotmail.com ; ajfriend@hotmail.com ; lazara1217@hotmail.com ;

tk@tksvc.com ; jk@maxstrength.com ; ekwan@ci.fremont.ca.us ;

PSA1@yahoogroups.com ; Oakland10Y@yahoogroups.com

Sent: Saturday, August 11, 2007 7:02 PM

Subject: [oakland10y] RE: [WSWatch] Re: RESPONSE: City Plan for crime cameras on MLK?

Great news.

I do hope that this news is broadcast.....In the recent media storm (Mayor's

press conference, Black Muslim Bakery, CHP coming to Oakland streets, Barbara Lee justifying her support of the 'bakery') many have stressed that community policing and neighborhood involvement is crucial. This recent news

from Larry Rice is evidence that groups like WOPAC, WSW, NOFLAC AND THE OPD HAVE A CONTINUING AND ONGOING RELATIONSHIP; these relationships are bearing fruit. Citizens are stepping up to work for a safer Oakland--while the mayors and congresswomen try to deny or justify their previous support for the Black Muslim Bakery.

Please get this good news out to those that need to hear it.

And hats off especially to Edric Kwan, Larry Rice and Lt. Berlin for their extra efforts on this particular project....let the cameras start rolling.

Kevin Dwyer

-----Original Message Follows-----

From: 'Edric Kwan' <ekwan@ci.fremont.ca.us>

Reply-To: WSWatch@yahoogroups.com
 To: 'Larry Rice' <larry_e_rice@hotmail.com>
 CC: <wswatch@yahoogroups.com>
 Subject: [WSWatch] Re: RESPONSE: City Plan for crime cameras on MLK?
 Date: Thu, 09 Aug 2007 08:46:20 -0700

Thank you Larry, the WOPAC members, and Lt. Berlin for the wonderful news! It's great to see one of NOFLAC's crime reduction measures (Oakland Virtual Police Program) to have a citywide coordinated camera surveillance system moving forward. edric.

>>> 'Larry Rice' <larry_e_rice@hotmail.com> 8/9/2007 7:43 AM >>>
 Lt. Berlin made a presentation to the WOPAC last night (Wednesday, August 8th). The WOPAC then voted unanimously to authorize the City Council to spend \$200,000 of West Oakland redevelopment money to fund the purchase of ten cameras and to pay for DSL for those cameras for one year, as well as to fund WiFi cards for officers so they can view through the cameras from their laptops. The cameras would be placed at locations within the West Oakland Project Area to be determined by OPD. Per Lt. Berlin, these particular types of cameras would be placed on street poles, have their own internal hard drives, and can be moved if/when the need arises, but a judge's consent appeared to be necessary to replace them. The community will be able to view through the cameras via the internet; Lt. Berlin's vision was to have community volunteers assist in monitoring hot spots using the cameras.

You may recall the West Oakland Project Area overlaps part of the West Street Watch target area. The WO Project Area is bordered on the north by 40th Street, on the west by Emeryville, and on the east ends just west of MLK (abuts the MacArthur/Broadway/San Pablo project area). The western strip on MLK from Cafe Dejena to Burley's is in MacArthur/Broadway/San Pablo, while both sides of MLK south of Burley's are in the West Oakland Project Area. A map of the project area is available at oaklandnet.com.

>From: 'Edric Kwan' <ekwan@ci.fremont.ca.us>
 >To: larry_e_rice@hotmail.com
 >CC: ajfriend@hotmail.com, jk@maxstrength.com, pberlin@oaklandnet.com
 >Subject: Fwd: [WSWatch] RE: City Plan for crime cameras on MLK?
 >Date: Wed, 8 Aug 2007 13:26:37 -0700
 >
 >Hi Larry, can you tell me more about these 8 cameras? Locations? Do you
 >need community support sent to your Redevelopment staff person (Wendy
 >Simon
 >wlsimon@oaklandnet.com)? The Redevelopment staff person (Kathy Kleinbaum)
 >for the M/B/SP PAC can probably provide her experience with the camera
 >specs and contractors used. This is exciting news! edric.
 >
 > >>> 'Berlin, Paul' <pberlin@oaklandnet.com> 8/7/2007 1:21 PM >>>
 >I am negotiating with WOPAC to purchase 8 cameras. I have no info on
 >Gilmore.
 >
 >pb
 >
 >
 >
 >
 >From: A Friend [mailto:ajfriend@hotmail.com]

>Sent: Tuesday, August 07, 2007 7:42 AM
 >To: Annie Sloan; Jane Brunner; James Meeks; Marcus Johnson; nancy nadel;
 >Paul Berlin
 >Cc: wswatch@yahoogroups.com
 >Subject: City Plan for crime cameras on MLK?
 >
 >Good Morning,
 >
 >This was a quote out of todays SF Chronicle.
 >'Gilmore, whose congregation has 200 members, is skeptical that the city's
 >plans to install video cameras along the Martin Luther King corridor will
 >be an adequate replacement for the lack of police patrols.'
 >
 >Can anyone tell me about this? The only 2 cameras along MLK that I am
 >familiar with are due primarily to West Street Watches efforts...is there
 >something more going on? We certainly hope so....
 >Andy Friend
 >
 >ajfriend@hotmail.com
 >
 >
 >
 >
 >See what you're getting into...before you go there See it!
 >

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Wagner, Charity L.

From: Edric Kwan [ekwan@ci.fremont.ca.us]
Sent: Wednesday, September 12, 2007 8:41 AM
To: melissa@mcgrathproperties.com; Wagner, Charity L.
Subject: MacArthur Transit Village
Attachments: WSW Brochure Color 082107.pdf

Charity & Melissa, E-mail resent w/out grant proposal (too large for your e-mail systems). edric.

>>> Edric Kwan 9/12/2007 8:27 AM >>>
Good Morning Joe, Rob, and Melissa,

It was nice to meet you at last night's pre-CPC meeting to preview the project's concept plans. I had to rush off to another community meeting so I did not have a chance to say goodbye.

Please take our neighborhood's concerns regarding security seriously. We request security cameras linked to the internet to be used by community watch groups, Oakland NCPC's, and OPD as a community policing tool. See <http://75.10.247.22:1088/en/AViewer.html> for one of the two cameras that we installed on Apgar and MLK that was funded with redevelopment money. Two other development projects have committed and are conditioned to install similar cameras. These link above are currently being extensively used by WSW and OPD to capture evidence for arrests. Thus far, one arrest for drug dealing has been formalized and an apartment tenant is in the process of being evicted for dealing drugs. I am very hopeful that your development will prevent crime; however, other developments utilizing CPTED techniques like those on San Pablo still are facing many prostitution problem and other crime reducing tools like the cameras would have been beneficial. Let's ensure that your future homeowners and the neighbors can feel safe knowing that your project does what it can to fulfill the security needs of the community. Further details as well as other security suggestions will be provided in the near future through our formalized letter of support to the project.

I look forward to seeing this wonderful project develop. Please see attached WSW brochure and grant proposal for the camera on Apgar/MLK and let me know if WSW can provide any assistance. Thank you again.

Edric Kwan
West Street Watch Co-Founder

EDRIC KWAN, P.E.
Development Associate Civil Engineer
Community Development Department
39550 Liberty Street, P.O. Box 5006
Fremont, CA 94537-5006
Phone: (510) 494-4768, Fax: (510) 494-4721

Wagner, Charity L.

From: Marla Wilson [mwilson@greenbelt.org]
Sent: Wednesday, December 05, 2007 4:48 PM
To: dbrooks@oaklandnet.com; jqvan@oaklandnet.com; pkernighan@oaklandnet.com; idelafuente@oaklandnet.com; cityochang@aol.com; officeofthmayor@oaklandnet.com; Nancy Nadel; lreid@oaklandnet.com; jbrunner@oaklandnet.com; amudge@coxcastle.com; mzayasmart@sf.wrtedesign.com; suzie@yhla.net; Blake.Huntsman@seiu1021.org; sandi.galvez@acgov.org; michaelcolbruno@clearchannel.com; dboxer@gmail.com
Cc: gpatton@oaklandnet.com; Wagner, Charity L.; cityclerk@oaklandnet.com
Subject: MacArthur BART Transit Village - SUPPORT
Attachments: MacArthur BART Transit Village Endorsement Letter.pdf

Mayor Dellums and Members of the Oakland City Council and Planning Commission:

Enclosed, please find Greenbelt Alliance's letter of endorsement for the MacArthur BART Transit Village development proposal. If you have any questions regarding the nature of our support, please do not hesitate to be in touch. I can be reached at 415-543-6771 ext. 308 or at mwilson@greenbelt.org.

Regards,
Marla Wilson

--

Marla Wilson
Livable Communities Outreach Coordinator
Greenbelt Alliance
631 Howard Street, Suite 510
San Francisco, CA 94105
phone: 415.543.6771 x308
fax: 415.543.6781
mwilson@greenbelt.org

Since 1958, Greenbelt Alliance has been creating vibrant places and protecting open spaces throughout the San Francisco Bay Area. Join us.
www.greenbelt.org



Wednesday, December 5, 2007

Mayor Ron Dellums
And City Councilmembers,
Planning Commissioners
Oakland City Hall
One Frank H. Ogawa Plaza
Oakland, CA 94612

RE: MacArthur BART Transit Village – SUPPORT

Dear Mayor Dellums and Members of the City Council, Planning Commission:

Greenbelt Alliance, the Bay Area's land conservation and urban planning organization, endorses the MacArthur BART Transit Village development proposed by MacArthur Transit Community Partners, LLC. Our Compact Development Team's (CDT) careful review of this project revealed the addition of mixed-use development oriented around pedestrians and transit riders to be a gain for this neighborhood and for the City of Oakland. The CDT evaluated MacArthur BART Transit Village using an established set of guidelines designed with the goal of promoting compact infill development patterns and livable, transit-accessible communities with a wide range of housing options for families of all sizes and income levels.

Among the various benefits of this proposed development are those included with the environment and climate change in mind. Not only will this developed be certified as "green" through the U.S. Green Building Council's LEED Rating System, making it one of an elite few, but it will also be compact enough to maximize the opportunity presented by this site. The addition of over 600 new homes on this will mean that 600 Oakland families will have superb access to the MacArthur BART station. As this is a key transfer point on the BART line, and given the numerous shuttles and AC Transit lines that serve this station, these residents will be able to easily live a transit-oriented lifestyle. This community will be mixed-use as well, thoughtfully planned to include a grocery, daycare, and other neighborhood-serving retail that will dramatically reduce unnecessary car use for current and future residents of this area. The site plan also streamlines station pick-ups and drop-offs, making the station function better and relate to the neighborhood more effectively.

As you know, the Bay Area remains one of the most expensive housing markets in the nation. This means that most families cannot afford the median-priced home. In fact, according to research from 2004, an Oakland resident earning minimum wage would have to work a whopping 129 hours per week just to afford a one-bedroom apartment priced at fair market rent. This same research indicates that the homeownership rate in Oakland lags behind the statewide rate and the nationwide rate.¹ This is because teachers, nurses, firefighters, architects, and others cannot afford to live near where they work. Over half of Bay Area cities have an inclusionary housing ordinance, requiring new development to include affordable homes, but Oakland is regrettably still not among these ranks. It is especially laudable that MacArthur Transit Community Partners has committed to renting 104, or 17%, of the homes in this development at

MAIN OFFICE • 631 Howard Street, Suite 510, San Francisco, CA 94105 • (415) 543-6771 • Fax (415) 543-6781
SOLANO/NAPA OFFICE • 1652 West Texas Street, Suite 163 Fairfield, CA 94533 • (707) 427-2308 • Fax (707) 427-2315
SOUTH BAY OFFICE • 1922 The Alameda, Suite 213, San Jose, CA 95126 • (408) 983-0856 • Fax (408) 983-1001
EAST BAY OFFICE • 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 • (925) 932-7776 • Fax (925) 932-1970
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info@greenbelt.org • www.greenbelt.org

below-market rates, despite not being required to include any affordable homes. Since low-income families are more likely to be transit-dependent and less likely to own multiple cars, this is an ideal location to boost Oakland's stock of affordable homes.

The area surrounding the MacArthur BART station is plagued by concerns about criminal activity. The vast surface parking lot is a magnet for crime—and also gives far too generous a footprint to parking in a key transit-adjacent location. As a result, many nearby residents feel unsafe walking in this area at night. In working with the developer, residents have identified safety improvements as a primary outcome they hope to achieve. The good news is that smart urban design has proven benefits when it comes to enhancing public safety. MacArthur Transit Community Partners has worked cooperatively and proactively with the community to address their concerns by adding ground-floor retail and pedestrian-friendly streetscapes throughout the project. By employing an “eyes on the street” approach to site design, the developer has ensured that the resulting area will be far safer than the area currently is.

Moving forward, Greenbelt Alliance encourages the developer to provide multiple carshare pods within the project and to offer ample secure bicycle parking at the BART station. Additionally, it is our hope that the developer will provide free or discounted transit passes to residents of the new homes, as is being studied in the project's Access Plan.

In closing, we encourage the City Council's approval of MacArthur BART Transit Village as a means of protecting open space through the promotion of livable, pedestrian-friendly communities.

Regards,

/s/

Marla Wilson
Livable Communities Outreach Coordinator

CC:
LaTonda Simmons
Charity Wagner
Gary Patton

¹ National Low Income Housing Coalition, *Out of Reach 2003: America's Housing Wage Climbs*.

Wagner, Charity L.

From: Ruth Treisman [ruthiescafe@yahoo.com]
Sent: Thursday, December 06, 2007 10:14 AM
To: Wagner, Charity L.
Subject: MacArthur Transit Village

Dear Charity,

As we discussed on the telephone, I am sending you a brief outline of the history of my dealings with the various people and agencies involved in the MacArthur Transit Village, as well as my current concerns.

1999: Closed escrow on the building at 505-40th Street; found out within a month or so that the proposed transit village would be built, and was told, "Your building will probably be torn down."

2000 to present: was presented with three offers, possibly from three different developers, none of which even came close to what I had paid for and invested in the building. When I suggested the amount that would actually compensate me (in July of 2006) it was rejected because it was more than property is currently worth in the area. It is not, however, worth more than it will be worth once the project is completed, based on what the developers told me that they will be asking per square foot.

I have several concerns, since it appears that I will not be selling the building to the developers, and they are a combination of my position as a property owner and neighborhood resident.

As a neighborhood resident, I am happy to see development in an area that I have generally characterized as a "desert," with few services and fewer interesting places to shop, to spend time, to buy basic necessities, much less to browse for anything truly interesting. I bought the building in order to attempt to remedy that by opening a cafe and deli, but have not yet accomplished that, mainly because the building itself required a lot of maintenance, including evicting problem tenants, and replacing them with stable residents. I am now in the process of continuing with my "dream," a neighborhood gathering place for cultural activities.

However I am extremely concerned, again as a neighbor, that the current parking problem will be exacerbated tremendously by the reduction of parking spaces from 600 to 300. There is already a struggle that takes place daily for neighborhood parking, and this will simply make it impossible to park near enough to the BART station to feel safe (for BART patrons), or to park close to one's own home (for neighbors). One or the other will be impacted in a negative way, depending on the decisions about parking permits.

As a property owner, I am both for and against the project: I am for it as a way to begin to bring that area into fruition, as I have also been attempting to do myself, with limited success (I did eliminate the drug dealers in my building, which had a positive effect). I am extremely distressed by it, however, as the current configuration gives me a tremendous amount of light and air around the apartments, which are on the second and third floors, and have nothing around them or near them, as well as light that comes into the windows at the ground level on the south and west sides of the building.

At present, there is only one adjacent building, which is one story tall, and only impacts my building for about 25 or thirty feet from the sidewalk at Telegraph Avenue to the west. The rest of the area above and behind it is open space, as is all of the area to the south and west in general. The proposed height limits of the buildings to the south and west of my building, whether five stories or even three stories, will impact in a very negative way on the amount of light, as well as the feeling of openness.

This is a permanent condition, which, once built, will probably not change in my lifetime. The fact that I have put all my efforts (and all my money) into the building for the past nine years means that to me, much more than anyone else, the design is paramount to my ability to continue to make a living.

Most of the apartments have been rented for the past year, and will continue to be rented as long as people are comfortable there, but it is hard to imagine people being comfortable in the four apartments that will be completely surrounded by a construction site only a few feet from each and every one of their windows. There are also two more apartments that will be impacted, but not as much, since they have more windows on the Telegraph side than towards the construction site.

A simple change in the design, to make the open space that is proposed for the complex between my property and the transit village, rather than making the buildings close to mine, and the open space elsewhere, would satisfy me completely as to the changes in light and air.

Another somewhat less desirable change (less desirable to me and probably to the developers) would be to make the portion of the apartment buildings closest to the property line only one story tall, with a sort of "stairstep" design. It would be less desirable to me, simply because it is less appealing than what I have now, but I would accept it as an alternative to nothing...nothing meaning either no development at all, or no change in the current proposed development!

I hope you will be able to pass on my concerns to Design Review Committee. They are concerns that in some cases only affect me and my future (changes in the desirability of the rental apartments, and my ability to market them effectively), and in some cases will affect the neighborhood in terms of parking. Certainly we all know that things change, and that progress is preferable to total disintegration of a neighborhood. That is why I cannot say that I am against the project, even though it is problematic for me. I simply want the project to go forward in a way that does not destroy what I have been working towards, the betterment of an Oakland neighborhood.

Thank you for your cooperation.

Yours truly,
Ruth Ellen Treisman

Wagner, Charity L.

From: Ruth Treisman [ruthiescafe@yahoo.com]
Sent: Monday, December 10, 2007 1:50 PM
To: Wagner, Charity L.
Subject: MacArthur Transit Village Project

Dear Charity,

This is a copy of the letter I sent to the Design Review Committee members:

Dear

I have been the owner of a three-story building located at the corner of 40th Street and Telegraph Avenue in Oakland for nearly nine years. The MacArthur Transit Village Project will impact me directly in two ways, both good and bad.

The good part: it will almost certainly help to develop the neighborhood in a positive way, with more retail shops and services, and good residential design. Naturally, as I have other property in the area, and have lived nearby since 1991, this is a good thing for me and for all of my neighbors.

The only really bad part, for me, is that the design will impact on eight of my eleven apartments, as well as one of my commercial spaces, by eliminating all of the sunlight that currently comes in from the south and west sides of the building every afternoon and evening, and eliminating all or almost all of the light for the entire day as well.

There are only three apartments that do not depend on the south and west sides of the building for most or all of their light, and that will make most of the building much less desirable to live in.

Because my building was built in 1918, it is well-built and well worth keeping (I have spent most of the past eight years attempting to restore it to its former condition), but it was built right on the current property line. That means that the proposed setback of five feet from the property line will be exactly five feet from most of the windows for six of the eight apartments, and not much more for the other two.

This not only eliminates light, it also eliminates privacy. Currently, there is no one and nothing for blocks, allowing for maximum privacy in the bedrooms, bathrooms, kitchens and living rooms of the third floor and second floor apartments on the south half of the building, as well as privacy in the living rooms of the two other apartments that have windows on the west.

The light and privacy are a lot of what makes my building so appealing to potential tenants, and may make it impossible to rent, thereby reducing the number of rentable units in the area. Currently the views from most of the windows on the south side are of trees and downtown Oakland in the distance, and lots of sky, and on the west side, trees right outside the bedroom and living room windows. These trees and part of the BART parking lot, and are scheduled to be eliminated, and replaced with buildings, which will be extremely distressing to some of my tenants.

I am not an architect, and do not really know exactly what can be done to redesign the project, but I am confident that there are people who can help with this situation.

Thank you for your consideration in this matter.

Yours truly,
Ruth Ellen Treisman

Wagner, Charity L.

From: Ruth Treisman [ruthiescafe@yahoo.com]
Sent: Monday, December 10, 2007 11:41 AM
To: Wagner, Charity L.
Subject: RE: MacArthur Transit Village

Dear Charity,

Thank you for all your help. I have the information you had Celia prepare for me, and have had a chance to look at it.

Some of my tenants asked to send emails directly to the people on the Design Review Committee. Can you send me their emails?

Thanks again.

Yours truly,
Ruth Ellen Treisman

--- "Wagner, Charity L." <clwagner@rrmdesign.com>
wrote:

> Good morning Ruth,
>
> I have printed your letter for distribution to the Design Review
> Committee at the meeting on December 12, 2007.
>
> Also, as discussed over the phone yesterday afternoon, I have attached
> plans for you to see the relationship of your building to the proposed
> project. This is NOT the entire plan package, because the entire file
> is too large to email. I have attached pages of the proposed plans so
> you can see proposed building heights, the site plan, and the
> elevations on Telegraph Ave and 40th Street. You will see the project
> proposes a 5-foot setback from the property line that is shares with
> your property.
> I am working with the City's webmaster to get the entire plan package
> on-line. I will let you know when it is available, so you can have an
> opportunity to view the entire plan package.
>
> I can be reached in the office today at 415-331-8282.
>
> Thank you, Charity
>
> Charity Wagner
> City of Oakland, Contract Planner
>
>
>
> -----Original Message-----
> From: Ruth Treisman [mailto:ruthiescafe@yahoo.com]
> Sent: Thursday, December 06, 2007 10:14 AM
> To: Wagner, Charity L.
> Subject: MacArthur Transit Village
>
> Dear Charity,
>
> As we discussed on the telephone, I am sending you a brief outline of
> the history of my dealings with the various people and agencies
> involved in the MacArthur Transit Village, as well as my current
> concerns.
>
> 1999: Closed escrow on the building at 505-40th Street; found out
> within a month or so that the proposed transit village would be built,

> and was told, "Your building will probably be torn down."
>
> 2000 to present: was presented with three offers, possibly from three
> different developers, none of which even came close to what I had paid
> for and invested in the building. When I suggested the amount that
> would actually compensate me (in July of 2006) it was rejected because
> it was more than property is currently worth in the area. It is not,
> however, worth more than it will be worth once the project is
> completed, based on what the developers told me that they will be
> asking per square foot.
>
> I have several concerns, since it appears that I will not be selling
> the building to the developers, and they are a combination of my
> position as a property owner and neighborhood resident.
>
> As a neighborhood resident, I am happy to see development in an area
> that I have generally characterized as a "desert," with few services
> and fewer interesting places to shop, to spend time, to buy basic
> necessities, much less to browse for anything truly interesting. I
> bought the building in order to attempt to remedy that by opening a
> cafe and deli, but have not yet accomplished that, mainly because the
> building itself required a lot of maintenance, including evicting
> problem tenants, and replacing them with stable residents. I am now
> in the process of continuing with my "dream," a neighborhood gathering
> place for cultural activities.
>
> However I am extremely concerned, again as a neighbor, that the
> current parking problem will be exacerbated tremendously by the
> reduction of parking spaces from 600 to 300. There is already a
> struggle that takes place daily for neighborhood parking, and this
> will simply make it impossible to park near enough to the BART station
> to feel safe (for BART patrons), or to park close to one's own home
> (for neighbors). One or the other will be impacted in a negative way,
> depending on the decisions about parking permits.
>
> As a property owner, I am both for and against the
> project: I am for it as a way to begin to bring that area into
> fruition, as I have also been attempting to do myself, with limited
> success (I did eliminate the drug dealers in my building, which had a
> positive effect). I am extremely distressed by it, however, as the
> current configuration gives me a tremendous amount of light and air
> around the apartments, which are on the second and third floors, and
> have nothing around them or near them, as well as light that comes
> into the windows at the ground level on the south and west sides of
> the building.
>
> At present, there is only one adjacent building, which is one story
> tall, and only impacts my building for about 25 or thirty feet from
> the sidewalk at Telegraph Avenue to the west. The rest of the area
> above and behind it is open space, as is all of the area to the south
> and west in general. The proposed height limits of the buildings to
> the south and west of my building, whether five stories or even three
> stories, will impact in a very negative way on the amount of light, as
> well as the feeling of openness.
>
> This is a permanent condition, which, once built, will probably not
> change in my lifetime. The fact that I have put all my efforts (and
> all my money) into the building for the past nine years means that to
> me, much more than anyone else, the design is paramount to my ability
> to continue to make a living.
>
> Most of the apartments have been rented for the past year, and will
> continue to be rented as long as people are comfortable there, but it
> is hard to imagine people being comfortable in the four apartments
> that will be completely surrounded by a construction site only a few
> feet from each and every one of their windows. There are also two
> more apartments that will be impacted, but not as much, since they

> have more windows on the Telegraph side than towards the construction
> site.
>
> A simple change in the design, to make the open space that is proposed
> for the complex between my property and the transit village, rather
> than making the buildings close to mine, and the open space elsewhere,
> would satisfy me completely as to the changes in light and air.
>
> Another somewhat less desirable change (less desirable to me and
> probably to the developers) would be to make the portion of the
> apartment buildings closest to the property line only one story tall,
> with a sort of "stairstep" design. It would be less desirable to me,
> simply because it is less appealing than what I have now, but I would
> accept it as an alternative to nothing...nothing meaning either no
> development at all, or no change in the current proposed development!
>
> I hope you will be able to pass on my concerns to Design Review
> Committee. They are concerns that in some cases only affect me and my
> future (changes in the desirability of the rental apartments, and my
> ability to market them effectively), and in some cases will affect the
> neighborhood in terms of parking.
> Certainly we all know that things change, and that progress is
> preferable to total disintegration of a neighborhood. That is why I
> cannot say that I am against the project, even though it is
> problematic for me. I simply want the project to go forward in a way
>
=== message truncated ===

Wagner, Charity L.

From: Amanda Robins [troublelervsme@yahoo.com]
Sent: Monday, February 04, 2008 6:14 PM
To: Wagner, Charity L.; kkleinbaum@oaklandnet.com
Cc: Rashaad Butler; Deborah Robins
Subject: What BART is hiding from commuters: MacArthur BART commuters fight to retain 300 parking spaces! TIME SENSITIVE

Hello Charity and Kathy,

I am writing to you as a new tenant from 509 40th Street, the building directly connected to the BART parking lot. I would like to strongly encourage your planning to leave the patch of trees next to our building as a way of separation of the two buildings. I myself do not drive so am not concerned so much about the construction over the lot - although I will inquire what the hours are going to be during construction because of sound? I think it is important for the city to leave nature in place when possible and also feel that the buildings do not need to be so crammed that the trees must be eliminated. When I signed the lease to move in, I was told about this construction and want to feel as if I have a say in what happens right outside of my window.

I feel the new building may be an asset to the neighborhood as it needs a more developed, live-in community and I am interested to see what changes come from this. I am asking for you to look at this from a more practical, humane view - I am not a tree hugger and won't be chaining myself up anytime soon, but feel there can still be a little nature left in our neighborhood.

Please get back to me and let me know you have received this. I work until very late (at the Boys & Girls Clubs in SF) and will not be able to attend the meetings about this development... I simply am asking for my word to be heard.

Kindly,
Amanda

Wagner, Charity L.

From: Deborah Robins [deborah.robins@sbcglobal.net]
Sent: Tuesday, February 05, 2008 8:35 AM
To: Wagner, Charity L.; ruthiescafe@yahoo.com; Amanda Robins
Cc: Rashaad Butler; Deborah Robins; kkleinbaum@oaklandnet.com; Dias, Lynette
Subject: RE: What BART is hiding from commuters: MacArthur BART commuters fight to retain 300 parking spaces! TIME SENSITIVE

Dear Charity,

I was cc'ed on this e-mail, so I'll put my two cents in as well. I'm a West Oakland neighbor of this proposed development, and wonder how you can read over your response to Amanda below and not cringe at what you've laid out here--

Removal of mature trees, long and noisy working/pile-driving hours, M-F AND Saturday, if needed-- and, it is no consolation to people on 3 sides of the building who enjoy and benefit from the beauty and shade of those mature trees, that you're leaving trees on Telegraph Avenue, most of the apartments have windows on the other three sides of the building!

If I owned that building, I would be very upset to see the beauty of the property I have nurtured for many years (and extensive renovations and updating have been done to make this a wonderfully preserved old building!), to see the rental values be significantly diminished to do construction noise and dust/air and noise pollution, and the desecration of landscaping which made the units appealing to tenants to begin with.

At the very least, it would appear that the landlord should be given some kind of stipend to compensate the tenants as an inducement for them to stay (many of them have said they would move out, under the circumstances), and to compensate the building owner for what may be up to, what? two years? of lost rentals.

I think we all agree that this development will be a nice upgrade for the neighborhood, and we're all for that. However, there is such thing as the right to quiet enjoyment of one's own domicile, and if that is disturbed in such a major way, people must be compensated, and considerations must be made before greedily removing those very things that make Oakland a desirable residential metro area-- GREENERY.

I believe the landlord has asked only that this project push itself another 20 or so feet away from her property, so she and the tenants can, at least, continue the enjoyment of those mature trees, and let the trees stand as a buffer zone between them and a lengthy, unsightly construction ordeal.

Thanking you in advance for taking this SERIOUSLY, it is important to all of us.

Sincerely,

Deborah Robins
President, Nut Hill Productions, Inc.
A not for profit media organization in Oakland 510-547-8300

--- "Wagner, Charity L." <clwagner@rrmdesign.com>
wrote:

> Amanda - Thank you for your message. Your comments about construction
> noise and maintaining existing trees are important, and we will
> consider these in our review and your email message will be included
> in the package for review by decision makers.
>
>
>

> You are correct that the most all of the trees would
> be removed as part
> of the proposed project. There are a few trees along
> Telegraph Avenue
> that would be maintained and the proposed plans also
> introduce new
> landscaping on site. But if I understand your
> comment correctly, it
> sounds like you are interested in maintaining mature
> trees.

>
>
> In terms of construction hours, the City limits
> construction to 7:00 am
> and 7:00 pm Monday through Friday, except that
> extreme noise generators
> (like pile driving) are limited to 8:00 am and 4:00
> pm Monday through
> Friday. No construction is allowed on Sundays;
> however, the City does
> allow applicants to request that some construction
> activities be allowed
> on Saturdays and these requests are reviewed on a
> case-by-case basis.

>
>
> Again, thank you for your comments and please feel
> free to contact me
> with questions.

>
>
> Best, Charity

>
>
> Charity Wagner

>
> <<http://www.rrmdesign.com>> Consulting Planner, City
> of Oakland

>
> rrmdesigngroup

> 415-331-8282

>
>
> _____
> From: Amanda Robins
> [mailto:troublelervsme@yahoo.com]
> Sent: Monday, February 04, 2008 6:14 PM
> To: Wagner, Charity L.; kkleinbaum@oaklandnet.com
> Cc: Rashaad Butler; Deborah Robins
> Subject: What BART is hiding from commuters:
> MacArthur BART commuters
> fight to retain 300 parking spaces! TIME SENSITIVE

>
>
> Hello Charity and Kathy,

>
>
> I am writing to you as a new tenant from 509 40th

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> directly connected to the BART parking lot. I would
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> encourage your planning to leave the patch of trees
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> because of sound? I think it is important for the
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> in place when possible and also feel that the
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> be so crammed that the trees must be eliminated.
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> have a say in what happens right outside of my
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> I feel the new building may be an asset to the
> neighborhood as it needs
> a more developed, live-in community and I am
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> practical, humane view - I am not a tree hugger and
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> myself up anytime soon, but feel there can still be
> a little nature left
> in our neighborhood.
>
>
>
> Please get back to me and let me know you have
> received this. I work
> until very late (at the Boys & Girls Clubs in SF)
> and will not be able
> to attend the meetings about this development... I
> simply am asking for
> my word to be heard.
>
>
>
> Kindly,
>
> Amanda
>
>

Wagner, Charity L.

From: Ruth Treisman [ruthiescafe@yahoo.com]
Sent: Tuesday, February 05, 2008 9:29 PM
To: Wagner, Charity L.
Subject: Excerpts from my letter of March 15, 2006

Dear Charity,

I was very surprised to hear you say that you had no memory of my request for compensation for lost rents.

I stated it fairly clearly in the letter that was included with the letter from my attorney last March.

His email to Natalie Fay stated that he had faxed the rather lengthy letter (both his comments and mine), had mailed them to her, and in an attempt to be extremely thorough, had also sent them to her by email on March 15, 2006.

I still have the original email that was forwarded to me, with the attached file, so I will include the relevant parts:

Excerpts from my letter of March 15, 2006 to Natalie Fay:

"Therefore, if the project is to move forward, I would like to ask for three specific things:

1. Rethink the parking situation, and add rather than subtract BART parking, as well as adding adequate parking for the residents and customers of the new (and old) mixed-use properties.
2. Compensate my lost rental income during the periods of loss; this may include (although not be limited to) the period for the nine months prior to any actual construction (as my leases are for one-year periods), as well as the period during and immediately after the construction itself, until it is clear that it no longer impacts on my ability to attract good tenants.
3. Plan the structures so that the public space, roadway, walkway, etc., are located around my building, so that the tallness of the five-story buildings is somewhat less of a problem, and redesign the buildings, so that the tallest parts are somewhat removed again, by creating a sort of stair-step pattern, with the lowest part (perhaps one story) immediately closest to the public space around my property, and then gradually getting taller as the distance increases.

These three factors would greatly reduce my opposition to the project as it is currently presented, and would probably be better for the neighborhood as a whole.

Thank you for your kind attention to these matters of the environmental impact on the neighborhood."

Today (February 5, 2007) very little has changed. I still want the public parking to remain at a minimum of 600 spaces, I still want to have a thirty-foot space between the new buildings and my older one, and I still want compensation for the lost rental income that will certainly become a problem as the date of the project looms closer. What has changed somewhat is that I think I will probably prefer a more uniform height of the buildings as one sees them along Telegraph Avenue, rather than the "stair-step" look I was advocating a year ago, but with a large green space between my building and the new complex.

I don't really care what sort of green space it is--whether you keep the current mature trees on the west side or plant new growth of any type--I care much more about having the space between the buildings, and the greenery of any sort to look at from my building, rather than a blank wall in close proximity that cuts off the sunlight, the light, the air, and the view, both on the south side of my building and the west side, which currently has greenery.

Yours truly,
Ruth Ellen Treisman

Wagner, Charity L.

From: William Manley [bmanleynow@yahoo.com]
Sent: Tuesday, March 04, 2008 10:45 PM
To: Wagner, Charity L.
Cc: jbrunner@oaklandnet.com; boardofdirectors@bart.gov
Subject: Comments on DEIR for MacArthur BART Transit Village -- Case Nbr ER0006-04

A few comments about the proposed project.

Generally in favor of overall design. .

It is how BART stations should have been designed from the outset.

I vigorously applaud
the reduction in the parking spaces reserved for BART.

This is a transit village, and as such it should be geared toward pedestrian, bicycle, and mass transit.

That said, I recognize that many patrons are accustomed to plentiful and free/low cost parking, no matter how much it increases costs of BART and the public generally who don't come there by car.

So I think retaining 300 spaces for BART parkers is a generous compromise.

The parking should pay for itself. This may be impossible in the short term, but should be kept in mind as a long-term principle. But minimally, the rates for parking should be comparable (if not higher) to West Oakland. This accomplishes two key functions:

Helps reduce costs of this very expensive facility.

Helps reduce demand on this scarce resource.

I

According to information presented in the public presentation of the draft EIR, the City of Oakland will contribute \$32 million to the project, half of which will be for the parking facility. That's \$16 million for 300 spaces, or about \$53,000 for each space. This is a tremendous subsidy to drivers that undercuts use of bicycles, busses and carpooling. Even nominal interest on this money would be \$2500/year per space, to say nothing of amortized construction costs, security and maintenance.

Another key measure that should be implemented is the unbundling of parking from the residential and commercial units. Given the ample public transit that will be available from this site, it is highly likely that a large number of the new residents of the transit village will opt not to own a car, yet archaic zoning guidelines prescribe over 1000 spaces bededicated to the 600 residences. Those spaces - if so many are indeed required - should be collocated and with general BART and retail parking so that they may be available for use by BART or retail patrons. They should be available to residents for rental (or maybe purchase) by residents, but residents SHOULD NOT BE REQUIRED to buy or rent them.

The unbundling can significantly lower the cost of renting or buying units, and can provide a more flexible, market-based approach to addressing parking demands.

These areas are key to the success of the project. Accordingly I ask that the final project have

- no more than 300 spaces dedicated for BART usage
- price parking to help offset costs to the City and BART
- unbundle the parking from the residential components to make more available for BART and Retail patrons and lower the costs of the housing overall

Thank You
William D. Manley
4132 Gilbert St.
Oakland, CA 94611

Wagner, Charity L.

From: Roy Alper [royalper@sbcglobal.net]
Sent: Tuesday, March 11, 2008 5:49 PM
To: Wagner, Charity L.
Subject: MacArthur Transit Village

Dear Ms. Wagner,

I understand that you are the contract planner for the Planning Department working on the MacArthur Transit Village. I live four blocks from the site and will be able to see the project from the second floor of my house when it is finally constructed after decades of false starts. It can't happen soon enough, as far as I am concerned.

You should be aware that there is an organized campaign going on to complain about the site. It is fair to say that there are people in the neighborhood who do not want the project to be built, and have opposed most other projects as well. But the overwhelming majority of Temescal neighbors support the project and understand the value of increased density along Telegraph Avenue and particularly at the BART station. A year or so ago, dueling petitions by supporters and opponents of higher density development along Telegraph resulted in twice as many signatures supporting higher density than opposing. For property and business owners along Telegraph, over 80% support more dense housing development.

As to points raised by the opponents' campaign:

1. I fail to see how the addition of hundreds of housing units at the BART station will increase traffic congestion in the neighborhood. The residents of the Transit Village will certainly walk and not drive to BART – that's why they will want to live there. And any additional cars on Telegraph, 40th or MacArthur in the off-peak periods can be easily handled without any congestion.
2. The loss of parking may cause some people who currently drive to BART to park on neighboring streets, but that has been solved near other BART stations by residential parking permit programs. The opponents do not mention the scourge of crime that currently affects the area around 40th and Telegraph and which causes many in the neighborhood to drive instead of walk to BART for their personal safety. With over 1,000 new residents living there, I would expect the petty criminals to move elsewhere and that those of us in the neighborhood will feel safe to walk to BART.
3. The 85 trees that will be removed do almost nothing to shield the current below grade parking lot, which is quite a blight on the neighborhood. I can't imagine the City will not require good landscaping and tree planting in the new development to replace the trees; nor can I imagine a developer of such a large project ignoring the value of having many good new trees in the new development.
4. I can't speak to whether some apartments in the poorly maintained apartment building at the corner of 40th and Telegraph will lose some sunlight due to the development. It is certain, however, that they will lose their view of the parking lot and freeway interchange and instead be looking at a new and attractively designed building. And they will have the benefit of the new buildings buffering their apartments from the very substantial noise generated at that location by the freeway and BART.

I was disappointed that the project was downsized by eliminating the 22 story buildings that were originally proposed, as I would have been able to see those buildings from my house instead of the freeway ramps. Anymore downsizing will only further reduce the importance of the project in improving our neighborhood. I urge you to recommend approval of the EIR and approval of the proposed transit village.

Roy Alper

Wagner, Charity L.

From: kasakatz [kasakatz@yahoo.com]
Sent: Monday, March 17, 2008 9:56 AM
To: Wagner, Charity L.
Subject: Please respect historic building

Dear Ms. Wagner,

It is my understanding that the MacArthur BART Transit Village design as it stands today will block the light to the side windows of the historic building at the corner of Telegraph and 40th.

We are sparing that building due to its aesthetic and historic value. This value is diminished if many or most of the rooms lose their sunlight and air flow.

There are many ways to leave space around that building. Bicycle or pedestrian access to the transit village could be created. Green space could be added. I leave the specifics to the architects.

I believe the owner and residents of the building should not suffer the loss of light and air. But more importantly, I believe this building should be able to offer a quality living opportunity. If the apartments decline, the residents willing to live there could become a problem for residents of the transit village and the greater area.

Thank you,

Seth Katz
member, Broadway/MacArthur/San Pablo Redevelopment Project Area Committee member, Greater Mosswood Neighborhood Association

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Wagner, Charity L.

From: Jason Gardner [townsat@sbcglobal.net]
Sent: Monday, March 17, 2008 10:50 AM
To: Wagner, Charity L.
Subject: In support of the MacArthur BART transit village design

Dear Charity Wagner --

Your email address was posted on the Temescal Families newsgroup as the contact person for comments on the EIR for the MacArthur BART transit village. I've been following the development process for the last seven years and wanted to voice my strong support of the current design as presented in the Preliminary Development Plan pdf. It's a great design -- exactly what our neighborhood needs to reduce blight, make the BART station safe, and decrease the regional environmental impact of adding new residents to our urban neighborhood.

Please count my voice of support for the project as currently envisioned.

Best,

Jason Gardner
545 43rd St.
Oakland, CA 94609

Wagner, Charity L.

From: Ken [k150@yahoo.com]
Sent: Wednesday, March 12, 2008 9:19 PM
To: Wagner, Charity L.
Cc: Jane B - Oakland Council; Karen Hester Ultra
Subject: In support of MacArthur BART transit village plans

Dear Charity Wagner, Contract Planner,

I am a Temescal resident who firmly believes in sustainable, mixed use/transit oriented development. With gas rising \$1/gal every few years, there will soon be very few car drivers going through the station. I will definitely not miss the parking lot sewer--precious urban space should not be wasted on parking. At least put it deep underground!

It's been way too long for there not to be highrise housing/shopping built into and adjacent MacArthur BART Station. If this was India, Japan, Singapore, China, parts of Europe... or San Francisco, that's what we'd have already.

Suggestions for alleviating NIMBY concerns:

1. put together urban tree canopy plan for replacing/saving trees
2. cut traffic congestion with dedicated Bus Rapid Transit lanes--long overdue!
3. have adjacent neighborhoods implement paid residential parking permit programs, like other parts of Oakland, Berkeley
4. lost parking: add more carshare pods to BART stations and throughout neighborhoods, whether thru nonprofit City Carshare, corporate Zipcar, or neighborhood DIY. add more public amenities so that people will want to walk, instead of drive
5. include 20% affordable housing to those multitudes who earn <\$60k/year. (rentals, small units Japan-style: 2DK, 2LDK, etc.)
6. include a grocery/co-op like Berkeley Bowl on the ground floor.

I and my immediate neighbors fully support your plans. I just wish the development were a bit taller, Berkeley/Tokyo/NYC style. I also hope it will feature rooftop gardens, tennis, and views of the bay.

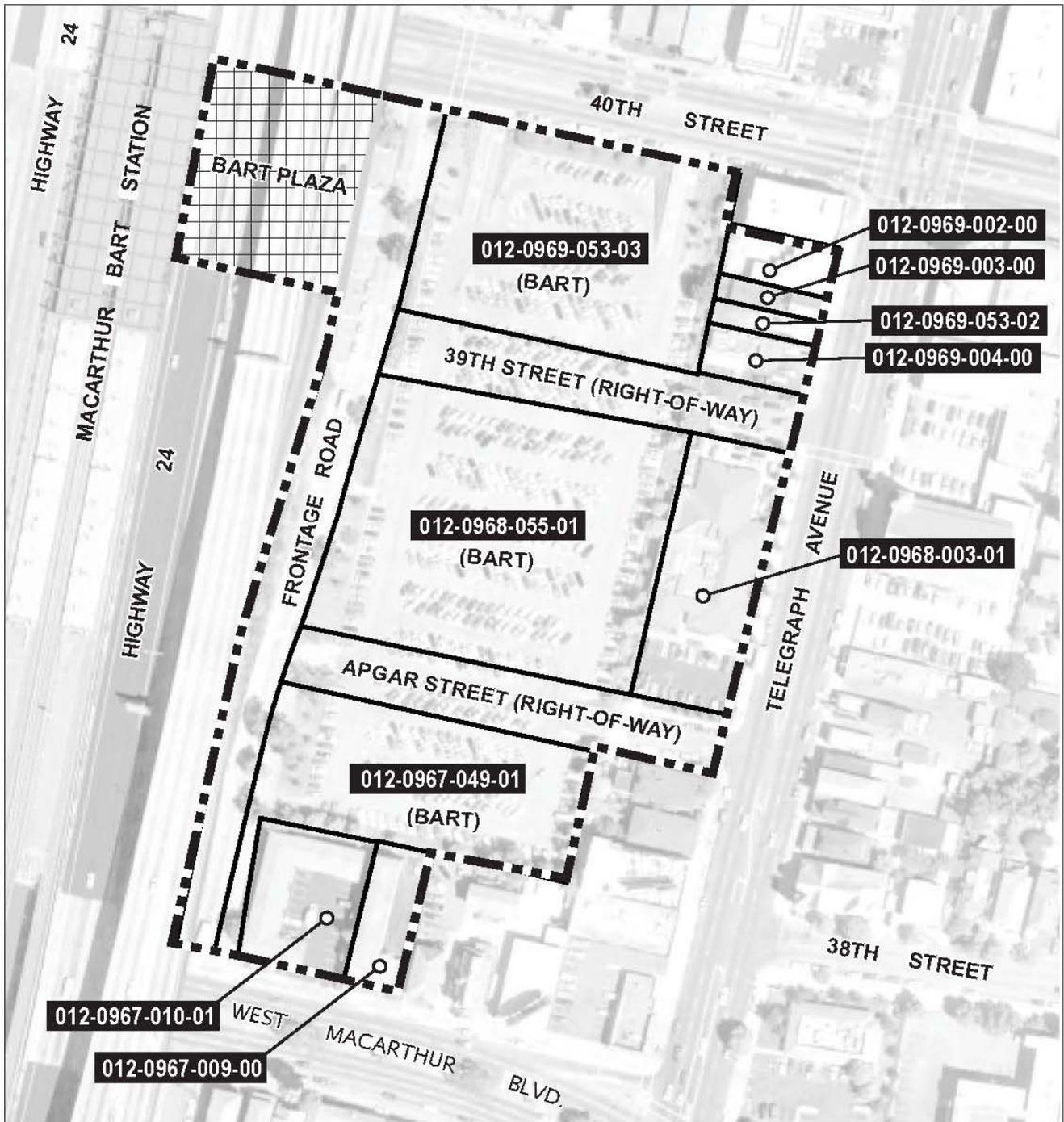
Thank you for your time and consideration.

Sincerely,

Kenneth Ott
350 49th St.
510-557-9150

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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 (see map on reverse and Table 2 below)
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 624 residential units, 42,500 square feet of commercial space (including live/work and flex space), 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
Planning Permits Required:	Rezone from C-28, Commercial Shopping Zone and R-70, High Density Residential Zone to S-15, Transit-Oriented Development Zone; Zoning Text Amendment to Increase the Maximum Height permitted in the S-15 Zone; Development Agreement; Planned Unit Development (PUD) Permit to allow construction of a new mixed-use project on more than 1 acre of land at a BART Station, which includes construction of more than 100,000 square feet of new floor area and two PUD bonuses to allow a 13.95% increase in number of residential units otherwise permitted by the S-15 Zone; and to allow distribution of usable open space without reference to lot or block line; and Tree Removal Permits. <i>Note: Additional/alternative permits may be required as the project program is more fully defined.</i>
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:	An Environmental Impact Report (EIR) is being prepared.
Historic Status:	The even 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
Date Filed:	October 5, 2007 (revised submittal; original submittal February 5, 2006)
Status:	Preliminary Design Review; the project will be considered by the full Planning Commission at a future public hearing.
Action to be Taken:	No formal action; Public hearing concerning the design of the proposal.
Staff Recommendation:	Take public testimony concerning the design of the proposal and provide direction to staff and the applicant.
Finality of Decision:	No decision will be made on the project 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

The purpose of this report is to provide an outline of key issues to facilitate preliminary design review comments for the proposed MacArthur Transit Village project. The project involves demolition of the existing BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The transit village includes five new buildings that would accommodate 624 residential units, 35,500 square feet of neighborhood-serving retail and commercial uses, 8 live/work units, a 5,000 square feet community center use and 300-space parking garage for BART patrons. Parking for residential units (at a 1:1 ratio) would be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A. The transit village also includes creation of two new streets: Village Drive would provide an east/west connection in between Telegraph Avenue and the BART Plaza and 40th Street; and Internal Street would provide north/south connection from Village Drive to the southern edge of the project. Additionally, the Frontage Road would be reconfigured to allow continued access by shuttle operators and BART patrons.

It has been determined that an Environmental Impact Report (EIR) is needed for this project. An EIR is currently being prepared and it's anticipated that the EIR will be published in early 2008.

The purpose of today's meeting is to hear comments from the public and the Design Review Committee concerning the design of the proposal. No action will be taken at today's hearing. The decision of project entitlements will occur at a future hearing in front of the full Planning Commission. This project, like many major projects in Oakland, will be processed through two phases of project entitlements. At this first phase of entitlements (see table on first page for list of project entitlements), staff requests that Design Review Committee review and comment on the overall building and site design concepts shown on the project plans. The Design Review Committee will consider the project design in detail during Final Design Review, which would occur as part of the second phase of project entitlements (along with the Final Development Plan and Subdivision applications).

PROPERTY DESCRIPTION

The project site is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West MacArthur Boulevard, and State Route 24. 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. The project area includes the majority of the block on Telegraph Avenue between West MacArthur Boulevard and 40th Street; however, several parcels within this block are not included within the project site (see map on page 2). Table 1 shows the parcels within the project site.

Table 1: Project Site Parcels

Address	Assessor Parcel Number	Current Use	Acreage (Acres)
532 39 th Street	012-0969-053-03	BART Parking	1.61
516 Apgar Street	012-0968-055-01	BART Parking	2.07
515 Apgar Street	012-0967-049-01	BART Parking	1.12
3921 Telegraph Avenue	012-0969-002-00	Braids By Betty	0.15
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant	0.06
3911 Telegraph Avenue	012-0969-053-02	Abyssinia Market	0.06
3901 Telegraph Avenue	012-0969-004-00	Lee's Auto	0.11
3875 Telegraph Avenue	012-0968-003-01	Medical Offices	0.61
526 W. MacArthur Boulevard	012-0967-009-00	Hotel	0.20
544 W. MacArthur Boulevard	012-0967-010-00	Hotel	0.17

39 th Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.62
Apgar Street, between Telegraph Ave. and Frontage Rd.	--	BART Parking	0.60

There are a variety of land uses surrounding the site. Beebee Memorial Cathedral, commercial, and residential uses are located to the east across Telegraph Avenue from the project site. To the north of the project site, across 40th Street, are residential and commercial uses. Residential and commercial uses also extend further north of the project site along Telegraph Avenue. State Route 24, and the BART tracks, are located immediately west of the project site. A residential neighborhood that includes a mix of densities is located further west. The State Route 24/Interstate 580 interchange is located southwest of the project site. Commercial uses are located to the south of the project site, across West MacArthur Boulevard.

PROJECT DESCRIPTION

The proposed project would involve the construction of five buildings (labeled A-E on the project drawings) on the project site, including three mixed-use buildings with ground floor retail spaces and residential units on upper floors, one entirely residential building and one parking garage. 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. 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, public art, landscaping, and other activity to provide a sense of arrival to the project, especially for BART patrons as they enter and exit the station. 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.

Table 2 and the text below provide a summary of the proposed buildings and uses within the project. The project drawings for the proposal are attached to this report (see Attachment A).

Table 2: Summary of Proposed Development

Building	Residential Units/Affordable Units	Live/Work Units	Retail SF ^b	Community SF	Building Height (Feet)	Number of Stories	Parking Spaces
A	213/0	3	23,500	--	50-85	5/6	242
B	132/0	2	5,000	--	55-80	6	134
C	189/0	3	9,000	5,000	55-70	5/6	189
D	90/190	--	--	--	45-65	5	91
E	--	--	5,000	--	68	6	324
Total	624/90	8	42,500¹	5,000	--	--	980²

¹ Retail area shown in table includes square footage of live/work units.

² Parking shown in table does not include the proposed 44 on-street parking spaces.

Building A. Building A is a five- to six-story building located in the northeast corner of the project site with frontage on 40th Street, Telegraph Avenue, Village Drive. Building A is a mixed-use building with 23,500 square feet of commercial space located on the ground floor and 213 for-sale market-rate

condominiums on the upper floors. Of the 23,500 square feet of commercial space, 3,000 square feet, would be “flex spaces” on Village Drive and 3,000 square feet of “flex space” on 40th Street. Flex spaces may be occupied by live/work units, retail uses and/or community space for residents (i.e., gym or recreation room) in the buildings in which the flex space is located. Parking for Building A is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking at the street level is wrapped by commercial area so the parking is not visible from the street. Access to the condominium units is provided by internal courtyards and vehicular access to the parking garage under Building A is provided by a driveway on Village Drive.

Building B. Building B is a six-story building located along the western edge of project site, south of Village Drive and adjacent to the shuttle access road with building frontage on Village Drive, Entry Drive and the proposed north/south internal street. Building B is a mixed-use building with 3,500 square feet of commercial space and 1,500 square feet of “flex space” on the ground floor and 145 for-sale, market-rate residential condominium units located throughout on all floors. Residential condominium units would be located on the upper floors of Building B and on the ground floor adjacent to the internal street. Parking for Building B is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street from Village Drive or Internal Street. The street level parking area is visible from Frontage Road. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Front entrances with stoops and small porches are envisioned along the internal street frontage of Building B. Vehicular access to the parking garage under Building B is provided by a driveway on the internal street.

Building C. Building C is a five- and six-story building located along the eastern edge of the project site at the southwest corner of Telegraph Avenue and Village Drive. Building C is a mixed-use building with 6,500 square feet of commercial space and 2,500 square feet of “flex space” on the ground floor and 187 for-sale, market rate residential condominium units on the upper floors. Building C also includes 5,000 square feet of community-serving space located on the ground floor. The 5,000 square feet of community space is accompanied by a 2,000 square foot outdoor play area as the applicant is currently considering that a private childcare provider may occupy the community space. Residential condominium units would be located on the upper floors of Building C and on the ground floor adjacent to the internal street. Access to the condominium units is provided by internal courtyards and individual unit entrances that front onto the internal street. Parking for Building C is provided in two-level parking garage. The lower level of the parking garage is entirely below grade and the second level is above grade at the street level. The parking provided at street level is wrapped by commercial area and residential units so the parking is not visible from the street. Vehicular access to the parking garage under Building C is provided by two driveways on the internal street.

Building D. Building D is a five-story building (with a below-podium parking garage) located along the western edge of the project site (directly south of Building B) with building frontage on the internal street and the Frontage Road. Building D is an entirely residential building with 91 for-rent, below-market-rate (affordable) apartment units. Building D would include a community room with a kitchen and shared laundry facilities for use by apartment tenants. Parking for Building D is provided in single-level, below grade parking garage. Access to the apartment units would be provided via internal courtyards and vehicular access to the parking garage under Building D is provided by a driveway on the internal street.

Building E. Building E is a six-story parking garage located at the southwest corner of the project site with frontage on West MacArthur Boulevard and Entry Drive. The garage would accommodate 300 parking spaces for BART patrons and the ground floor would include 5,000 square feet of commercial space. The commercial space would front onto West MacArthur Boulevard. Pedestrian access to Building

E would be located on West MacArthur Boulevard, Entry Drive and the internal street. Vehicular access to the Building E would be provided by a two-way driveway on Entry Road which vehicles would access via West MacArthur Boulevard.

Site Access and Circulation. Several circulation improvements are proposed for the project site. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and an internal north/south street off of Village Drive. New sidewalks, bicycle paths, and streetscape improvements would be constructed.

Frontage Road. The existing Frontage Road would be replaced, but remain in the same location as the existing Frontage Road, which is parallel to State Route 24, it extends from 40th Street to West MacArthur Boulevard. Frontage Road is a two-way road for the segments between 40th Street and Village Drive and between West MacArthur Boulevard and the Parking Garage driveway. South of the Frontage Road/Village Drive intersection, and before the Parking Garage, vehicular access would be limited to emergency vehicle access, southbound shuttle operators, and building services. The majority of traffic at this section of Frontage Road would be shuttles traveling southbound between 40th Street and West MacArthur Boulevard. Additionally, the intersection of Frontage Road and West MacArthur Boulevard provides access to and from the Parking Garage (Building E) and vehicles can also access Frontage Road at the Village Drive intersection to exit onto 40th Street. Sidewalks would be provided along the west side of Frontage Road and bicycle lanes would be included on Frontage Road.

Village Drive. Village Drive would be a two-way, two-lane road between Telegraph Avenue and the Frontage Road. It is anticipated that Village Drive would be open to vehicular traffic and pedestrian, as well as patrons who use kiss-and-ride. On-street parking and kiss-and-ride loading and unloading areas would be provided on Village Drive. Village Drive also includes large sidewalks because it is envisioned as the main pedestrian connection through the project site. Ground floor commercial and live-work units in Buildings A, B and C would be oriented to face Village Drive with pedestrian scale retail uses with outdoor seating areas and retail displays at the transit village plaza (across from the BART plaza) and on Telegraph Avenue.

Internal Street. An internal two-way street is proposed south of Village Drive. The internal street would provide vehicular access to Buildings B, C, and D. The internal street is not a through street; a turn-around area is provided at the terminus of the street. On-street parking and sidewalks are proposed for both sides of the internal street at the southern edge of the project site. The internal street is envisioned as a residential street (no commercial space would front onto the internal street). Residential unit entrances (including stoops and small porches) would face onto the internal street. The primary pedestrian access to the internal street would be from Village Drive, but a pedestrian pathway located along the east elevation of the parking garage (Building E) would allow also pedestrians and bicyclists to access the internal street from West MacArthur Boulevard.

Parking. Parking for residential units would be provided at a 1 space per 1 unit ratio within each of the mixed-use and residential buildings. The S-15 zone requires only ½ space per unit. Approximately 30 parking spaces for commercial uses would be provided within the parking garage in Building A. The S-15 zone does not include specific parking ratios for commercial uses. Parking would be permitted on Village Drive and Internal Street. Approximately 45 on-street parking would be available on the project site. Parking for BART patrons would be provided in the BART parking garage (Building E).

KEY DESIGN ISSUES

Below is a summary of the key design issues related to the proposal:

Building Mass, Scale and Height

The proposal essentially involves replacing the BART parking lot, two two-story motels on West MacArthur Boulevard, and five single-story commercial/medical office buildings on Telegraph Avenue with five new buildings ranging in height from five- to six-story. The project plans (see Attachment A) show conceptual architecture for the proposed buildings, and staff is generally pleased with the design approach and level of detail. However, at this Preliminary Development Plan (PDP) of the project, the focus is more on the bulk, mass and scale of the proposed buildings. Final architecture will be reviewed and considered by the Design Review Committee upon submittal of Final Development Plans.

Buildings within the project would range in height from 50 feet to 85 feet (a building height diagram is included in Attachment A, see Sheet A1.0H). The maximum building height in the S-15 zone is 45 feet. As part of this project, the applicant requests a text amendment to increase the maximum height in the S-15 zone.¹ Most buildings in the immediate project vicinity are one and two-story structures, with the exception of the Beebee Memorial Cathedral directly across the project site on Telegraph Avenue.

Two of the proposed buildings front onto Telegraph Avenue and 40th Street. Building A fronts onto Telegraph Avenue (south of Village Drive) with a varying height of 55 to 60 feet on Telegraph Avenue. Building C also fronts onto Telegraph Avenue (north of Village Drive). Building C transitions from 75 feet (at the corner of Village Drive and Telegraph Avenue) to 50 feet adjacent to the existing building at 40th Street and Telegraph Avenue. Building A also fronts on to 40th Street with heights varying from 60 to 80 feet.

Each of the proposed buildings, with the exception of the parking garage, includes varying building heights, some roof line articulation and varying wall planes. These features help break-up the mass of the proposed structures; however, the proposed structures are a larger scale and taller than other existing buildings located in the immediately vicinity of the site. Staff has considered recently approved projects within the project area when reviewing the proposed project. Of note, several recently approved projects in the vicinity of the proposed project including Courthouse Condominiums (2935 Telegraph Avenue), two mixed use structures at 3860 & 3880 Martin Luther King Jr. Way) are of similar mass and height to the proposed project.

The Design Review Committee is encouraged to comment on the proposed scale, massing and height of the proposed project.

Activity along the Frontage Road

The proposed project maintains the Frontage Road that currently exists on-site; however the use and configuration would be modified to better suit the transit operators and the proposed project. The Frontage Road would allow two-way traffic between 40th Street and Village Drive and between West MacArthur and the entrance to the BART parking garage. Vehicular access on the majority of the Frontage Road (the portion between Village Drive and the entrance to the BART parking garage) will be one-way, southbound access for emergency vehicles and the transit operators that service the MacArthur BART Station (e.g., Emery-Go-Round, AC Transit and the hospital shuttles). A sidewalk is proposed along the west side of the Frontage Road and two-way bicycle travel is also proposed. A consistent 65- to 75-foot tall street wall along the Frontage Road is formed by Buildings B and D. Because BART patrons are likely to use the Frontage Road as their means to access the BART fare gates from the parking garage, staff believes that the interaction of the buildings along the Frontage Road need special attention to insure that pedestrians (and cyclists) have a safe and inviting path of travel from the West MacArthur Boulevard to the fare gates. Staff will continue to work with the project applicant to ensure this elevation is articulated to create a safe atmosphere for BART patrons, residents, and visitors.

¹ Staff is currently preparing draft language for a text amendment to increase the permitted building height in the S-15 zone, as requested by the project applicant. The text amendment, and other discretionary actions, will be reviewed by Planning Commission at a future meeting.

The Design Review Committee is encouraged to comment on the public interface along the Frontage Road.

Proposed Commercial, Flex, and Community Spaces

The project includes commercial units along Telegraph Avenue, Village Drive, across from the BART fare gates on Frontage Road, and on West MacArthur Boulevard at the ground floor of the BART parking garage. Business operators for the commercial space have not yet been identified. Land uses permitted in the S-15 zone are geared to provide services and goods for residents and visitors of the TOD project and surrounding neighborhood.

The project also includes “flex spaces” along Village Drive and 40th Street. “Flex spaces” as previously described, could be occupied by live/work units, retail uses or accessory activity for the residents in which the “flex space” is located. In short, these spaces allow flexibility to transition from one use to another to meet desired uses and market demands.

The project plans also include a 5,000 square foot community space located at the street level of Building C. The applicant is exploring options to allow childcare within this space, and has planned open space (just south of the community space) in anticipation of meeting outdoor play space needed to facilitate a childcare at this location.

In general, staff is satisfied with the location of commercial spaces within the project area. However, staff does have some concerns related to the viability of the flex space on 40th Street. The project is designed to accommodate commercial uses on West MacArthur (ground floor of parking garage), Telegraph Avenue, Village Drive and on the Frontage Road directly across from the BART Plaza and fare gates. Staff thinks that all of the project edges, including 40th Street, would be best served with commercial uses that offer services to the neighborhood, as opposed to building space that would service only the residents of the project.

The Design Review Committee is encouraged to comment on the location of commercial, flex and community spaces proposed within the project area.

Elevations of BART Parking Garage

Project plans show advertising signs on the BART parking garage. Advertising signs are not permitted in the City of Oakland, except as provided by a Franchise Agreement or Relocation Agreement authorized by the City Council (OPC 17.104.060). Staff questioned the applicant’s inclusion of advertising signs within the proposed plans, and the applicant indicated the intent of the signs is to introduce new materials and eye catching components to the otherwise bland and expansive parking garage elevations. The applicant further indicated that this goal to also be achieved by allowing a mural on a portion of the garage, or modifying the building materials to provide visual interest. Staff is encouraged by the applicant’s intent to break up the massing of the parking garage, but is hesitant to consider advertising signs as they are not permitted, and when not maintained advertising signs can easily turn from an attractive sign to an eyesore. Staff will continue to work with the project applicant on visual and/or design elements that could provide visual interest and break up massing of the parking garage.

The Design Review Committee is encouraged to comment on the advertising signs and other methods of bringing interest to the BART parking garage.

Open Space

The proposed project includes approximately 54,000 square feet of open space within the project area. With 624 residential units, the project provides 87 square feet of open space per unit. The S-15 zone requires 150 square feet of group open space per residential unit and 30 square feet of private open space per unit for a total of 180 square feet of open space per unit. However, the S-15 zone allows for private

space to be counted toward the group open space at a 2:1 ratio, but a minimum of 75 square feet of group open space must be provided. At that rate, the project would need to provide 75 square feet of group open space and 40 square feet of private open space. The project does not meet the minimum open space requirements (even if the private area substitution calculation is applied). The project includes a PUD Permit, and a bonus to allow a reduction in the amount of required open space. The project provides useable open space within the interior courtyards within each of the proposed buildings, and some of the units would include balconies. The exact size and location of balconies is not known at this time, so the open space area may increase prior to consideration of the project by the full Planning Commission.

The Design Review Committee is encouraged to comment on the amount of open space with the project area.

CONCLUSION

Staff recommends that the Design Review Committee take public testimony on the design of the proposal and provide direction to staff and the applicant on the key design issues identified above.

Prepared by:

Charity Wagner
Contract Planner

Approved by:

GARY PATTON
Deputy Director of Planning and Zoning

Approved for forwarding to the
Design Review Committee:

CLAUDIA CAPPIO
Director of Development

ATTACHMENTS: Project Drawings (dated November 15, 2007; received December 5, 2007)

MEMORANDUM

To: Joe McCarthy, MacArthur Transit Community Partners (MTCP)

From: Terry Margerum and Courtney Pash; CBRE Consulting Inc./Sedway Group

Date: May 27, 2008

Subject: Macarthur Transit Village Project: Assessment of Financial Feasibility of CEQA Alternatives and Full BART Replacement Parking Garage Alternative

CBRE Consulting Inc./Sedway Group ("CBRE Consulting") is pleased to submit this memorandum assessing the financial feasibility of three alternative project scenarios for the MacArthur Transit Village Project ("Project"). Two of the three CEQA required alternative development scenarios as described in the January 2008 Draft Environmental Impact Report (EIR) on the MacArthur Transit Village Project are analyzed as well as an alternative that assumes the Project remains as planned except for an increase in the BART parking garage from 300 spaces to 600 spaces.

The Draft EIR compares the environmental impacts of the proposed Project with three alternative development scenarios representing various levels of reduction in building size. One of the alternatives is a "no-project/no-build" alternative which is not the subject of this analysis. The purpose of Part I of this study is to identify impacts on financial feasibility of a substantial diminution in the size of the Project, which in the EIR are called CEQA Existing Zoning Alternative and Mitigated Reduced Building/Site Alternative.

Part II of this study analyzes the financial feasibility of constructing a 600-space BART parking garage instead of the proposed 300-space parking garage. It is assumed that the only alteration to the Project will be an increase in the size of the BART parking garage. All other revenues and costs associated with "horizontal" development, as described in Part I, are assumed to remain constant.

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PART 1 - CEQA ALTERNATIVES ANALYSIS

INTRODUCTION

Background and Project Description

The Project as proposed by MacArthur Transit Community Partners, LLC (“MTCP”) consists of 44,000 square feet of retail, 1000 parking spaces (300 for exclusive BART use), up to 675 multi-family residential units, including a 90-unit affordable rental housing component (to be developed by BRIDGE Housing). The project would be an innovative public-private partnership aimed at providing a transit-oriented, mixed-use development that includes not only a conventional 17 percent affordable residential component, but also offers moderately-priced market rate for-sale residential product at a prominent urban infill location. The project area (“Site”) comprises 8.2 acres in Northern Oakland and includes the current MacArthur BART parking lot as well as a number of surrounding privately owned parcels. The entire area is bordered to the north by 40th Street, east by Telegraph Avenue, south by West MacArthur Boulevard, and west by Highway 24.

The CEQA required alternatives analyzed in the EIR include a “no-project/no build” alternative, an “Existing Zoning” alternative, and a “Mitigated Reduced Building/Site” alternative. As previously stated, the “no-project/no-build” alternative is not included in this study. The development programs of the proposed Project and two alternatives are summarized in Table 1. Additional details of the alternatives are outlined in subsequent sections of this memo.

Table 1: Project and Alternatives Summary

	Proposed Project	Existing Zoning Alternative	Mitigated Reduced Building/Site Alternative
Market Rate Dwelling Units	560	440	166
BMR Dwelling Units	115	90	34
Commercial (sf)	44,000	44,000	20,000
Non-Bart Parking Spaces	700	715	350
BART Parking	300	300	300
Land Area (acres)	7.05	7.05	5.8

Sources: Macarthur Transit Community Partners; BRIDGE Housing; Macarthur Transit Village Project Draft Environmental Impact Report, January 2008; and CBRE Consulting.

Definition of Analysis

The proposed Project’s financial structure involves a “horizontal” developer responsible for the pre-development phases of construction. This includes, but is not limited to, acquisition of the privately owned parcels, securing of project entitlements, development of a parking garage for BART riders, and development of needed infrastructure and public improvements. Accordingly, the proposed Project would include substantial public sector investments in several forms, as summarized below in the Discussion of Analysis section of this memorandum and detailed in Exhibit 3. Upon completion of predevelopment activities, MTCP intends to act as the “vertical” developer of the market rate units, partnering with BRIDGE Housing as developer of the 90-unit affordable rental project. MTCP, acting as the “horizontal” developer, does however have the option to sell the fully entitled development sites to one or more “vertical” developers, who would then complete buildings comprising the Project.

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The financial feasibility of the Project as currently proposed is premised on the “horizontal” developer securing approximately \$20 million for the 8.2 acre development site from the prospective “vertical” developer(s) of the market rate and BRIDGE affordable projects. This land sales revenue, along with the defined Agency and State assistance for the affordable component and public improvements results in a profit margin of approximately 12 percent. As it stands, a 12 percent profit margin is at the low end of the industry-standard range for a land developer. Given the complexities of this project, with a public-private partnership and an affordable housing component tapping into multiple funding sources, most developers would likely require a higher profit margin. Arguably, the horizontal developer could accept a somewhat lower land value if the infrastructure and site costs of the smaller project alternatives were sufficiently less costly – assuming a proportionate level of public sector assistance.

Methodology and Measures of Feasibility

CBRE Consulting prepared a static residual land value analysis for each of the two alternatives, assuming sell-out of the for-sale residential units and full lease-up of the commercial space. The exhibits documenting these analyses are summarized below and appended to this memo. The residual land value, or amount the “vertical” developer(s) should be able to pay the “horizontal” developer for the site(s), is then compared to the land value required by the “horizontal” developer to render the alternative development program financially feasible.

SUMMARY OF FINDINGS

As seen in Table 2 and the appended Exhibits, neither the Existing Zoning Alternative nor the Mitigated Reduced Building/Site Alternative are financially feasible. The residual land values are substantially less than those required by the “horizontal” developer to sufficiently cover the project’s entitlements and infrastructure costs.

Table 2: Vertical and Horizontal Development Summary

	Existing Zoning Alternative	Mitigated Reduced Building/Site Alternative
Vertical Development		
Value	\$208,340,000	\$87,881,300
Total Development Costs (1)	(\$206,696,699)	(\$100,475,590)
Residual Land Value	\$1,643,300	(\$12,594,290)
Horizontal Development		
Land Revenue (from Vertical Development)	\$1,643,300	(\$12,594,290)
Other Sources of Revenue	\$64,299,272	\$46,234,081
Entitlement and Infrastructure Costs	(\$73,485,957)	(\$54,520,213)
Developer Profit Amount	(\$7,543,384)	(\$20,880,421)
Developer Profit Margin	(10.27%)	(38.30%)

Source: Exhibits 1 – 3.

(1) Total Vertical Development Costs include direct and indirect development costs and developer profit.

The Mitigated Reduced Build Alternative is infeasible because it generates a negative residual land value. The Existing Zoning Alternative generates a slightly positive land value of approximately \$1.6 million. However, when the analysis is carried to the horizontal development, the Existing Zoning Alternative generates a negative profit of approximately \$7.5 million or 10%. In other words, the entitlement and infrastructure costs exceed revenue from all sources, indicating that the developer would lose \$7.5 million on this project.

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DISCUSSION OF ANALYSIS

Additional Detail on Alternatives

Each of the two EIR alternatives represents a reduction in the number of total residential units and, in the case of the Mitigated Reduced Building/Site Alternative, there is a reduction in the total site area. Following is a detailed description of the two alternatives.

Existing Zoning Alternative

This alternative, using the same 8.2 acre site, would likely result in a project with two distinct components: a mixed-use market rate project with 440 condominiums and 44,000 square feet of commercial space at similar locations on the site. The second component would be 90-unit affordable project similar to the BRIDGE affordable rental component of the proposed Project. This alternative represents about 85 percent of square footage of the proposed Project. Similar to the proposed Project, there would be 300 exclusive BART parking spaces. Parking for the alternative includes 715 (rather than 700) parking spaces, with 583 spaces allocated for the residential and 132 for the commercial (3 per 1,000 square feet). Access, circulation, and BART Plaza improvements would be essentially the same as for the Project. Given these considerable similarities, the primary focus of this feasibility analysis will be on the market rate residential, where this alternative would have 80 to 90 fewer market rate units than the Project. Another potential difference is the limit on height imposed by the existing zoning requirement, which will limit the residential and commercial structures to 4 stories and Type V construction (i.e., wood frame).

Mitigated Reduced Building/Site Alternative

This alternative is limited to the 5.8 acre site comprising BART's parking and circulation areas and four of the seven privately owned parcels (excluding the two motel parcels and the medical building). This development program would most likely be constructed as a single mixed-use project consisting of 166 market rate for-sale units and 34 affordable for-sale units, with 20,000 square feet of ground floor commercial space oriented toward 40th Street. There would be 350 project parking spaces, with 275 spaces allocated for the residential and 75 for the commercial (3.75 per 1,000 square feet). The BART Plaza improvements would be essentially the same as for the Project, but access and circulation improvements would be based on the reduction in the site. Despite the dramatic reduction in density, the project would likely be 5 to 6 stories Type III construction (i.e., modified wood frame).

Vertical Development Assumptions

No detailed plans or cost estimates for the two alternatives exist. Inputs for projected revenues and construction costs are based on project data provided by MTCP, BRIDGE Housing Corporation, the City and Agency, James E. Roberts – Obayashi Corporation, and on current industry and market data available to CBRE Consulting. Given the time constraints placed on this analysis, CBRE Consulting reviewed these estimates, checked them for reasonableness, and made adjustments to the inputs as deemed appropriate. Below is a summary of the key inputs.

Projected Revenues and Value Assumptions

The sales prices for the market rate units are based on an average unit size of 867 square feet and average sales price of \$460,000. The sales prices for the affordable condominiums are based on an average size of 867 square feet and sales price of \$250,000. There is an implicit assumption that Bay Area real estate markets will have returned to a more stabilized conditions by the time these units come to market.

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Annual projected rents for the commercial components in both alternatives are assumed to be \$36 per square foot (NNN), with estimated annual vacancy of 10 percent. The neighborhood retail/commercial capitalization rate was determined based on analysis of comparable properties and anticipated capital market conditions.

Project Cost Assumptions

The construction costs for the EIR alternatives are based on the Type III and Type V construction cost estimates provided by James E. Roberts – Obayashi Corporation. These estimates include construction of both the for-sale residential and the commercial project components. The cost estimates were reviewed for reasonableness by CBRE Consulting and then adjusted downward to reflect the diminished size of the project alternatives. A majority of costs were adjusted directly proportionate to the change in project size, but in a few cases no adjustments were made as the costs are fixed. Lastly, some costs were changed by disproportionate amounts.

The indirect costs for both alternatives are between 30 and 31 percent of direct costs. The indirect costs are based on those estimated by MTCP partners and adjusted downward as appropriate to reflect smaller projects. The indirect costs also include tenant improvement costs at \$30 per square foot and marketing and lease up costs of \$10 per square foot.

Horizontal Development Assumptions

The “horizontal” developer is responsible for all costs not associated with development of the actual buildings. This includes entitlement costs, site acquisition, environmental remediation, replacement parking, BART plaza improvements, and all sitework. These costs will be paid for through public assistance and the land price paid by the “vertical” developer.

Project Revenue and Cost Assumptions

The agency has directed that this analysis assume similar City inclusionary requirements and policies, and proportionate public sector commitments in terms of available tax increment and grant funding. These include the following items:

- Affordable Housing Contributions
- City and Redevelopment Agency Funding
- Proposition 1C Funding
- BART Related Credits and Grants

These revenues and their horizontal development costs have been modified in the Horizontal Pro Forma for each alternative and are summarized in Exhibit 3.

Horizontal Development Analysis

Based on the assumptions outlined above, neither the Existing Zoning Alternative nor the Mitigated Reduced Building/Site Alternative yield a land value, if coupled with all other sources of public funding, that is sufficient to cover the costs associated with preparing the land for vertical development. The costs exceed the revenues in the Mitigated Reduced Build Alternative, thus yielding a negative residual land value and a negative “horizontal” developer profit. The Existing Zoning Alternative, while achieving a positive residual land value, does not provide a positive developer profit thus renders the project financially infeasible to the “horizontal” developer.

Mr. Joe McCarthy
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PART II – 600-SPACE GARAGE ALTERNATIVE ANALYSIS

As stated in Part I of this memorandum the proposed Project includes a 300-space BART dedicated parking garage that is part of the “horizontal” development. An increase in the size of the parking garage from 300 spaces to 600 spaces, assuming that all other revenues and costs associated with “horizontal” development remain constant, will decrease the “horizontal” developer profit to below zero, thus making the project financially infeasible.

As seen in Table 3, the costs to construct a 600-space parking garage will be approximately \$32 million (fifth line under MTCP Cost Summary). This is nearly \$12 million greater than the cost to construct a 300-space garage.¹ The construction costs are approximately \$53,000 per parking space and include a construction cost contingency of 10 percent and an escalation cost contingency of 6 percent per year for two years. Since the parking garage is in the early conceptual design phase, including contingency items this early in the process is standard. Excluding these contingency items, the cost is approximately \$43,000 per space. This estimate is consistent with current market assumptions for garage hard and soft costs. These cost estimates also assume that the number of spaces will be increased by adding floors instead of increasing the building footprint. By increasing the cost of the garage without increasing any of the revenues associated with the “horizontal” development of the Project, the developer profit decreases from approximately 12 percent down to negative 2 percent.

Table 3: 600-Space Garage Horizontal Pro Forma

HORIZONTAL PRO FORMA	
MTCP Revenue/Sources Summary	
Residential Land Revenue	\$20,298,000
Affordable Housing Contributions	\$15,900,000
City and Redevelopment Agency Funding	\$12,000,000
Proposition 1C Funding	\$31,767,000
BART related credits and grants	\$1,313,000
Other sources	\$6,685,939
Total Gross Revenue	\$87,963,939
MTCP Cost Summary	
Building Construction Cost (Affordability Gap)	\$20,479,000
Entitlement and Acquisition Cost	\$15,020,000
Sitework, Infrastructure and Environmental Remediation	\$12,858,934
Transportation Improvements (including BART Plaza)	\$5,177,957
600 Space BART Parking Garage	\$32,016,008
Contingency	\$4,177,704
Total Costs	\$89,729,603
Developer Profit	(\$1,765,664)
Developer Profit Margin	-1.97%

Sources: Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

¹ The parking garage costs for both the 300-space option and the 600-space option were provided by Macarthur Transit Community Partners and reviewed for reasonableness by CBRE Consulting.

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Page 7

In both the base case (300 parking spaces) and the increased parking scenario, there is no value associated with the garage. It is implied that the garage will be dedicated to and run by BART. There is however, a possibility that the garage will be operated by a private developer. If a private developer were to own and operate the parking garage, a value should be estimated to offset the development costs. Based on operating assumptions provided by AMPCO System Parking ("AMPCO"), a local parking garage operator, annual net operating income for a 600-space parking garage is not likely to exceed \$164,000 at stabilization. The potential value of the garage was determined by taking the net operating income (gross income less expenses) and dividing it by a range of appropriate capitalization rates. As a garage for BART patrons, BART is expected to have input on parking pricing charged by a private operator. For this reason, a range of cap rates, 7.0 percent and 10.0 percent, was used to reflect the potential restrictions in value created by this process. Based on these capitalization rates the garage could be valued as low as \$1.6 million and as high as \$2.4 million. Thus, the value of the garage will be less than 8 percent of the total construction costs, which does not justify an increased garage size. In summary, unless there is a significant outside revenue source, increasing the garage from 300 parking spaces to 600 parking spaces will render the Project financially infeasible.

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ASSUMPTIONS AND GENERAL LIMITING CONDITIONS

CBRE Consulting, Inc./Sedway Group has made extensive efforts to confirm the accuracy and timeliness of the information contained in this study. Such information was compiled from a variety of sources, including interviews with government officials, review of City and County documents, and other third parties deemed to be reliable. Although CBRE Consulting, Inc./Sedway Group believes all information in this study is correct, it does not warrant the accuracy of such information and assumes no responsibility for inaccuracies in the information by third parties. We have no responsibility to update this report for events and circumstances occurring after the date of this report. Further, no guarantee is made as to the possible effect on development of present or future federal, state or local legislation, including any regarding environmental or ecological matters.

The accompanying projections and analyses are based on estimates and assumptions developed in connection with the study. In turn, these assumptions, and their relation to the projections, were developed using currently available economic data and other relevant information. It is the nature of forecasting, however, that some assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during the projection period will likely vary from the projections, and some of the variations may be material to the conclusions of the analysis.

Contractual obligations do not include access to or ownership transfer of any electronic data processing files, programs or models completed directly for or as by-products of this research effort, unless explicitly so agreed as part of the contract.

This report may not be used for any purpose other than that for which it is prepared. Neither all nor any part of the contents of this study shall be disseminated to the public through publication advertising media, public relations, news media, sales media, or any other public means of communication without prior written consent and approval of CBRE Consulting, Inc./Sedway Group.

APPENDIX

EXHIBIT 1
GENERAL ASSUMPTIONS
Existing Zoning Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
April 2008

SITE AND BUILDING ASSUMPTIONS

Site Assumptions		Building Assumptions	
Site Area (Square Feet)	307,098	Number of Stories	4
Site Area (Net Acres)	7.05	Market rate units	440
		Below market units (2)	90
		Total Units	530
Parking Assumptions		Average Unit Size	867
Parking Spaces	715	Net Living Area	459,510
Exclusive BART Parking Spaces (1)	300	Efficiency	78%
Total Parking Spaces	1,015	Market Rate Living Area	491,333
		Affordable Living Area	100,500
		Total Living Area	591,833
		Commercial Area (3)	44,000

Notes and Assumptions:

- (1) BART Parking allotment included for illustrative purposes only. BART parking costs and revenues are not a part of this analysis.
- (2) The affordable component of the existing zoning alternative is identical to the for-rent affordable component of the Project, thus was excluded from this analysis.
- (3) The commercial area includes a 5,000 square foot community center

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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EXHIBIT 1
INCOME / EXPENSE ASSUMPTIONS
Existing Zoning Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
April 2008

INCOME/EXPENSE ASSUMPTIONS

Market Rate Residential Units

Average Unit Size	867
Price Per Square Foot - Market Rate	\$531
Price Per Unit - Market Rate	\$460,000

Commercial Space

Monthly Rent Per Square Foot (NNN)	\$3.00
Management Expenses	3.0%
Reserves	2.0%
Stabilized Vacancy/Collection Loss	10.0%

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.
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EXHIBIT 1
DEVELOPMENT COST ASSUMPTIONS
Existing Zoning Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
April 2008

Cost Component	Total Cost (2008 \$s)	Per Unit (or sf)
Direct Development Costs		
Type V Construction Costs	\$113,925,000	258,920
Retail Construction Costs	\$10,867,120	247
Construction Contingency (10% of Construction Costs)	12,479,212	23,546
Total Direct Development Costs	\$137,271,332	\$311,980
Indirect Development Costs		
Architecture and Engineering	5,871,510	11,078
Property Taxes During Construction - Lease-up	1,532,569	2,892
Insurance	4,879,896	9,207
Warranty Reserve	2,486,939	4,692
Financing Costs	10,500,000	19,811
Permits and Development Fees	10,648,566	20,092
Legal Fees	250,000	472
DRE Fees	50,000	94
HOA Fees	125,000	236
Testing and Inspections	500,000	943
Commercial Tenant Improvements	1,320,000	30
Retail Commissions and Marketing	440,000	10
Project Contingency (10% of Indirect Construction Costs)	3,860,448	7,284
Total Indirect Development Costs	\$42,464,928	\$76,842
Total Development Costs (excluding land)	\$179,736,260	\$388,822

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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EXHIBIT 1
Existing Zoning Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
83% MARKET RATE UNITS / 17% BMR UNITS
ASSUMES SELL-OUT AND STABILIZED OCCUPANCY

Stabilized Operating Statement - Market Rate (2008 \$s)

Average Market Rate Sales Prices	\$460,000 per unit	\$202,400,000
Less: Marketing & Commissions	4.5%	(9,108,000)
Market Rate Net Sales Proceeds		193,292,000
Total Residential Value		\$193,292,000

Stabilized Operating Statement - Retail (2008 \$s)

Retail Gross Income		
Potential Gross Rental Income	\$36 per sf/year	\$1,584,000
Less Vacancy And Collection Loss	10.0% of Gross Rental Income	(158,400)
Total Effective Gross Income (EGI)		\$1,425,600
Less Operating Expenses	3.0% of EGI	(42,768)
Less Reserves	2.0% per year	(28,512)
Net Operating Income		\$1,354,320
Capitalization		9.0%
Indicated Value		\$15,048,000

Total Value		\$208,340,000
Less: Development Costs		(\$179,736,260)
Less: Developer Profit (15%)		(\$26,960,439)
Residual Land Value		\$1,643,300
Land Value per Square Foot		\$3

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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EXHIBIT 2
GENERAL ASSUMPTIONS
Reduced Building/Site Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
April 2008

SITE AND BUILDING ASSUMPTIONS

Site Assumptions		Building Assumptions	
Site Area (Square Feet)	252,648	Number of Stories	6
Site Area (Net Acres)	5.80	Market rate units	166
		Below market units	34
		Total Units	200
Parking Assumptions		Average Unit Size	867
Parking Spaces	350	Net Living Area	173,400
Exclusive BART Parking Spaces (1)	300	Efficiency	78%
Total Parking Spaces	650	Total Living Area	223,333
		Commercial Area	20,000

Notes and Assumptions:

(1) BART Parking allotment included for illustrative purposes only. BART parking costs and revenues are not a part of this analysis.

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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EXHIBIT 2
INCOME / EXPENSE ASSUMPTIONS
Reduced Building/Site Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
April 2008

INCOME/EXPENSE ASSUMPTIONS

Market Rate Residential Units

Average Unit Size	867
Price Per Square Foot - Market Rate	\$531
Price Per Unit - Market Rate	\$460,000

BMR Residential Units

Average Unit Size	867
Price Per Square Foot - BMR	\$288
Price Per Unit - BMR	\$250,000

Commercial Space

Monthly Rent Per Square Foot (NNN)	\$3.0
Management Expenses	3.0%
Reserves	2.0%
Stabilized Vacancy/Collection Loss	10.0%

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.
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EXHIBIT 2
DEVELOPMENT COST ASSUMPTIONS
Reduced Building/Site Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
April 2008

Cost Component	Total Costs (2008 \$s)	Per Unit (or sf)
Direct Development Costs		
Type III Construction Costs	\$56,251,894	281,259
Retail Construction Costs	4,940,000	247
Construction Contingency	6,119,189	30,596
Total Direct Development Costs	\$67,311,083	\$336,555
Indirect Development Costs		
Architecture and Engineering	2,935,755	14,679
Property Taxes During Construction - Lease-up	551,468	2,757
Insurance	2,372,900	11,865
Warranty Reserve	1,209,300	6,047
Financing Costs	5,250,000	26,250
Permits and Development Fees	4,236,526	21,183
Legal Fees	250,000	1,250
DRE Fees	37,000	185
HOA Fees	92,500	463
Testing and Inspections	500,000	2,500
Commercial Tenant Improvements	600,000	30
Retail Commissions and Marketing	200,000	10
Project Contingency	1,823,545	9,118
Total Indirect Development Costs	20,058,995	96,335
 Total Development Costs (Excluding Land)	 \$87,370,078	 \$432,890

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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EXHIBIT 2
Reduced Building/Site Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
83% MARKET RATE UNITS / 17% BMR UNITS
ASSUMES STABILIZED OCCUPANCY

Stabilized Operating Statement - Market Rate (2008 \$s)

Average Market Rate Sales Prices	\$460,000 per unit	\$76,360,000
Less: Marketing Expenses	4.5%	<u>(3,436,200)</u>
Market Rate Net Sales Proceeds		72,923,800
Average BMR Sales Prices	\$250,000 per unit	\$8,500,000
Less: Cost to Sell	4.5%	<u>(382,500)</u>
BMR Net Sales Proceeds		\$8,117,500
Total Residential Value		\$81,041,300

Stabilized Operating Statement - Retail (2008 \$s)

Retail Gross Income		
Potential Gross Rental Income	\$36 per sf/year	\$720,000
Less Vacancy And Collection Loss	10.0% of Gross Rental Income	<u>(72,000)</u>
Total Effective Gross Income (EGI)		\$648,000
Less Operating Expenses	3.0% of EGI	(19,440)
Less Reserves	2.0% per year	<u>(12,960)</u>
Net Operating Income		\$615,600
Capitalization		9.0%
Indicated Value		\$6,840,000

Total Value		\$87,881,300
Less: Development Costs		(\$87,370,078)
Less: Developer Profit (15% of Cost)		(\$13,105,512)
Residual Land Value		(\$12,594,290)
Land Value per Square Foot		(\$52)

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.
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EXHIBIT 3
Existing Zoning Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
83% MARKET RATE UNITS / 17% BMR UNITS

HORIZONTAL PRO FORMA

MTCP Revenue/Sources Summary

Residential Land Revenue (From Exhibit 1)	\$1,643,300
Affordable Housing Contributions	\$14,833,333
City and Redevelopment Agency Funding	\$14,300,000
Proposition 1C Funding	\$31,767,000
BART related credits and grants	\$1,313,000
Other sources	\$2,085,939
Total Gross Revenue	\$65,942,572

MTCP Cost Summary

Building Construction Cost (Affordability Gap)	\$17,065,833
Entitlement and Acquisition Cost	\$15,000,000
Sitework, Infrastructure and Environmental Remediation	\$12,858,934
Transportation Improvements (including BART Plaza)	\$5,177,957
300 Space BART Parking Garage	\$20,249,954
Contingency	\$3,133,278
Total Costs	\$73,485,956

Developer Profit	(\$7,543,384)
Developer Profit Margin	-10.27%

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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EXHIBIT 3
Reduced Building/Site Alternative
MacArthur Transit Village Project - CEQA Alternatives Analysis
83% MARKET RATE UNITS / 17% BMR UNITS

HORIZONTAL PRO FORMA

MTCP Revenue/Sources Summary

Residential Land Revenue (From Exhibit 1)	(\$12,594,290)
Affordable Housing Contributions	\$5,005,556
City and Redevelopment Agency Funding	\$7,105,556
Proposition 1C Funding	\$31,767,000
BART related credits and grants	\$1,313,000
Other sources	\$1,042,970
Total Gross Revenue	\$33,639,792

MTCP Cost Summary

Building Construction Cost (Affordability Gap)	\$10,000,000
Entitlement and Acquisition Cost	\$6,320,000
Sitework, Infrastructure and Environmental Remediation	\$9,639,024
Transportation Improvements (including BART Plaza)	\$5,177,957
300 Space BART Parking Garage	\$20,249,954
Contingency	\$3,133,278
Total Costs	\$54,520,213

Developer Profit	(\$20,880,421)
Developer Profit Margin	-38.30%

Sources: BART; Macarthur Transit Community Partners; BRIDGE Housing; Jame E. Roberts - Obayashi Corporation; and CBRE Consulting Group.

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27-May-08

Wagner, Charity L.

From: Kleinbaum, Katherine (Kathy) [KKleinbaum@oaklandnet.com]
Sent: Tuesday, May 20, 2008 11:03 AM
To: 'Ken'
Cc: Wagner, Charity L.
Subject: RE: Missed 5/16 MacArthur TV meeting :(

Attachments: PlanningCommissionAgendaJune42008.pdf



PlanningCommission
AgendaJune42...

Ken,

The next meeting is on June 4th at the City's Planning Commission. See attached agenda. I will add you to the email list for remainders for upcoming meetings.

Kathy Kleinbaum
City of Oakland
CEDA, Redevelopment Division
250 Frank Ogawa Plaza, Suite 5313
Oakland, CA 94612
Ph: (510) 238-7185
Fax: (510) 238-3691

-----Original Message-----

From: notify@yahoogroups.com [mailto:notify@yahoogroups.com] On Behalf Of Ken
Sent: Tuesday, May 20, 2008 9:58 AM
To: Kleinbaum, Katherine (Kathy)
Subject: Missed 5/16 MacArthur TV meeting :(

Hi Ms. Kleinbaum,

I got the notice too late and missed this month's meeting regarding the MacArthur BART transit village.

I fully support higher density and wish the project were 20-story towers. In any case, please let me know when the next meeting is!

Thank you,
Ken Ott
557-9150