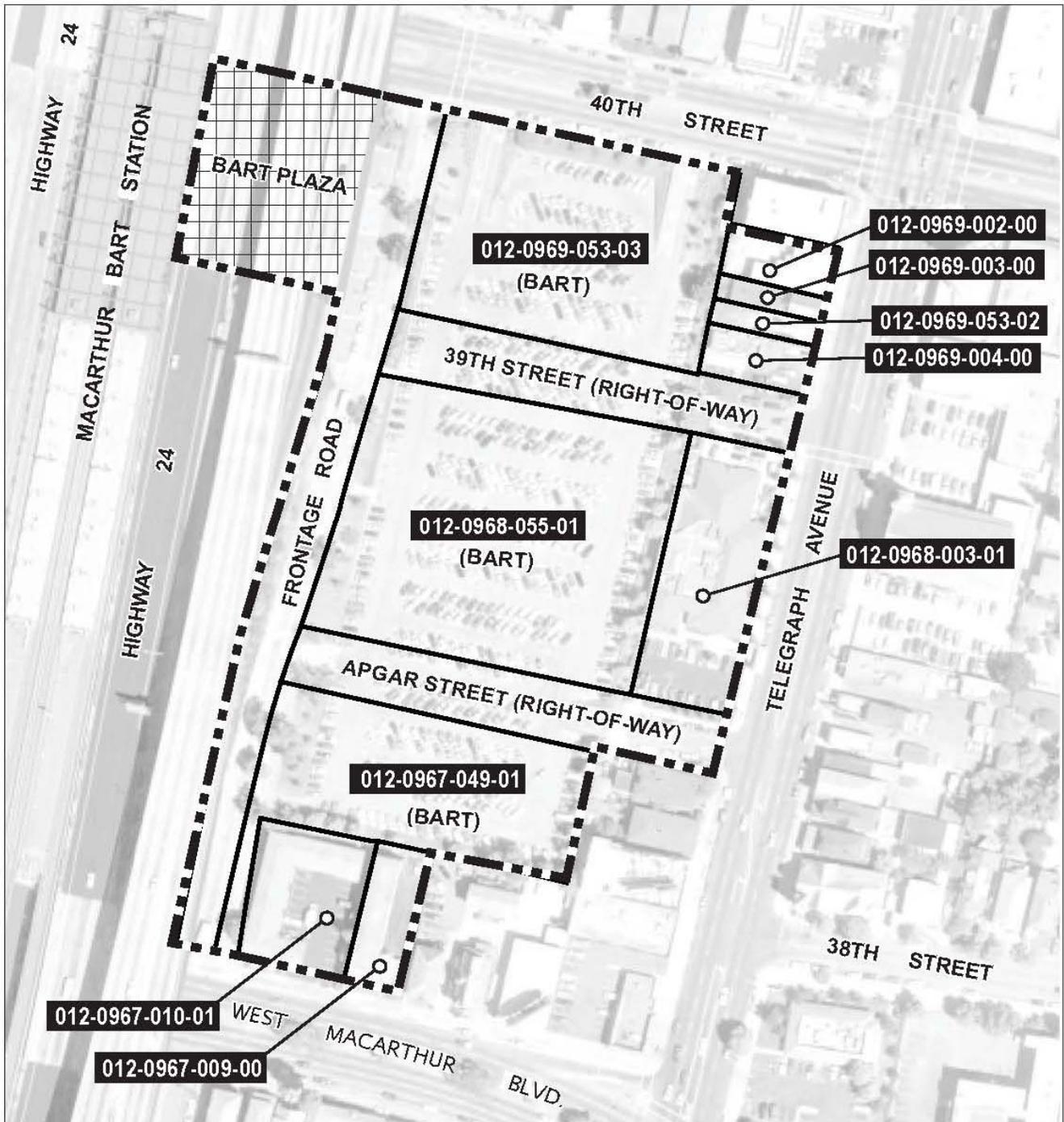


<b>Location:</b>	<b>Multiple parcels immediately adjacent to the MacArthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West MacArthur Boulevard (see map on reverse and Table 2 below)</b>
<b>Assessors Parcel Numbers:</b>	012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 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
<b>Proposal:</b>	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).
<b>Applicant:</b>	MacArthur Transit Community Partners (MTCP)
<b>Contact Person</b>	Joseph McCarthy (510) 273-2009
<b>Owner:</b>	Multiple property owners
<b>Planning Permits Required:</b>	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>
<b>General Plan:</b>	Neighborhood Center Mixed Use
<b>Zoning:</b>	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)
<b>Environmental Determination:</b>	An Environmental Impact Report (EIR) is being prepared.
<b>Historic Status:</b>	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.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1
<b>Date Filed:</b>	October 5, 2007 (revised submittal; original submittal February 5, 2006)
<b>Status:</b>	Preliminary Design Review; the project will be considered by the full Planning Commission at a future public hearing.
<b>Action to be Taken:</b>	No formal action; Public hearing concerning the design of the proposal.
<b>Staff Recommendation:</b>	Take public testimony concerning the design of the proposal and provide direction to staff and the applicant.
<b>Finality of Decision:</b>	No decision will be made on the project at this time.
<b>For Further Information:</b>	Contact the case planner, <b>Charity Wagner</b> , at (415) 730-6718 or by e-mail at <a href="mailto:clwagner@rrmdesign.com">clwagner@rrmdesign.com</a>



**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 40<sup>th</sup> 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**

<b>Address</b>	<b>Assessor Parcel Number</b>	<b>Current Use</b>	<b>Acreage (Acres)</b>
532 39 <sup>th</sup> 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 <sup>th</sup> 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 40<sup>th</sup> 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 <sup>b</sup>	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
<b>Total</b>	<b>624/90</b>	<b>8</b>	<b>42,500<sup>1</sup></b>	<b>5,000</b>	--	--	<b>980<sup>2</sup></b>

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

<sup>2</sup> 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.<sup>1</sup> 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 40<sup>th</sup> 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 40<sup>th</sup> Street and Telegraph Avenue. Building A also fronts on to 40<sup>th</sup> 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 40<sup>th</sup> 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.

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<sup>1</sup> 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 40<sup>th</sup> 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 40<sup>th</sup> 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 40<sup>th</sup> 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:

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Charity Wagner  
Contract Planner

Approved by:

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GARY PATTON  
Deputy Director of Planning and Zoning

Approved for forwarding to the  
Design Review Committee:

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CLAUDIA CAPPIO  
Director of Development

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