Location:	Parcel D of the MacArthur Transit Village (the area bounded by Highway 24 to the west, 40th Street to the north, Telegraph Avenue to the east, and West MacArthur Boulevard to the south).
Assessors Parcel Numbers:	Parcel D of TTM8047
Proposal:	Construct Stage II of the MacArthur Transit Village project which includes redevelopment of the site with 90 residential units, 90 parking spaces, and usable open space. The applicant currently seeks approval of a Final Development Permit for the project, as well as variances for providing required loading off-site and reduced parking space dimensions.
Applicant:	BRIDGE Housing Corporation
Contact Person:	Robert Stevenson (415) 989-1111 x 7518
Owner:	BART
Planning Permits Required:	Final PUD for Stage II of project; Variances from on-site loading requirements and parking space dimension requirements.
General Plan:	Neighborhood Center Mixed Use
Zoning:	S-15 Transit-Oriented Development Zone
Environmental Determination:	Reliance on an Environmental Impact Report (EIR) certified in June 2008.
Historic Status:	There are no Potential Designated Historic Properties located on the project site.
Service Delivery District:	Service District 2
City Council District:	1
Date Filed:	December 15, 2010
Action to be Taken:	Recommendation to City Council
Staff Recommendation:	Recommend approval of Stage 2 FDP and variances to City Council.
Finality of Decision:	N/A; Recommendation to City Council
For Further Information:	Contact the case planner, **Catherine Payne** at (510) 238-6168 or at cpayne@oaklandnet.com

SUMMARY

BRIDGE Housing Corporation (the Applicant) seeks approval of the Stage 2 Final Development Permit (FDP) and related variances to loading and parking dimension requirements for the MacArthur Transit Village (MTV) project located in North Oakland. The MacArthur Transit Village Stage 2 (MTV2) project is proposed on Parcel D of the MacArthur Transit Village (the area bounded by Highway 24 to the west, 40th Street to the north, Telegraph Avenue to the east, and West MacArthur Boulevard to the south). The proposed project includes redevelopment of the site with 90 residential units, 90 parking spaces, and usable open space. The conditions of approval for the MTV Planned Unit Development (PUD06058, approved on June 4, 2008) require City Council approval of the FDP; therefore, staff requests

(Contains map showing the project site and general vicinity

that the Planning Commission recommend approval of this application to the City Council.

PROJECT SITE AND SURROUNDING AREA

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 adjacent parcels. The project site 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 preceding page 2). There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

The project site includes Parcel D of the Tentative Tract Map 8047 (TTM8047), and is located on "Internal Street" across from the planned BART garage. There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

BACKGROUND

The MacArthur Transit Village Project has been in development since 1993, with the involvement of the surrounding community and has been through several iterations. The current development team, MTCP, was selected through a Request for Proposals process in 2004. The PUD was approved in June 2008. The Design Review Committee of the Planning Commission (DRC) reviewed the Stage 2 proposal on February 23, 2011.

PUD

The Planning Commission approved the MacArthur Transit Village PUD on June 4, 2008 (see Attachment C: June 4, 2008 Planning Commission Report). The PUD includes the entire 7.76-acre MTV site. The PUD establishes the approved land uses, site layout, density, bulk, massing, and design guidelines for the site. The PUD allows for 42,500 square feet of commercial space and up to 675 residential units, as well as additional open space and public infrastructure. Development of the PUD is phased to occur in five stages. On March 16, 2011 the Planning Commission recommended approval of Stage One and TTM 8047, which were approved by the City Council on April 5, 2011. (Stage One essentially includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets). TTM8047 would create the parcels required for development of MTV Stages One and Two). The Applicant is now applying for a FDP and variances for Stage Two development.

Design Review Committee

The Design Review Committee of the Planning Commission (DRC) reviewed the project at their meeting on February 23, 2011 (see Attachment B: February 23, 2011 Design Review Committee Report). The DRC was generally supportive of the project. DRC comments are fully addressed in the Key Issues and Impacts section of this report.

Community Input

The Applicant presented the Stage Two FDP design to the MacArthur BART Citizen's Planning Committee, the community organization tracking the progress of this project, on February 7, 2011. The DRC held a public hearing for the FDP at their meeting on February 23, 2011.

PROJECT DESCRIPTION

The approved PUD for the project, as noted above, involves the 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 phased project includes five new blocks that would accommodate up to 675 residential units (including 108 affordable units), 42,500 square feet of neighborhood-serving retail and commercial uses, 5,200 square feet of community center space, and a 480-space parking garage for BART patrons. Parking for residential units would be provided within each individual building, and approximately 31 commercial parking spaces would be provided in Building A (to be located facing Telegraph Avenue and 40th Street). The transit village also includes creation of two new streets: Village Drive would provide an east/west connection between Telegraph Avenue and the BART Plaza and 40th Street, and Internal Street would provide a north/south connection from Village Drive to the southern edge of the project. The existing Frontage Road would be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements would also be constructed. See Attachment A.

Stage 2 Final Development Permit

As noted above, the current application is for the Stage Two FDP. The Stage 2 Final Development Permit application includes construction of 90 units of affordable housing in a four story building, and below-grade parking for 90 vehicles. The site is located on Parcel D of Tentative Tract Map 8047 (TTM8047), along Internal Street and across from the planned BART garage. The project includes associated accessory uses (such as lobby, office, community room, laundry facilities) as well as required open space. (See Attachment A: Project Plans).

The project includes 90 residential units in a four-story building fronting Internal Street. Unit types include 2 studios, 22-1 bedroom units, 29-2 bedroom units and 37-3 bedroom units. The garage is designed to include 90 parking spaces (although only 45 spaces are required). The applicant will seek a minor variance to provide loading off-site on Internal Street, and to reduce the parking-related dimensional and ratio standards (consistent with the S-12 Residential Parking Combining Zone standards). The project includes 9,000 square feet of open space provided in two courtyards and private balconies, and exceeds the required minimum amount of open space.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element

Consistent with the approved PUD for the site, the proposed Stage Two FDP site is located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and is designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial." (Page 149, Land Use and Transportation Element of the General Plan). Stage Two is a high-density residential project, consistent with the intent and desired character of the NCMU land use designation. The Stage Two FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

ZONING ANALYSIS

The proposed Stage Two FDP is a requirement of the PUD adopted in June 2008. The PUD approval included a rezone of the entire site to the S-15 Transit Oriented Development Zone (S-15 zone), and the adoption of design guidelines specific to the PUD. The intent of the S-15 zone is, "create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial and mixed-use development to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as [BART] stations, AC Transit Centers and other transportation nodes. (Planning Code Sec. 17.100.010) As determined in 2008, the project is consistent with the S-15 zone. The current proposal is consistent with the 2008 approval and the PUD, and is therefore in compliance with the underlying zoning (see Attachment C: June 4, 2008 Planning Commission Report).

The applicant requests two minor variances: one to allow reduced dimensions for parking spaces and drive aisles, consistent with the S-12 Residential Parking Combining Zone regulations; and one to allow loading to be provided off-site from Internal Street. The parking variance allows the project to maximize the number of on-site parking spaces in an area where on-street parking is limited, thereby ensuring that the project does not contribute to the on-street parking shortage in the area. The loading variance allows the project to have a lower garage height than would otherwise be required; this results in less grading and a ground floor that is close to the exterior grade, thereby providing greater public-private interface and opportunities for connection between the project and the public realm. Staff finds that both variances support design and other objectives for the PUD and neighborhood and recommends approval.

ENVIRONMENTAL REVIEW

An EIR was certified by the Planning Commission for this project on June 4, 2008. The MacArthur Transit Village Project Environmental Impact Report [SCH No. 2006022075] is provided under separate cover to the Planning Commission and is available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.eom/Govemment/o/CEDA/o/PlanningZoning/DQWD008406 . Staff has determined through preparation of a memo/addendum to the EIR that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the Stage Two FDP. The CEQA memo/addendum is attached to this report (Attachment E: CEQA Memo).

The Surgery Center Letters

The City previously received two letters (dated December 17 and December 21, 2010) from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC(the Surgery Center) expressing concerns about the adequacy of CEQA review. The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is in Phase 5 of the MTV Project. Although the letters were specific to the previously approved Stage One FDP and TTM8047, it is anticipated that similar issues may be raised for Stage Two FDP.The Surgery Center letters mistakenly state that the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City should defer its approval of the MTV Project until these impacts on the Surgery Center are studied in a subsequent EIR. The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project for the following reasons:

- **No Project Changes:** The MTV Project has not been changed or modified to exclude the Surgery Center parcel. The MTV Project analyzed in the certified 2008 EIR and approved by the City is a phased development. The mixed-use building proposed for the Surgery Center parcel always has been in Phase 5, the final phase of development, for which a final development permit application is not required to be submitted until 2019. Thus, the Surgery Center parcel has not been expected or required to be included in the Phase 1 FDP application or approval. The VTTM covers those portions of the MTV Project site controlled by the project sponsor. Although the Surgery Center parcel and one other MTV Project parcel (3901 Telegraph Ave.) are not included in the VTTM, the development of these parcels are in later Project phases and, if subdivision maps are required for the development of these parcels, the necessary subdivision maps will be submitted with (or before) the FDP applications for these later phases are filed. Additionally, future development of the Surgery Center parcel could occur within its existing boundaries and no additional subdivision map may be necessary. Consequently, neither the Phase 1 FDP nor the VTTM, nor the current Stage Two FDP, change the MTV Project to exclude the Surgery Center and thus no project change has occurred that would require additional environmental review under CEQA.

- **No New Information:** The EIR, which analyzed a phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until the final phase of development, could be operating during and subsequent to construction of the initial MTV Project phases. The Surgery Center's construction concerns could have been raised in 2008 and 2009 during the public review of the MTV Project EIR and the City's consideration of the initial Project approvals. Thus, these concerns do not constitute new information that could not have been known when the EIR was certified.

Consequently, the Surgery Center has not provided new information that would require additional environmental review under CEQA.

- **Project Conditions/Mitigations Sufficient**: The MTV Project conditions of approval and mitigation measures address construction related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel. The City's Standard Conditions of Approval (SCA) for dust control (COA-AIR 1) and construction emissions (COA-AIR 2) will reduce the potential air quality impacts on uses adjacent to the construction site. Additionally, in response to the Surgery Center's air quality health risk concerns, LSA Associates prepared a health risk assessment to evaluate the construction related dust and emissions on the Surgery Center (see Attachment E: CEQA Memo, Exhibit C, Health Risk Assessment). The health risk assessment determined that the potential dust and diesel emissions impacts on the Surgery Center would be below the thresholds of significance. A site specific construction noise plan has been prepared pursuant to COA-NOISE 5 (see Attachment E: CEQA Memo, Exhibit D, Noise Reduction Plan). The analysis conducted for this plan confirms the EIR's conclusion that, with implementation of the City's SCAs and the noise control strategies provided for in the plan, construction noise impacts on the Surgery Center will be less than significant. In accordance with COA-NOISE-6, Wilson Ihrig and Associates, a vibration expert has evaluated the construction plan for areas near the Surgery Center and has confirmed that the vibration impacts will be less than significant based on the use of certain construction techniques and timing restrictions (see Attachment E: CEQA Memo, Exhibit E, Vibration Memorandum).

Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the certified 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, no further environmental review is required. Thus, in considering approval of the Stage Two FDP, the City should rely on the previously certified 2008 EIR.

KEY ISSUES AND IMPACTS

Staff has identified a number of key issues that require further explanation to the Planning Commission, as follows:

Conformance with adopted PUD

The proposed Stage Two FDP has not substantially changed from the adopted PUD. Staff has reviewed the changes from the PUD to the Stage Two FDP, and has determined that there are no substantial changes in terms of compliance with the PUD and consistency with the certified EIR. In all fundamental respects, the Stage Two project approved in the PUD remains the same: there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in the community space; no change in the height or bulk controls; no change in the community benefits; no change in the project site; and no change in the project staging. Although the parcel has shifted slightly in location and shape as a result of minor changes to the garage and street layout considered in the Stage One FDP and TTM8047, the site, size and shape of the parcel are generally the same as considered in the PUD, and the minor changes constitute adjustments and refinements related to implementation of the TDM, as required as part of the Stage One FDP. The lot is the same size as previously envisioned in the PUD and has shifted east of the location envisioned in the PUD, from the west side of Internal Street (adjacent to the planned BART garage) to the east side of the street (across from and north of the planned BART garage). This minor change would not violate the Development Agreement. Consequently, these facts support a finding by the City that the proposed Stage Two FDP, including the changes and refinements described above, substantially conforms with the PUD and no PUD amendment is required.

Conformance with design guidelines

The Conditions of Approval for the project require consistency with the MacArthur Transit Village Design Guidelines. The portions of the Design Guidelines that are most relevant to the Stage Two FDP are cited and analyzed in the Findings, at the end of this report. Essentially, the project is within the height, bulk and massing envelope described in the PUD and includes the same affordable housing land use also envisioned in the PUD.

Compliance with Conditions of Approval

The MTV Project is required to meet the adopted conditions of approval over the course of project build-out, including construction-related conditions of approval that will apply prior to issuance of construction-related permits and prior to certificate of occupancy for the Stage Two project.

Design Review Committee

The Design Review Committee of the Planning Commission (DRC) reviewed the FDP application at their regularly scheduled meeting on February 23, 2011. The DRC and public were generally supportive of the Stage Two FDP and made the following comments specific to design review (staff response in indented italics below comments, as appropriate):

Public Comments

- MTV should include extensive on- and off-site parking as area is overparked.
  The Stage Two FDP provides twice as much on-site parking as is required for the underlying zoning district. Generally, affordable housing projects are required to provide half as many parking spaces as there are units. In this case, the 90-unit project is required to provide 45 parking spaces and provides 90 parking spaces.

- Rat infestations are a problem in the area and should be addressed in design of project.
  Consistent with standard building code requirements, all vents, ducts and other building penetrations would be screened or otherwise treated to reduce the potential for infestations.

- Building and infrastructure maintenance will be critical to success of the project over time.
  The Development Agreement and PUD conditions of approval require building and infrastructure maintenance into the future.

- The project will negatively impact auto-detailing business located at 3900 Telegraph Avenue.
  The Applicant, BART, and the Oakland Redevelopment Agency (ORA) continue to negotiate with the on-site auto-detailing business to relocate to the planned garage. The Stage Two FDP proposal would not directly affect the property in question.

DRC Comments

- Apgar Street should create a strong connection from Apgar Street through to Internal Street.
  Revisions to the project since DRC review include a redesign of the Apgar Street project entry as well as the inclusion of Apgar Street in the project design. The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level. In addition, since DRC review, the proposal is for Apgar Street to be vacated, allowing for the existing street to be redesigned as an intentionally landscaped entry to the project as well as to the neighbors adjacent

to Apgar Street. These revisions provide a strong connection between Telegraph Avenue and the project as well as a strong east entry to the project, reducing the need for increased connectivity through the project from Apgar to Internal Street (beyond the visual connectivity already provided through the project).

- Apgar Street should provide an attractive, intentional entry to the project from Telegraph Avenue.

  As noted above, revisions to the project since DRC review include a redesign of the Apgar Street project entry as well as the inclusion of Apgar Street in the project design. The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level. In addition, since DRC review, the proposal is for Apgar Street to be vacated, allowing for the existing street to be redesigned as an intentionally landscaped entry to the project as well as to the neighbors adjacent to Apgar Street. These revisions provide a strong connection between Telegraph Avenue and the project as well as a strong east entry to the project, reducing the need for increased connectivity through the project from Apgar to Internal Street (beyond the visual connectivity already provided through the project).

- The building appears boxy, and risks having nondescript appearance.

  The project has a modern design with clean lines and minimal flourishes. However, the massing and details should ensure that the building does not appear plain or nondescript. The projected and recessed volumes, the prominent northwest corner element on Internal Street, the attractive and integrated street-level stoops, integrated trellis and planter box details, and the high-quality materials should ensure that the project has visual interest and is attractive.

- Trellises, recesses and projections reduce boxiness.

  As stated above, the project has a modern design with clean lines and minimal flourishes. However, the massing and details should ensure that the building does not appear plain or nondescript. The projected and recessed volumes, the prominent northwest corner element on Internal Street, the attractive and integrated street-level stoops, integrated trellis and planter box details, and the high-quality materials should ensure that the project has visual interest and is attractive.

- Stoops on west side are a positive.

  Staff believes that the stoops on both the north and the west sides of the building are key features of the project, in terms of supporting the public-private interface, supporting community building (from an architectural perspective), and providing ground-level details that can be appreciated by pedestrians visiting the neighborhood.

- Northwest corner should make more of a statement (and could be five stories tall).
  The northwest corner has been redesigned to include a larger projected bay along the west façade of the building, and to increase the amount of glazing in the bay. Increasing the dimensions of the bay and the windows makes a greater visual statement at the corner and provides a greater sense of public-private interface. At the same time, the architectural plans have been corrected to indicate a planter at the ground level providing adequate separation between the street and the corner unit to preserve privacy.

- Raise north-west corner floor height to provide privacy for residents.
  As noted above, the architectural plans have been corrected to indicate a planter at the ground level providing adequate separation between the street and the corner unit to preserve privacy. The planter achieves the same level of privacy that would be achieved by a grade change between the sidewalk and the ground-floor level.

- East-facing façade is not as strong as west-facing (primary entry) façade.
  The east-facing façade is not as strong as the west-facing façade. However, the east-facing façade is not located adjacent to a street and is only visible as part of a larger grouping of buildings west of Telegraph Avenue and north of West MacArthur Boulevard. The Apgar Street project entrance has been redesigned to be more prominent, inviting and attractive, and this is the most visible part of the eastern side of the project.

Design Evolution based on input by key decision-makers

In response to comments received from the community and the DRC, the applicant has revised the project to include a redesign of the Apgar Street project entry, inclusion of Apgar Street in the project design, and redesign of the northwest building corner.

The Apgar Street project entrance is redesigned to include a major entry feature that is a visual draw and is integral to the building design, providing a strong connection to the project from the street level. In addition, since DRC review, the proposal is for Apgar Street to be vacated, allowing for the existing street to be redesigned as an intentionally landscaped entry to the project as well as to the neighbors adjacent to Apgar Street. These revisions provide a strong connection between Telegraph Avenue and the project as well as a strong east entry to the project, reducing the need for increased connectivity through the project from Apgar to Internal Street (beyond the visual connectivity already provided through the project).

The northwest corner has been redesigned to include a larger projected bay along the west façade of the building, and to increase the amount of glazing in the bay. Increasing the dimensions of the bay and the windows makes a greater visual statement at the corner and provides a greater sense of public-private interface. At the same time, the architectural plans

have been corrected to indicate a planter at the ground level providing adequate separation between the street and the corner unit to preserve privacy.

RECOMMENDATION

Staff believes that the proposed project has been well designed and has substantially addressed the issues that have been raised throughout the review process. The Stage Two FDP will provide well-designed and affordable high-density housing consistent with the terms of the adopted PUD.

Based on the analysis contained within this report and elsewhere within the administrative record, staff believes that the proposed project is appropriate in this location and is an attractively designed project. The proposed project will further the overall objectives of the General Plan. Thus, staff recommends that the Planning Commission:

1) Approve the addendum to the EIR and find that, in accordance with CEQA Guidelines Sections 15162 and 15163, no further environmental review is required, as set forth above and detailed in the attached CEQA memo;

2) Recommend approval of the proposed Stage Two FDP and variances to the City Council, based on the attached findings and subject to conditions of approval.

Prepared by:

Catherine Payne, Planner III

Approved for forwarding to the
City Planning Commission by:

SCOTT MILLER
ZONING MANAGER

ERIC ANGSTADT
DEPUTY DIRECTOR, CEDA

Attachments:

A. Project Plans
B. February 23 Design Review Committee Report (and attachments)
C. June 4, 2008 Planning Commission Report (and attachments)
D. MacArthur Transit Village Project Environmental Impact Report (SCH No. 2006022075) (provided under separate cover to the Planning Commission and available to the public here: http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008406)
E. October 25, 2010 and March 18, 2011 CEQA Memos

City of Oakland Planning Commission
April 6, 2011
Agenda Item #5: PUDF10-304, V10323

Attachment E: October 25, 2010 and March 18, 2011 CEQA Memos

City of Oakland Planning Commission
April 6, 2011
Agenda Item #5: PUDF10-304, V10323

Attachment D: MacArthur Transit Village Project Environmental Impact Report (SCH No 2006022075) (provided under separate cover to the Planning Commission and available to the public her2006022075) (provided under separate cover to the Planning Commission and available to the public here: http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008406)

FINDINGS FOR APPROVAL

The MacArthur Transit Village Stage Two Final Development Permit meets the required findings for compliance with the California Environmental Quality Act and Oakland Planning Code Sections 17.140.060 (Planning Commission Action for Final Planned Unit Development), 17.136.070.A (Regular Design Review Criteria for Residential Facilities), and 17.148.050 (Minor Variance from Zoning Limitations and Additional Criteria). Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The evidence supporting the project's conformance with the following findings is not limited to the discussion below.

CEQA-Related Findings

The City, based upon its independent review, consideration, and exercise of its independent judgment, hereby finds and determines on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, are present in that (a) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 MacArthur Transit Village Project EIR (2008 EIR); (b) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or (b) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them. Thus, in considering the approval of the Stage Two Final Development Permit, the City hereby relies on the 2008 EIR.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):
The findings below apply to the Final Development Plan for MacArthur Transit Village Stage Two.

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed final development plan for Stage Two conforms to all applicable criteria and standards and is consistent with the preliminary development plan for the PUD, as follows:

Height, Bulk and Scale:

Guideline A6.1 Consistent with and in response to smaller residential blocks, the architecture of buildings facing the internal street (Block B, C and D) should address the internal street with a variety of massing, roof line and architecture.

The façade of the building facing internal streets includes recesses and projections that provide variety of massing and rooflines. The massing and rooflines are appropriately repetitious where they indicate stacked units (each vertical stack of units being articulated in the same way as the adjacent vertical stack of units). However, the recessed lobby and northwest corner tower provide variation, announce the building itself and the lobby as a form or architectural way-finding.

Guideline A6.2 Building frontages should relate to one another through the use of residential scale elements and articulation such as bay windows, balconies, stoops, as well as narrow vertical modulations – similar to urban row houses.

The proposed building includes recesses and projections, including bay windows, balconies and stoops organized in narrow vertical modulations, as noted above, that mimic the height, bulk and massing of urban row houses.

Guideline A6.3 The proposed roof form should be more varied and articulated than the mixed use building along Telegraph Avenue and 40th Street to respond to the residential nature of this street.

As noted above, the project includes projected bays, a recessed lobby and a corner tower feature that provide roofline variation consistent with the residential nature of Internal Street.

Guideline A6.4 The pattern of fenestration should also be designed to reflect a more residential scale.

The project window openings are of a residential scale. Conditions of approval provide an opportunity for the Planning Commission to specify any details, such as recess, trim, materials, and type.

Architectural Treatments:

Guideline A6.5 Provide generously sized stoops and balconies at the ground level units to create a transition from the public street to the private realm of the residence and to enhance the sense of pedestrian activity on the street, support residential character and

safety. These stoops can be designed uniquely to suit each architectural variation along the frontage.

The project includes stoops facing Internal Street and the north side of the property that are architecturally integrated into the building design.

Guideline A6.6 Provide variety of color and materials to further reinforce the finer grain residential scale and articulations.

The project includes a variety of colors and materials, including concrete, stucco and wood siding, with finer grain materials used on the courtyard sides of the building.

Guideline A6.7 Provide clearly defined residential lobbies, entries into residential courtyards and public uses by providing special canopies, signage, lighting and graphics. When possible, group entrances together to create a community activity node.

The project includes a clearly defined main lobby facing Internal Street, as well as stoops for ground-floor units facing Internal Street and the north side of the building. Courtyards are located internal to the project to provide a more intimate environment for residents.

Guideline A6.8 Provide quality durable material at all stoops, landscape walls and lobby entrances. Ground floor units shall have swinging front doors or French doors with some transparency rather than sliding patio doors.

Stoops are designed to reflect the overall architectural design of the building with concrete proposed as the stoop building material. Conditions of approval would ensure that all stoop entries will have swinging or French doors.

Guideline A6.9 Provide a minimum window recess of 2-3 inches for all windows at the groundfloor and upper levels.

Conditions of approval would ensure that all windows are appropriately recessed.

Guideline A6.10 Decorative lighting shall be incorporated seamlessly in the building design to enhance the architecture, promote pedestrian safety and support neighborhood security.

Conditions of approval would ensure that decorative lighting is incorporated seamlessly in the building design to enhance the architecture, promote pedestrian safety and support neighborhood security.

Planning Code Section 17.136.050A (Regular Design Review Criteria for Residential Facilities):

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;

The proposed MacArthur Transit Village Stage Two FDP, as shown throughout the administrative record, is consistent with the adopted PUD and adopted Design Guidelines. The project is four stories with a below-grade garage, and includes three wings. The height, scale and massing of the project is consistent with the surrounding area, and would harmonize with the surrounding one- to four-story buildings in the area. The building wings reduce the scale and massing of the building to be consistent with the existing scale and massing of the surrounding neighborhood. The Stage Two FDP achieves the well-composed design originally approved in the PUD in 2008, as demonstrated in the Conformance With Design Guidelines section of the Planning Commission report, dated April 6, 2011 and Attachment A: Plans of said report.

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;

The proposed MacArthur Transit Village Stage Two FDP, as shown throughout the administrative record, is consistent with the adopted PUD and adopted Design Guidelines. The project is four stories with a below-grade garage, and includes three wings. The height, scale and massing of the project is consistent with the surrounding area, and would harmonize with the surrounding one- to four-story buildings in the area. The building wings reduce the scale and massing of the building to be consistent with the existing scale and massing of the surrounding neighborhood. The project includes high-density housing, enhancing the high-density residential quality of the surrounding neighborhood and contributing to the neighborhood commercial land use synergy along Telegraph Avenue in the Temescal area.

3. That the proposed design will be sensitive to the topography and landscape.

The Stage Two FDP is located on a generally flat site in an urbanized area. The four-story building takes advantage of the relatively flat topography by providing sub-grade parking and front stoops for ground-level units. These are desirable features that reduce blight, encourage public-private project interface, and generally support community from an architectural perspective.

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The project is not situated on a hill and, therefore, this finding does not apply.

5. That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.

The proposed MacArthur Transit Village Stage Two FDP, as shown throughout the administrative record, is consistent with the adopted PUD and adopted Design Guidelines, and

thereby with the General Plan. The Stage Two FDP achieves the well-composed design originally approved in the PUD in 2008, as demonstrated in the Conformance With Design Guidelines section of the Planning Commission report, dated April 6, 2011 and Attachment A: Plans of said report.

Section 17.148.050 (Minor Variance from Zoning Limitations and Additional Criteria):

1. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

The proposed project is part of a planned transit village intended to enhance the surrounding neighborhood. The project includes two minor variances: a variance from dimensional standards for on-site parking spaces and drive aisles, consistent with the S-12 Residential Parking Combining Zone regulations; and a variance from on-site loading requirements with a provision for loading from the private Internal Street fronting the project.

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and encourages use of smaller cars while de-emphasizing parking lots as a major land use. In addition, relying on an increased percentage of compact spaces and smaller parking space and drive aisle dimensions, the project is able to maximize provision of on-site parking, thereby reducing any effect on limited off-site parking in the area.
- Loading Variance: Allowing off-site loading allows for a lower garage height and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project.

2. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

The proposed variances enhance the character and livability of the project and surrounding area by providing more on-site parking spaces in a smaller area and allowing a lower garage height than would otherwise be required to providing on-site loading.

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and encourages use of smaller cars while de-emphasizing parking lots as a major land use.
- Loading Variance: Allowing off-site loading allows for a lower garage and ensures that the lowest living level of the project can be at or near grade, providing a strong

connection between the private and public realms and providing a richer public experience of the project.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles encourages use of smaller cars while de-emphasizing parking lots as a major land use. In addition, relying on an increased percentage of compact spaces and smaller parking space and drive aisle dimensions, the project is able to maximize provision of on-site parking, thereby reducing any effect on limited off-site parking in the area. This design protects the already limited availability of on-street parking in the surrounding neighborhood and thus enhancing the character and livability of the surrounding area.
- Loading Variance: Allowing off-site loading allows for a lower garage and building height and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project, thereby enhancing the character and livability of the neighborhood.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and encourages use of smaller cars while de-emphasizing parking lots as a major land use, consistent with the objectives of the Planning Code and General Plan for this transit node. Minor variances of this type are not unusual, and, as stated above, promote the purposes of the zoning regulations.
- Loading Variance: Allowing off-site loading allows for a lower garage and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project. Loading would be provided adjacent to the site, on a private street and not affecting public on-street parking, and would be as usable as on-site loading. Minor variances of this type are not unusual, and, as stated above, promote the purposes of the zoning regulations.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.

- Parking Variance: Relaxation of dimensional standards for parking spaces and drive aisles is consistent with development in transit-rich areas and with the S-17 district regulations applicable to transit-rich areas. The project otherwise complies with the design review findings required of the project, as demonstrated throughout these findings.
- Loading Variance: Allowing off-site loading allows for a lower garage and ensures that the lowest living level of the project can be at or near grade, providing a strong connection between the private and public realms and providing a richer public experience of the project, consistent with the design review finings, as demonstrated throughout these findings.

6. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

This project involves 90 units. Therefore, this finding does not apply to the project.

CONDITIONS OF APPROVAL for PUDF10-304

The proposal is hereby approved subject to the following Conditions of Approval:

STANDARD CONDITIONS:

The proposal is hereby approved subject to the following Conditions of Approval:

1. Effective Date, Expiration, and Extensions

a. Ongoing

The effective date, expiration, and extensions of the approval of the Final Development Permit shall be consistent with the Development Agreement by and between City of Oakland and MacArthur Transit Partners, LLC Regarding the Property and Project Known as "MacArthur Transit Village" (DA) Section 3.3.3, adopted July 21, 2009 by the Oakland City Council.

b. Ongoing

Unless a different termination date is prescribed, this Approval shall expire two (2) calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant an extension of this date. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

2. Scope of This Approval

a. Ongoing

The property shall and constructed in accordance with the approved Vesting Tentative Tract Map dated **February 28, 2011**, and the approved Stage Two Final Development Permit, as amended by these Conditions of Approval. The proposal is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations and guidelines, including but not limited to those imposed by the City's Building Services Division, Fire Marshal, and Public Works Agency. The proposal shall specifically comply with the conditions required by the Planning Division, as attached to these conditions of approval.

3. Conditions of Approval for Project (Case File No. PUD060058)

a. Ongoing

All Conditions of Approval, Standard Conditions of Approval, and Mitigation Measures for the Project (Case File No. PUD060058), including the Mitigation Monitoring and Reporting Program {"Previous Conditions"), are hereby incorporated herein by reference as if fully set forth herein, except that to the extent there are any conflicts between the conditions imposed by this approval and the Previous Conditions, the conditions imposed by this approval shall control.

City of Oakland Planning Commission
April 6, 2011
Agenda Item #5: PUDF10-304, V10323

Attachment A: Project Plans

Oakland City Planning Commission — STAFF REPORT

Case File Number: ER06-0004, RZ06-0059, PUD06-0058 — March 5, 2008

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**

#4

Exhibit C-3: MacArthur Transit Village Design Guidelines
Exhibit C-4: Illustrative Map showing ¼ mile radius around project site for possible RPP program
Exhibit D: Language of Text Amendment Regarding Open Space in the S-15 Zone
Exhibit E: Map depicting rezoning of site to S-15 Zone
Exhibit F: Preliminary Development Plan, dated received 28, 2008

ATTACHMENTS:
Attachment A: March 5, 2008 Planning Commission Staff Report for hearing on Draft EIR
Attachment B: April 30, 2008 Planning Commission Staff Report for Workshop on Project
Attachment C: December 12, 2007 Design Review Committee Staff Report
Attachment D: MacArthur Transit Village Financial Feasibility Study
Attachment E: Project Correspondence received since April 30th Workshop

NOTE: The Final EIR (includes Draft EIR and Response to Comments Document) was previously provided to the Commission under separate cover.

1) Open the public hearing, take public testimony on the proposed plan, recommended actions and other submitted information and reports; then close the hearing, deliberate on the matter and;

2) Then take the following actions:

- ***Certify*** the Environmental Impact Report and adopt the CEQA-related Findings (contained in Exhibit A).
- ***Recommend Approval*** to the City Council for the proposed amendment to the S-15 Zone related to minimum open space (contained in Exhibit D).
- ***Recommend Approval*** to the City Council for the proposed rezoning of the project area from the C-28/S-18 and R-70/S-18 Zones to the S-15 Zone (contained in Exhibit E).
- ***Recommend Approval*** to the City Council for the Planned Unit Development Permit, Major Conditional Use Permit and Preliminary Design Review, adopt the associated Findings (contained in Exhibit B), and subject the project to the Conditions of Approval and MMRP (contained in Exhibit C).

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

EXHIBITS:
Exhibit A: CEQA Findings
Exhibit B: Discretionary Permit Findings
Exhibit C: Conditions of Approval
Exhibit C-1: Mitigation Monitoring and Reporting Program (MMRP)
Exhibit C-2: MacArthur Transit Village TDM Program

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit B can be made and supported by substantial evidence in the record of the project. Therefore, staff recommends the Commission forward a positive recommendation to the City Council for approval of the PUD, subject to the attached Conditions of Approval.

Major Conditional Use Permit Related to Parking

The Planning Commission is asked to approve 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 regulations (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.

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit B can be made and supported by substantial evidence in the record of the project. The proposed parking ratio of 1 space per unit is appropriate at this location given that some of the units are family units (3 bedroom) and because of the opportunity to share the parking with the general public (including BART patrons). Additionally, the proposed project includes a TDM Program (described in detail within the key issues discussion of this report) to promote additional parking at the project site, both for BART riders and residents and visitors of the project. With the reduction in BART parking, and potential opportunity to share parking with the general public as outlined in the TDM Program, permitting an increase in parking for uses in the project is appropriate. Therefore, staff recommends the Commission forward a positive recommendation to the City Council for approval of the CUP, subject to the attached Conditions of Approval.

Preliminary Design Review

The Planning Commission is asked to approve Preliminary Design Review for 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 (the December 12, 2007 Design Review staff report is included in this report as Attachment C). As stated above, staff has worked with the project sponsor to prepare the MacArthur Transit Village Design Guidelines, which are incorporated into the Conditions of Approval, and 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.

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit B can be made and supported by substantial evidence in the record of the project. Therefore, staff recommends the Commission forward a positive recommendation to the City Council for approval of the Preliminary Design Review, subject to the attached Conditions of Approval.

CONCLUSION AND STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

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 density or mix of land uses 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 within this report, 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.

Staff Recommendation: Staff believes that the rezoning of the project area from the current zones to the S-15, Transit Oriented Development Zone is appropriate for the reasons above mentioned; and therefore, recommends that the Planning Commission forward a recommendation for approval of the rezoning to the City Council.

Planned Unit Development Permit/Preliminary Development Plan

The Planning Commission is asked to recommend approval of a Planned Unit Development Permit (PUD) for the proposed project. PUD approval is requested because 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 MacArthur Transit Village PDP was reviewed and discussed at the Planning Commission workshop on April 30, 2008 and is included in this report as Exhibit F. 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, FDPs for the proposed project would be required to be consistent with the MacArthur Transit Village Design Guidelines, which are incorporated into the Conditions of Approval.

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-1.0H of Exhibit F for a building height diagram) and are consistent with the bonus provisions of the PUD regulations.

Specific findings required by CEQA to certify the EIR and to apply it to approval of the project are found in Exhibit A. Included in these findings are specific statements pertaining to the completeness of analysis and procedure under CEQA Guideline Section 15090, a rejection alternatives to the project due to infeasibility and statements of overriding consideration in compliance with CEQA Guideline Section 15093 for those significant impacts that were found to be unavoidable and could not be mitigated to a less-than-significant level. In reviewing these findings, the Planning Commission must determine that the CEQA alternatives to the project were deemed infeasible and that all significant impacts have been substantially decreased to a less-than-significant level through mitigation measures or conditions of approval. For those impacts that cannot be mitigated to a less-than-significant level (traffic), the Commission must find that other legal, social, technological and other benefits of the project outweigh these impacts.

Staff Recommendation: Staff believes that the findings that have been proposed in Exhibit A can be made and supported by substantial evidence in the record of the project. The Financial Feasibility Study included in this report as Attachment D represents a part of the evidence relied upon to make the findings.

Text Amendment to S-15, Transit Oriented Development Zone

The Planning Commission is asked to recommend approval by City Council for a 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, whish would make it consistent with the open space requirement for residential projects in the City's Downtown Open Space Combining (S-17) Zone. The proposed modification of the text related to open space requirements in the S-15 zone is included in this report as Exhibit D.

The text amendment is a staff-initiated action. Staff's intent with this proposal is to reduce open space is to further the goals of TOD by increasing design flexibility for open space by removing the separate group and open space standard, decreasing the overall requirement for open space to be consistent with what is required in the S-17 zone, 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.

Staff Recommendation: Staff believes that the proposed text amendment to reduce the open space requirement for residential projects in the City's Transit Oriented Development Zone so as to be consistent with the City's standard for residential projects in the Downtown (in the S-17 Zone) is appropriate; and therefore, recommends that the Planning Commission forward a recommendation for approval of the text amendment to the City Council.

Rezone from C-28/S-18 and R-70/S-18 to S-15

The Planning Commission is asked to recommend approval by City Council for rezoning of the project area from the current zoning designations to the City's Transit Oriented Development Zone (S-15). The

The project sponsor has indicated that they do not want to incorporate green roofs or rooftop gardens as they are concerned about increased liability, associated costs, and the ability to obtain insurance for the condominiums. They are particularly concerned about elements that would introduce water to the roof and result in leaking. As a result, the project sponsor requests that this condition be deleted.

Staff has included this condition as we believe it is appropriate to further the City's commitment to green and sustainable building practices particularly given the amount of City and State money that is anticipated to subsidize the project. If it is determined feasible, the implementation of this condition also has the potential to increase open space areas available to project residents. Staff appreciates and understands the project sponsor's concerns, but also anticipates that the market conditions/expectations and the technology associated with the installation of green roofs and rooftop gardens is likely to advance over the next several years. Considering these factors together with the project build-out schedule of 15 years with the first residential building be anticipated in three to four years, staff believes that it is appropriate to request the project sponsor to study the feasibility of incorporating green roofs or rooftop gardens into the project as part of each FDP that will be considered in the future. Recognizing that there are challenges associated with the installation of green roofs or rooftop gardens, the proposed condition only requires the project sponsor to provide green roofs and/or roof top gardens if they are determined to be feasible at the time that subsequent FDPs are being considered (excluding Stage 1 which is the BART Parking Garage). Staff recommends the condition be maintained for these reasons: 1) If feasible, activating roof tops within the project would potentially increase the sustainability and open space amenities of the project; and 2) The FDP Staging Plan extends the life of the PDP for 15 years, and technology related to green roofs and roof top gardens is expected to evolve during this period.

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, 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.

Certification of the MacArthur Transit Village EIR

The Planning Commission is asked to certify the EIR for the MacArthur Transit Village Project. Certification does not imply endorsement of the proposed project, nor that the permit application(s) for the project will be approved. Rather, in certifying the EIR, the Commission must generally find that:

- The discussion in the EIR represents a good faith effort to disclose all the City reasonably can regarding the physical impacts which may result from the project;
- There is an adequate consideration and evaluation of measures and changes to the project that would eliminate or lessen the potentially significant physical impacts associated with the project;
- The process for considering the EIR complied with all applicable provisions of CEQA and the Municipal Code; and
- The significant environmental issues raised in the comments received about the Draft EIR were adequately responded to in the Final EIR.

Grant Applications
The development team applied to the State Department of Housing and Community Development (HCD) for Proposition 1C Housing TOD and Infill program funds to assist with the infrastructure and affordable housing financing of the project. The project received the highest point score of all of the TOD program applications in the entire Bay Area and also scored well under the Infill program. As a result, the project has qualified for consideration of funding under both programs and will be notified by the State in June regarding potential funding awards.

Development Agreement
As previously mentioned within the discussion on FDP Staging and Project Phasing, the project sponsor and staff are continuing negotiations on a Development Agreement for this project. Staff anticipates that the DA will be brought to the Commission for consideration and recommendation to the Council in late summer. The DA would then be considered by the City Council together with the Redevelopment Agency's consideration of the Owner Participation Agreement between the Redevelopment Agency and the project sponsor.

Community benefits proposed by the project sponsor as part of the DA include: 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; and 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.

Project Sponsor Review of Proposed Conditions of Approval
City staff has discussed the proposed Conditions of Approval with the project applicant and the applicant generally agrees with all the conditions except one, Condition No. 40, Roof Top Gardens/Green Roofs. The text of this condition is included below for easy reference.

40. Green Roofs/Roof Top Gardens.
Prior to approval of Final Development Plan for Stages 2 through 5
As part of the submittal for each FDP application for each phase of FDP, except Stage 1 (BART parking garage), the project sponsor shall study the feasibility of methods to further reduce heat island effect and/or provide additional open space for resident use. Potential methods include but are not limited to green roofs, roof gardens, roof decks, open or partially enclosed private or common balconies. For purposes of this condition of approval, feasibility as defined above includes the consideration of proximity to the highway or streets, location above livable space, construction type, insurability, long term maintenance, HOA costs, and the use of space for other purposes. The feasibility study for implementing additional methods to further reduce heat island effect and/or provide additional open space for resident use shall be provided to Planning Staff as part of each FDP application. The intent of this condition is to further the sustainable elements of the project design and potentially provide more open space area for the project residents.

It should also be noted that the EIR did consider "planning project alternatives" within the Alternatives Chapter, which included options for development of a tower within the project and increased commercial development. The analysis of the planning project alternatives was included to provide the City and the project applicant with an analysis of the project impacts that may result through implementation of these alternative project designs. The detailed analysis of the Tower Alternative and the Increased Commercial Alternative would facilitate modifying the PDP, if requested, which, in turn, would require public noticing and a hearing before the Planning Commission.

Any additional dwelling units beyond 675 would require a modification to the PDP (see Condition No. 1). This is not to say that staff would not support increased density at the site, but there is concern that a major increase would warrant public review and community input and a modification to the PDP would be an appropriate mechanism to assure that staff, the Commission and the community have input on modifications requested by the project sponsor.

Parcel Acquisition

The project sponsor does not currently own or have site control of the all parcels within the project. The project sponsor is currently in the process of negotiating acquisition of the privately owned parcels with the assistance of the Redevelopment Agency. It is not currently anticipated that the use of eminent domain will be required to achieve site control. If the project sponsor and Agency are not successful in acquiring all parcels with the project, the project area may be decreased and Final Development Plans would be submitted showing the modified site area.

The project area also includes existing right-of-way of a portions of 39th Street and Apgar Street, which are developed as part of the BART surface parking lot (see map on page 2 of this report). Though the right-of-way is not currently utilized, staff cannot find evidence that the right-of-way has been officially abandoned. This right-of-way will be abandoned as part of the subdivision map processing for the proposed project.

LEED ND and Sustainable Design

The MacArthur Transit Village has been chosen to participate in the LEED ND Pilot Program. The LEED ND Pilot Program was created by the U.S. Green Building Council (USGBC), the Congress for New Urbanism, and the National Resources Defense Council to test national standards for sustainable neighborhood developments. Unlike other U.S. Green Building Council (USGBC) LEED programs, LEED ND places significant emphasis on the design elements that bring buildings together into a neighborhood focusing on pedestrian experience and encouraging social interaction. LEED ND credits are broken up into four categories: (1) Smart Location and Linkage (SLL), (2) Neighborhood Pattern and Design (NPD), (3) Green Construction and Technology, and (4) Innovation and Design Process. LEED certification provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable, development. LEED provides four levels of LEED ND certification dependent on the total credits awarded to project: LEED-ND Certified: 40–49 points, LEED-ND Silver: 50–59 points, LEED-ND Gold: 60–79 points, and LEED-ND Platinum: 80–106 points.

The project sponsor has indicated that their preliminary evaluation rating, based on the credits they assume will be received, would score 78 points on the LEED ND rating scale and be recognized as a LEED ND-Gold project. Staff applauds the project sponsor for participating in the LEED ND Pilot Program, and as part of the MacArthur Transit Village Design Guidelines, the project is encouraged to pursue the accreditation for Platinum certification.

DA negotiations will be completed in the early summer, and the DA will be brought to the Commission for consideration and recommendation to the Council in late summer. The DA would then be considered by the City Council together with the Redevelopment Agency's consideration of the Owner Participation Agreement between the Redevelopment Agency and the project sponsor. The FDP Staging and Project Phasing Plan shown in Table 3 below, and is incorporated into the project as Condition of Approval No. 2; however, the DA phasing plan will eventually supersede this condition.

Table 3: Summary of Proposed Development

FDP Stage	Description	FDP Submittal Date	Commence Construction Date
1	Construction of Building E, the replacement BART parking garage, site remediation, Internal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Internal Drive.	Within 1 year from the date of this approval	2 years from date of Stage 1 FDP approval
2	Construction of Building D, consisting of a minimum of 90 below market rate rental units.	Within 3 years from the date of this approval	2 years from date of Stage 2 FDP approval
3	Construction of Building A, consisting of up to 240 ownership residential units and 26,000 square feet of commercial space. All street improvements, including the completion of Village Drive and any new traffic signals required by the project, will be completed in this phase. This phase will also include the completion of a public plaza directly across Frontage Road from the existing BART Plaza.	Within 4 years from the date of this approval	2 years from date of Stage 3 FDP approval
4	Construction of Building B, consisting of up to 150 ownership residential units and 5,500 square feet of commercial space.	Within 8 years from the date of this approval	2 years from date of Stage 4 FDP approval
5	Construction of Building C, consisting of up to 195 ownership residential units and 12,500 square feet of commercial space. This phase will also include the construction of a community center use on the ground floor of Building C.	Within 10 years from the date of this approval	2 years from date of Stage 5 FDP approval

Notes:
1) Provided that Stage 1 and 2 FDPs are approved in accordance with the above time frames, the Developer shall have the discretion to change which buildings (A, B, or C) are constructed in which Stages (3, 4 or 5) provided that the FDP submittal dates for these stages remain the same. All other modifications to FDP staging shall be subject to review and approval by the Planning Commission.
2) FDP Stages may be combined and reviewed prior to the outlined time frames. If each stage of FDP is not submitted/ completed within the time frames outlined above, the PDP shall be considered null and void.

Increased Density

At the April 30th Planning Commission workshop, there was some discussion of increasing the density of the project. With 624 units, the proposed project density is 85 per gross acre the project is under the maximum density prescribed by the Neighborhood Center Mixed Use General Plan land use designation of 125 per gross acre.

Staff has considered the concept of allowing the project to increase density as future phases of the project are developed and market conditions change, and has determined that the appropriate mechanism would be to modify the PDP should the project sponsor wish to increase density of the project. The project sponsor feels the proposed Preliminary Development Plan (624 units) is the best and most realistic option under current market conditions. The EIR for the project analyzed the development to include up to 675 units. To facilitate opportunities to increase density in the future, staff has included a Condition of Approval to allow the FDPs to include up to 675 units (vs. 624 proposed in the PDP) without modifying the PDP.

- Facilitate discussions with BART, AC Transit and Emery-Go-Round to explore the potential for an additional shuttle stop or other transit service along 40th Street between the Emeryville Border and Telegraph Avenue
- Offer discounted transit passes to project residents
- Provide secure bike parking and bike repair area for residents
- Phase construction of parking within the project

The TDM Program also requires the project sponsor to submit a TDM monitoring plan at the beginning of each construction phase. The monitoring plan will gauge the effectiveness of the strategies and recommend modifications to improve the effectiveness of the program, including the option to increase the percentage of un-bundled parking and/or reduce on-site parking in future project phases if the demand for parking is decreased by the nature and location of the project as a transit village. Additionally, Condition No. 35 will ensure that the project sponsor coordinates with BART on the construction of the BART parking.

Design Guidelines
As mentioned at previous meetings with the Planning Commission and the Design Review Committee, the Preliminary Development Plan (PDP) does not include approval of architectural plans or elevations for future buildings. The PDP sets the stage for the project's overall site planning, building bulk, mass and height. Detailed building elevations will be reviewed and approved by the Design Review Committee and Planning Commission as part of the Final Development Plans (FDPs). To ensure that the FDPs are consistent with the vision for the project, staff has worked with the project sponsor to prepare the MacArthur Transit Village Design Guidelines (see Exhibit C-3).

The MacArthur Transit Village Design Guidelines include design principles and design guidelines. The design guidelines are divided into five sections: Site Planning; Architectural Design including sub sections for Height, Bulk and Scale and Architectural Treatments; Public Space Improvements; Transit Plaza Design; and Sustainable Design.

The Design Guidelines are incorporated into the project through the Conditions of Approval as a design review requirement for future approvals (see Condition No. 25). Prior to approval of any Final Development Plans for the project, the Commission will need to make findings to determine that the FDP is consistent with the S-15 Zoning District, approved Preliminary Development Plan, and MacArthur Transit Village Design Guidelines.

The Design Guidelines emphasize architectural variability, encourage building form and style based on adjoining street frontages and uses, address street walls and their relationship to the pedestrian environment, support a variety of building heights in the project, promote sustainable design and specify the use of high quality materials. The Design Guidelines are intended to allow future architects to be able to apply different building technology and materials and provide for a wide variety of architectural treatments within the 15 year development time frame.

FDP Staging and Project Phasing
Development of the proposed project is anticipated in five phases over the course of 15 year time frame. As per the regulations of a Planned Unit Development Permit (PUD), the Commission has the authority to approve staging of Final Development Plans. Staff has worked with the project applicant to development an FDP Staging Plan and Project Construction Phasing Plan for purposes of the PUD. However, it should be noted that staff and the project sponsor are currently negotiating terms and conditions for a Development Agreement (DA) and the DA may modify the project phasing plan. It is anticipated that the

RPP Program
With regard to overflow of BART patrons parking within the surrounding neighborhood, the project sponsor has committed to fund $150,000 towards initiating a Residential Permit Parking Program for an area ¼ mile around the station. If approved, 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 (up to $150,000) as part of the Conditions of Approval (see Condition No. 21).

TDM Program
The project sponsor is required to prepare and maintain a Traffic Demand Management (TDM) Program. The TDM Program is intended to serves two purposes: 1) fulfill CEQA mitigation measure requirements by providing implementation strategies to reduce vehicle trips from the project and 2) address planning concerns related to displaced BART parkers. The draft TDM Program, dated May 27, 2008, is included in this report as Exhibit C-2 and a summary of the recommended strategies are provided below.

There are currently 600 parking spaces within the surface parking lot at the BART station. In addition to these 600 parking spaces, recent surveys confirmed that approximately 200 BART patrons currently park in the neighborhood within ¼ mile radius around the station. As such, it is estimated that the parking space demand for the BART station is 800 spaces. The proposed project provides 300 BART parking spaces within the BART garage, and previous analysis indicates that approximately 51% who currently drive to BART would switch to another mode of transit rather than drive to another BART station or drive directly to their end destination. With a demand of 800 parking spaces, and an anticipated 50% of drivers that would switch to an alternate mode of transportation, there is a net demand of about 400 parking spaces and the proposed BART replacement garage will provide 300 spaces. To make-up for a potential shortfall of 100 spaces, the TDM Program recommends that the project provide an additional 210 parking spaces to make up for the gap of riders that would not switch travel modes. The 210 parking spaces would be provided by adding another level of parking to the BART garage (this additional level would be below grade), providing a parking attendant at the BART garage and/or securing 50 parking spaces within off-site parking lots within ¼ mile of the project site, or other alternative mechanisms as detailed in the TDM Program.

The TDM Program also includes the following measures to reduce vehicle trips from the project, which would in turn reduce the demand for parking at the site:

- Unbundle 10% of the parking for all market-rate residential units within project (for all phases, not just Building A)
- Unbundle parking for the affordable housing component, if feasible
- Offer lease back parking options for the project residents; the program will be managed by the HOA or entity approved by the HOA and will offer available parking to BART patrons, other than project residents, and commercial tenants
- Provide car share spaces in BART garage and within the proposed project
- Provide a marketing coordinator to distribute materials about transit programs to residents as part of the "move-in" packets
- Fund a one-time marketing campaign to educate neighborhood residents about alternative modes of transportation currently available to access BART station

- The public improvements that will be included as part of the MacArthur Transit Village Project will improve access to BART and to the other public transportation providers that serve the BART station from the surrounding community; and
- The MacArthur Transit Village Project, once developed, will enhance residential and commercial property values adjacent to the MacArthur BART Station, and will encourage efforts to alleviate economic and physical blight conditions in the area, including high business vacancy rates, vacant lots, and abandoned buildings, by enhancing the development potential and overall economic viability of neighboring properties.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report has been prepared for this project, and prior to action on the requested approvals, action must be taken to certify the Final EIR as an adequate environmental analysis of the project. The Draft EIR was published on January 31, 2008 and the 45-day public comment period ended on March 17, 2008. A total of 24 comment letters were received during the comment period: six were from governmental agencies, one was from a community organization, and 17 were from individuals. Oral and written comments on the Draft EIR were also received at the Planning Commission public hearing on March 5, 2008. The Response to Comments Document (which together with the Draft EIR make up the Final EIR) was published on May 23, 2008 includes written responses to all comments received. A summary of the analysis included and the impacts identified in the Draft EIR was previously provided to the Planning Commission in the report for the Draft EIR hearing on March 5, 2008 (see Attachment A). Detailed CEQA-related findings are contained in Exhibit A.

KEY ISSUES

The Planning Commission conducted a public hearing/workshop to discuss the proposed project on April 30, 2008. Six individuals presented public testimony on the merits of the proposal and the Commission provided direction to staff and the applicant on the key areas of community concern. The focus of the following key issues discussion is based on outstanding items that were not addressed or resolved at the April 30th meeting and items for which the Planning Commission requested additional information. The Commission may wish to review the April 30 workshop staff report (see Attachment B) for more detailed discussion of the community concerns.

Parking & TDM Program

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 concerns about the reduction of BART parking. Residents of the area haven observed that under existing conditions (600 spaces) BART patron parking spills over into neighborhood streets and the amount of parking proposed will not be adequate to meet the parking demand of BART patrons.

At the Planning Commission workshop on April 30th, a few members of the Commission also expressed concern with respect the proposed parking arrangements for the project. Staff understands the concerns expressed from both the community and the Planning Commission, and has worked with the project sponsor to create a parking program for the proposed project that is both sensitive to the surrounding neighborhood and BART riders, as well as progressive and forward thinking for a transit village development. Key elements of the program are described below.

The S-15 zone is consistent with the Neighborhood Center Mixed Use General Plan land use designation.

B. **To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space (Section 17.07.030D).** The proposed rezoning provides for residential and commercial mixed use development immediately adjacent to the existing MacArthur BART Station. The project includes both for-sale and for-rent affordable housing with a variety of unit types including studio units, 1-bedroom, 2-bedroom and 3-bedroom units to augment the city's supply of multi-family affordable housing. The project is designed to maintain adequate provision sunlight and air, and usable open space consistent with urban development standards by providing open space areas consistent with the proposed S-15 open space requirements which are consistent with the S-17 open space requirements. Open space within the project will include open air courtyards and the plaza adjacent to Building A. Additionally, a setback of 5 feet is proposed between the upper floors of the new and existing building at the corner of Telegraph Avenue and 40th Street.

C. **To achieve excellence and originality of design in all future developments and to preserve the natural beauty of Oakland's setting (Section 17.07.030G).** The proposal exhibits design excellence and originality through the efficient use of space, variety in architecture styles (to be further defined with Final Development Plans) and commitment to sustainable design through participation the LEED ND Pilot Program.

Staff also believes that the proposed text amendment to reduce open space standards in the S-15 zone best serves the public interest. The reduction in required open space would further the goals of TOD by increasing design flexibility for open space by removing the separate group and open space standard, and encourage increased density. The amendment would make the S-15 open space requirements consistent with the open space requirement currently applied to residential projects in the City's Downtown Open Space Combining (S-17) Zone. The amendment would apply to all properties in the City zoned S-15, and there two other areas of the City zoned S-15: parcels around Fruitvale BART Station and parcels around West Oakland BART station. The proposed project, and other properties zoned S-15, are located in walking distance to parks in the neighborhood. Additionally, surveys of other cities standards for open space in TOD, and mixed-use zones demonstrated that other agencies have similar standards. For these reasons, the text amendment to reduce open space requirements in the S-15 to be consistent with the S-17 zone, would promote the objectives of the General Plan to encourage TOD development near transit stations and therefore best serve the public interest.

Redevelopment Plan Analysis

The project site is located within the Broadway/MacArthur/San Pablo Redevelopment Project Area. The land use designations in the Broadway/MacArthur/San Pablo Redevelopment Plan correspond to the land use designations contained in the General Plan. The project is consistent with the General Plan designation, and is therefore consistent with the Redevelopment Plan designation. The proposed project will further the Redevelopment Agency's achievement of the following goals and objectives of the Broadway/MacArthur/ San Pablo Redevelopment Plan and its Five Year Implementation Plan:

- The MacArthur Transit Village Project will increase the stock of ownership housing and will provide affordable rental housing units in the Broadway/MacArthur/San Pablo Redevelopment Project Area;
- Development on the BART surface parking lot at the MacArthur BART Station will contribute to the Agency's goals to concentrate infill development on underutilized properties within the Broadway/MacArthur/San Pablo Redevelopment Project Area;

The project is consistent with the density provisions of the NCMU General Plan land use designation. The maximum residential density allowed under this designation is 125 units per gross acre.[1] At a total acreage of 7.38 acres (not including the BART plaza), the General Plan would allow a maximum of 923 residential units on the site. The proposal includes 624 residential units (85 du/gross acre). Staff has also reviewed the project for consistency with relevant policies in the Land Use and Transportation Element of the General Plan. Staff believes that the proposed project is consistent with the applicable policies of the General Plan. A General Plan Amendment is not required. Please refer to Table IV.B-1 of MacArthur Transit Village Draft EIR (pages 108 to 122) for a discussion about the proposed project, which will transform the existing BART surface parking lot into a mixed-use transit village neighborhood, and its relationship with these key policies. The DEIR discussion is incorporated herein by reference.

Zoning Analysis

The site is located in two different base zoning districts with one overlay zone covering the entire site. The BART parking lot parcels are located in the R-70 High Density Residential Zone and parcels fronting on Telegraph Avenue and West MacArthur Boulevard are located in the C-28 Commercial Shopping Zone. The entire site is located in the S-18 Mediated Design Review Combining Zone. The proposed density and mix of commercial and residential uses within the transit village is not consistent with the existing R-70 and C-28 Zones. The applicant proposes to rezone the entire site to the S-15 Transit Oriented Development Zone. The S-15 Zone is consistent with the General Plan designation (Neighborhood Center Mixed Use). A map depicting existing and proposed zoning is included in this report as Exhibit E.

The intent of the S-15 zone is the following:

> [T]o create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit District (BART) stations, AC Transit Centers and other transportation nodes. (OPC Sec. 17.100.010)

Staff believes the proposed rezoning best serves the public interest by meeting the following objectives of the zoning regulations:

A. **To promote the achievement of the proposals of the Oakland Comprehensive Plan (Section 17.07.030A).** The proposed rezoning will facilitate implementation of the proposal for a mixed use transit-oriented development which furthers the objectives of the General Plan (formerly the Comprehensive Plan). The proposed project is a transit-oriented development adjacent to a BART station. The current zoning designations are designed for more traditional commercial and residential developments; therefore, the City finds the rezoning of the project site to S-15, Transit Oriented Development zone would best serve the public interest for redevelopment of the project site because the S-15 zone provides development regulations specific to creation and implementation of TOD projects.

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[1] The General Plan specifies residential density as "principal units per gross acre." Gross acreage includes all land in the neighborhood, including streets and parks.

The site is located in the Neighborhood Center Mixed Use land use designation of the Oakland General Plan. According to the General Plan, the intent and desired character of the NCMU designation is the following:

> **Intent:** The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural or entertainment uses.
>
> **Desired Character and Uses:** Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial.

The site is also designated as a "Transit-Oriented Development District" in the General Plan. Below is a description of the Transit-Oriented District designation:

> Transit Oriented Districts (TODs) are designated to take advantage of the opportunities presented by Oakland's eight region-serving BART stations and one location – Eastmont Town Center – served by multiple AC Transit lines. Many of these station locations, and the areas surrounding them, offer significant opportunities for compact, mixed-use types of development that include housing, business and other services. This strategy supports city and regional goals to foster sustainable development linking transit with higher density housing types downtown stations, for example, offer expansion opportunities for office, business, and housing development. Because each location offers unique possibilities, the TODs are discussed individually in the Transportation and Transit-Oriented Development section of the Policy Framework. Easy pedestrian, bicycle, and transit access, as well as a strong identity created through careful design and a mix of activity will be part of each transit-oriented district.

The Transportation and Transit-Oriented Development section includes the following description of the MacArthur BART Transit-Oriented District:

> MacArthur BART is uniquely situated as the central hub and transfer point of the BART system, with trains arriving and departing to destinations around the Bay Area. Four major arterials that support local traffic and commerce are adjacent to the station – Telegraph Avenue, MacArthur Boulevard, 40th Street, and Martin Luther King Junior Way. As the central hub, MacArthur BART has been proposed as a Maximum Access Station, a designation that must complement the type and density of uses in the surrounding development area, now characterized by mixed housing types and neighborhood-serving retail uses. Proposals to open up the Station entrance on the Martin Luther King Jr. Way side of the site are also being explored by BART and citizens concerned about providing safe and convenient access for Martin Luther King Jr. Way businesses and residents. New development around the station should capitalize on its maximum access potential to create business and residential revitalization, enhance the safety of the neighborhood, provide secure parking, improve station access, and encourage pedestrian activity and the use of public transportation.

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 public street. 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. Village Drive would be a public street. 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. Internal Street would be a private street. 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 and a CUP is required to exceed this amount. 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 and this street parking would be metered. 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).

APPLICABLE POLICY DOCUMENT ANALYSIS

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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 a two-level parking garage. The lower level of the parking garage in 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 5 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 a 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 Village Drive or Internal Street. The street level parking area is visible from Frontage Road, but will be screened by landscaping. 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 5 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 a two-level parking garage. The lower level of the parking garage in 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 a 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.

There are a variety of land uses surrounding the site. Beebee Memorial Cathedral, commercial, and residential uses are located 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, see Exhibit F) 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, a new public street and Internal Street, a new private 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 Exhibit F).

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**	**42,500[1]**	**5,000**	--	--	**980[2]**

[1] Retail area shown in table includes square footage of live/work units.
[2] Parking shown in table does not include the proposed 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, and 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 7 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

At the Planning Commission work shop on April 30, 2008, staff provided a brief overview of the requested project approval key community concerns (see Attachment B for the April 30, 2008 workshop staff report); the project sponsor gave a detailed overview of the project and walked the Commission through the project plans and vision for the project; and following presentations from staff and the project sponsor, six individuals provided public testimony. The majority of the public speakers were in favor of the proposed project, but several speakers expressed concerns with regard to proposed reduction in BART parking. In addition to parking, which was the most discussed topic at the workshop, the Commission and public speakers raised the following discussion topics:

- Support for increased density of residential development
- Support for increased bike access and bike parking
- Support for project expressed on behalf of Greenbelt Alliance
- Support for a strategy to encourage occupancy of ground floor commercial space at the existing building of 40th and Telegraph
- Appreciation of height adjacent to existing building at 40th and Telegraph and overall height of retail spaces
- Support for increased accessibility beyond bikes and pedestrians (i.e., increased Emery-Go-Round services)
- Concern regarding congestion of vehicles and bike safety at the intersection of West MacArthur, Frontage Road and BART Garage
- Concern for adequate parking to support proposed commercial uses, and existing commercial uses
- Concern of perceived success for transit villages

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 39th 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
39th 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

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.

In early February 2006, MTCP submitted a development application to construct a mixed-use transit village including residential and commercial development with the majority of residential units located within two 20-to 22-story towers. Upon review of the application, it was determined that an Environmental Impact Report (EIR) was required. The City issued a Notice of Preparation (NOP) on February 16, 2006, for preparation of an EIR for the project including the tower development. As a result of community input, changes in market conditions and construction feasibility, MTCP re-submitted their development application in 2007 showing removal of the towers within the project. Upon review of the revised application materials, the City issued a revised NOP on June 13, 2007. Following is a partial list of both public meetings and community meetings since MTCP was selected by the Redevelopment Agency in 2004.

- 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
- April 30, 2008, Planning Commission Workshop on community concerns

SUMMARY

The project applicant, MacArthur Transit Community Partners (MTCP) proposes to demolish the existing BART surface parking lots and all existing buildings within 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, 42,500 square feet of neighborhood-serving retail and commercial uses (including 7,000 square feet of live/work units) a 5,000 square feet community center use and 300-space parking garage for BART patrons. The project requires certification of the MacArthur Transit Village Final EIR and approval of rezoning, text amendment to the S-15 Zone, a planned unit development (PUD) permit, a major conditional use permit, and design review.

The purpose of this meeting is to consider the application submitted by MTCP to the City in October 5, 2007 for the project summarized above. Based on public comments, the results of numerous public meetings with the community, the Design Review Committee and the Planning Commission hearings, staff has now prepared recommended actions for the Planning Commission to review and consider. These actions are listed below:

(1) Certification of the Final Environmental Report including the adoption of required findings under the California Environmental Quality Act and the approval of the Mitigation Monitoring and Reporting Program.

(2) Amendment to the S-15, Transit Oriented Development Zone. This is a staff-initiated Zoning Text Amendment to modify the minimum open space requirement in the S-15 Zone.

(3) Rezoning of the project site from Commercial Shopping (C-28), High Density Residential (R-70) and Mediated Design Review Overlay (S-18) to Transit Oriented Development (S-15).

(4) Approval of the Planned Unit Development Permit to allow development of more than 100,000 sq.ft. at a BART station. The PUD Permit also includes approval of the Preliminary Development Plan dated May 28, 2008, and the MacArthur Transit Village Design Guidelines.

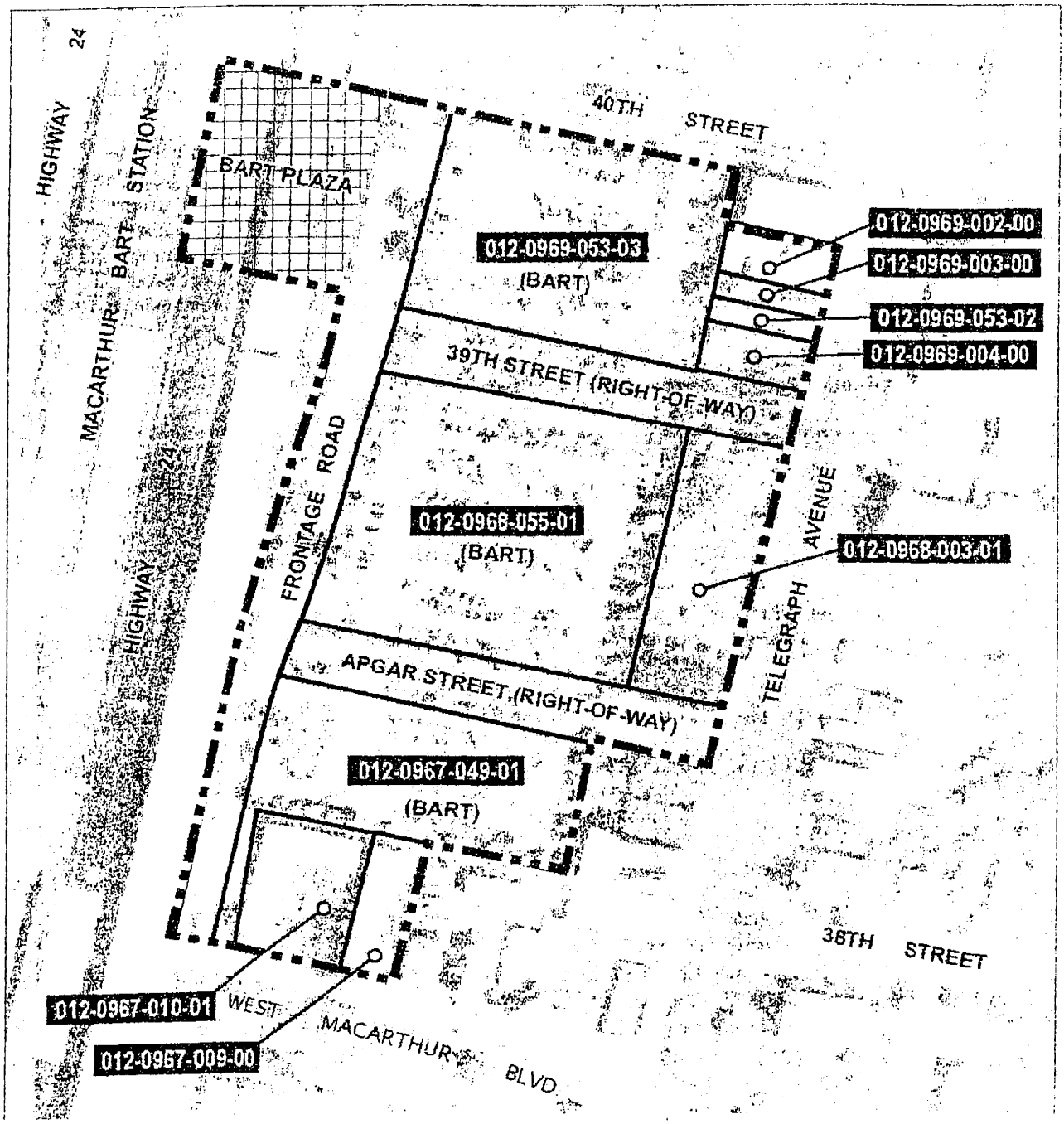
(5) Approval of a Major Conditional Use Permit to allow the proposed project to exceed the S-15 parking requirements for residential land uses and to provide off-street parking for non-residential land uses.

(6) Approval of Preliminary Design Review of the Preliminary Development Plan.

Staff recommends approval of the project subject to the attached findings and conditions. The Commission's approval of these items is considered to be a recommendation to the City Council; if approved, the decisions/recommendations of the Planning Commission would be automatically forwarded to the City Council and Redevelopment Agency for hearing and action. These actions are currently scheduled for review by the CED Committee on June 24, 2008 and it is expected that the City Council will hold public hearings to consider the items on July 1, 2008 (first reading of ordinance) and July 15, 2008 (second reading of ordinance).

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


HIGHWAY 24
MACARTHUR BART STATION
BART PLAZA
40TH STREET
012-0969-053-03
(BART)
012-0969-002-00
012-0969-003-00
012-0969-053-02
012-0969-004-00
39TH STREET (RIGHT-OF-WAY)
FRONTAGE ROAD
012-0968-055-01
(BART)
012-0968-003-01
TELEGRAPH AVENUE
APGAR STREET (RIGHT-OF-WAY)
012-0967-049-01
(BART)
38TH STREET
012-0967-010-01
012-0967-009-00
WEST MACARTHUR BLVD

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:	Demolition of existing structures and construction of the MacArthur Transit Village project: 5 new buildings containing 624 residential units, 42,500 square feet of commercial space (including 7,000 square feet of live/work and flex space), 5,000 square feet of child care/community space, a 300-space replacement parking garage for BART patrons, and approximately 680 parking spaces for the residential and commercial units (residential parking provided at a 1:1 ratio, 26 commercial spaces in building A parking garage and on-street parking spaces).
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, 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 published on May 23, 2008
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:	Pending.
Action to be Taken:	Take public testimony and issue decisions/recommendations.
Staff Recommendation:	Approval subject to attached findings and conditions of approval
Finality of Decision:	Favorable (for approval) decisions/recommendations are automatically forwarded to the City Council for hearing and action. Unfavorable (for denial) decisions may be appealed to the City Council within ten (10) days.
For Further Information:	Contact the case planner, **Charity Wagner**, at **(415) 730-6718** or by e-mail at **clwagner@rrmdesign.com**

City of Oakland Planning Commission
April 6, 2011
Agenda Item #5: PUDF10-304, V10323

Attachment C: June 4, 2008 Planning Commission Report (and attachments)

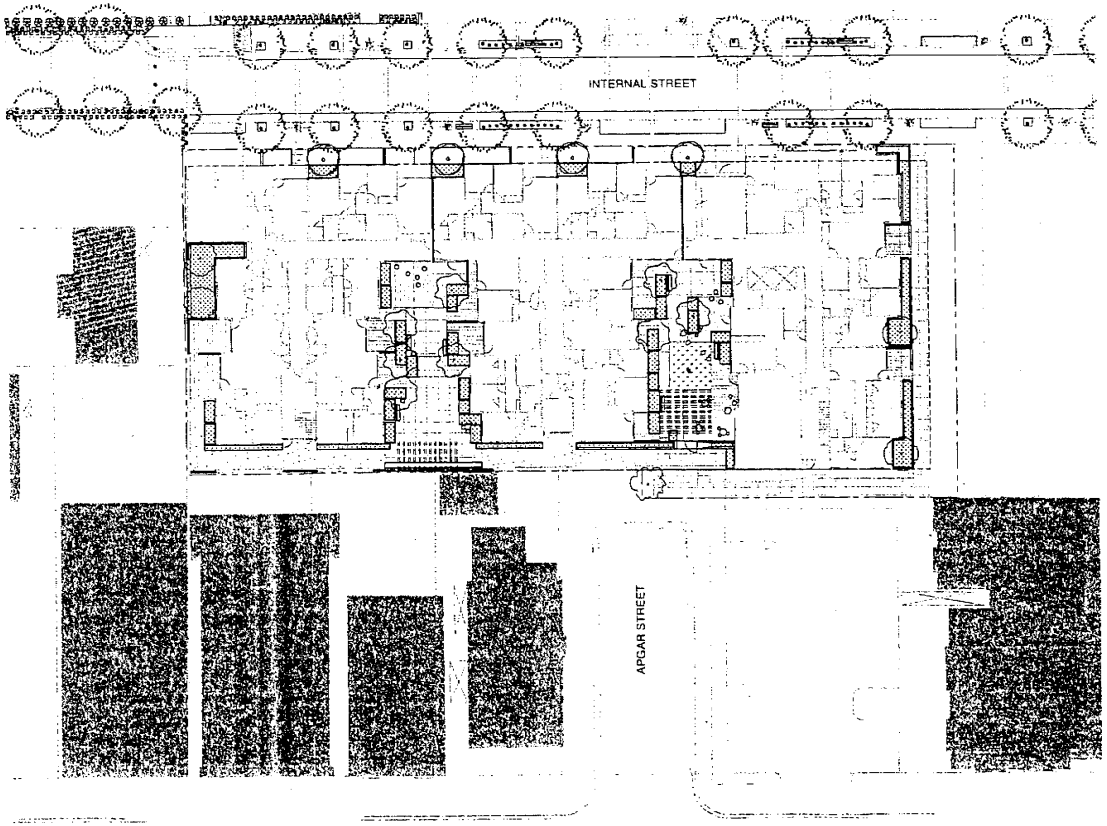
PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	COMMENTS	WATER USE
TREES				
	AZARA MICROPHYLLA 'VARIEGATA'	BOX-LEAF AZARA	UPRIGHT OPEN ARCH BRANCHING HABIT, TINY DELICATE EVERGREEN LEAVES WITH CREAM EDGES	MEDIUM
	CERCIS OCCIDENTALIS	WESTERN REDBUD	NATIVE OPEN BRANCHING HABIT, LIGHT GREEN DECIDUOUS FOLIAGE, MAGENTA SPRING FLOWERS	LOW
	GINKGO BILOBA	MAIDENHAIR TREE	OPEN BRANCHING HABIT, LIKE OPEN LEAVES, YELLOW FALL FOLIAGE	MEDIUM
	LAGERSTROEMIA 'TUSCARORA'	CRAPE MYRTLE	LAVENDER FLOWERS, ORANGE FALL FOLIAGE	LOW
	LAURUS NOBILIS 'SARATOGA'	GREEK LAUREL	ROY EVERGREEN AROMATIC LEAVES	LOW
TALL SHRUBS				
	ODONTHEA VISCOSA 'PURPUREA'	PURPLE HOPSEED BUSH	COLUMNAR HABIT WITH BRONZE TINTED FOLIAGE	LOW
	NANDINA DOMESTICA	HEAVENLY BAMBOO	TALL BAMBOO-LIKE CANED STEMS WITH LACY RED-TINGED FOLIAGE	LOW
	WESTRINGIA FRUTICOSA	COAST ROSEMARY	BLUE-GRAY EVERGREEN FOLIAGE, BLUE FLOWERS	LOW
LOW SHRUBS				
	AGAVE ATTENUATA	FOXTAIL AGAVE	BLUE GRAY SUCCULENT	LOW
	CARPENTERIA CALIFORNICA	BUSH ANEMONE	NATIVE	LOW
	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	BLUE GRAY GRASS	LOW
GROUNDCOVERS				
	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	NATIVE EVERGREEN FERN	LOW (SMC)
	MAHONIA REPENS	CREEPING HOLLY GRAPE	NATIVE CREEPING GROUNDCOVER WITH YELLOW SPRING FLOWERS AND RED FALL FOLIAGE	LOW
	SEDUM SPATHULIFOLIUM 'PURPUREUM'	STONECROP	NATIVE TRAILING SUCCULENT WITH PURPLE TINGED ROSETTES	LOW

ALL PLANTS ARE LOW MAINTENANCE LOW WATER USE SPECIES FROM MEDITERRANEAN CLIMATE ZONES.
SOURCE OF WATER USE DATA: WUCOLS, UNLESS OTHERWISE NOTED. SMC = SAN MARCOS CREATIONS

IRRIGATION NOTES

1. THE IRRIGATION SYSTEM WILL USE A COMBINATION OF HIGH EFFICIENCY, LOW FLOW TECHNOLOGIES. ALL SPECIFIED EQUIPMENT WILL BE COMMERCIAL GRADE, AND WILL CONFORM TO CITY OF OAKLAND STANDARDS. THE IRRIGATION SYSTEM DESIGN WILL BE COMPLIANT WITH BAY FRIENDLY GUIDELINES, TITLE 23 SECTION 31 REQUIREMENTS, AND CALIFORNIA'S MODEL WATER CONSERVATION ORDINANCE. CONTROL OF THE SYSTEM WILL BE VIA 'SMART' CONTROLLER CAPABLE OF REAL-TIME SCHEDULE ADJUSTMENT BASED ON WEATHER DATA. THE SYSTEM WILL BE SLOWED FOR MANUAL MAINTENANCE BLOCK BY BLOCK, AND WILL SPECIFY A HAND-HELD REMOTE FOR THE USE OF MAINTENANCE PERSONNEL.



1 L2.0 SITE PLANTING
SCALE: 1/16" = 1'-0"

NORTH



CERCIS OCCIDENTALIS | GINGKO BILOBA | LAGERSTROEMIA



NANDINA DOMESTICA | AGAVE ATTENUATA | MAHONIA REPENS

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
1731 Howe Rd., Suite 301
Oakland, CA 94612
510-873-0555

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGAdesign
444 17th St.
Oakland, CA 94612
510-451-1554

DATE	REVISIONS
2/7/2011	FOP REVISION #1

Project:
MacArthur Transit Village - Block D

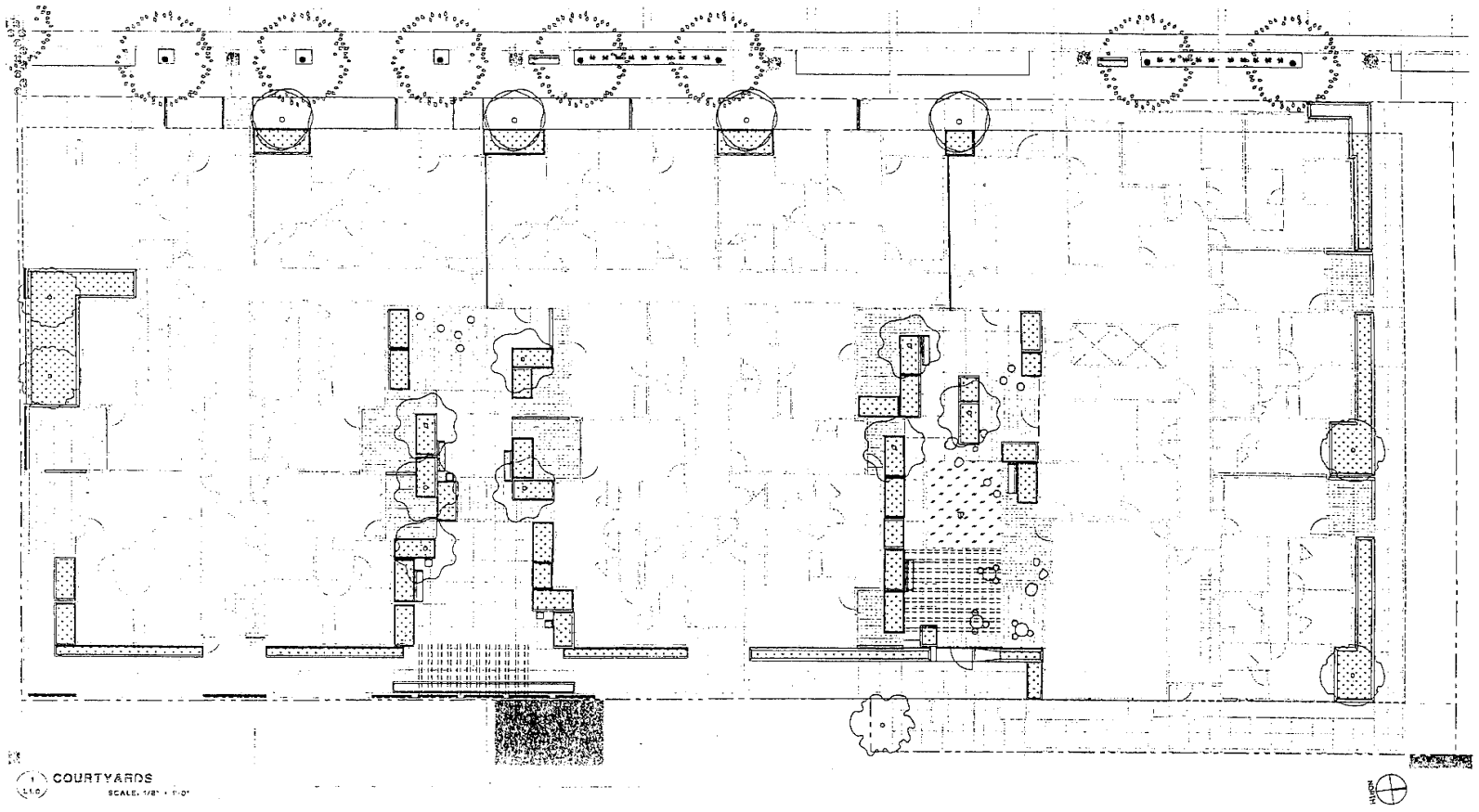
Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Planting Plan

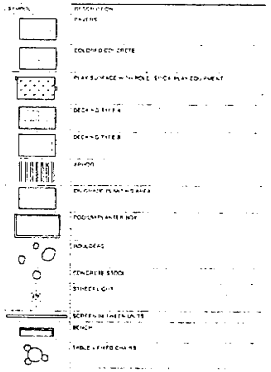
Job: 10K
Scale: AS NOTED
Date: 2/7/11
Final Development Plan

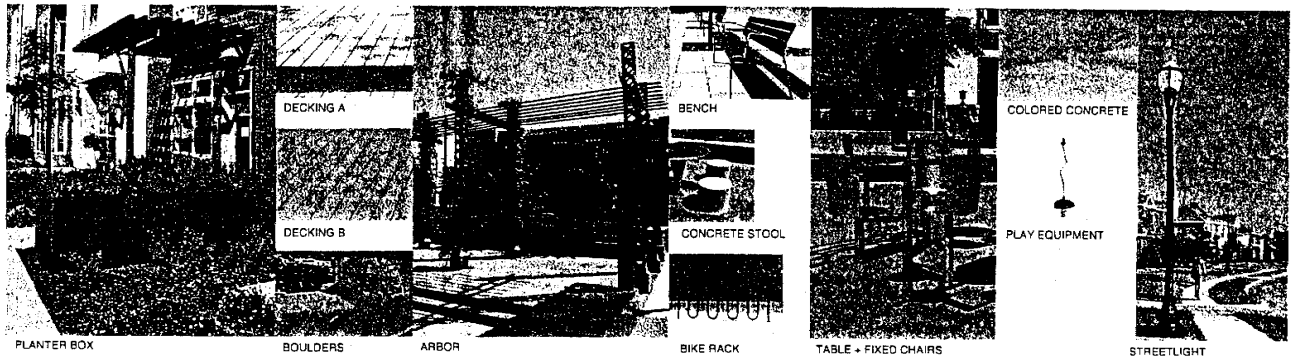
L2.01



1 COURTYARDS
L1.0 SCALE: 1/8" = 1'-0"

MATERIAL LEGEND





PLANTER BOX | BOULDERS | ARBOR | BIKE RACK | TABLE + FIXED CHAIRS | STREETLIGHT

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
RGAgadigm

DATE REVISIONS
2/7/2011 FOR REVISION #1

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94608

Client:
BRIDGE Housing

Materials Plan

Job#: 674
Scale: AS NOTED
Date: 07/07/10
Final Development Plan

L1.01



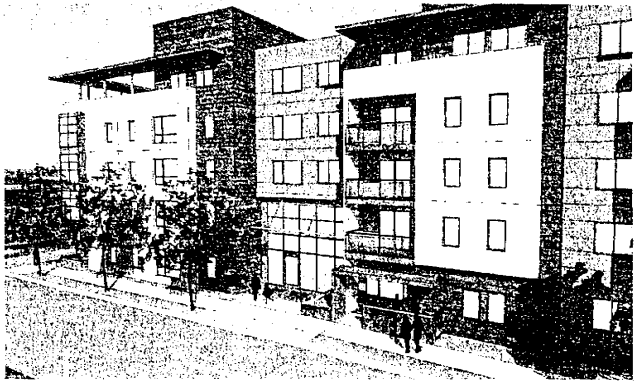
VIEW FROM TELEGRAPH AVENUE



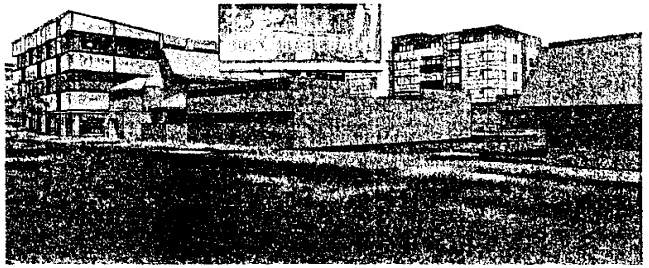
VIEW OF CORNER AND ENTRY



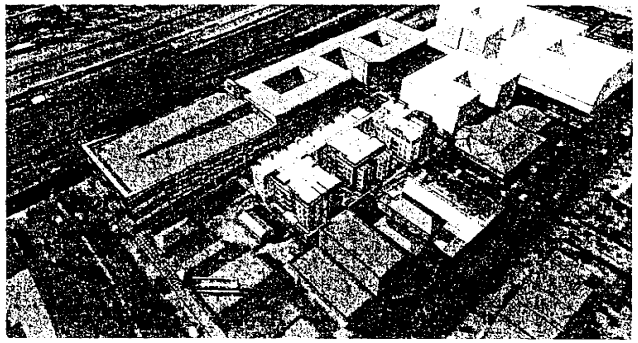
STOOPS AND BAYS ALONG INTERNAL ROAD



ENTRY



VIEW FROM MACARTHUR BOULEVARD



AERIAL VIEW FROM SOUTHEAST

VAN METER WILLIAMS POLLACK LLP

ARCHITECTURE · URBAN DESIGN · SUSTAINABLE PLANNING

CIVIL ENGINEER
SANDIS
1731 Technology Drive, Suite 200
Oakland, CA 94610
510-873-0658

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design
464 First Street
Oakland, CA 94607
510-835-1740

DATE	REVISION
2/07/11	FDP REVISION #1

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Perspective Vignettes

Job #: 0841
Scale: AS NOTED
Date: 12/15/10

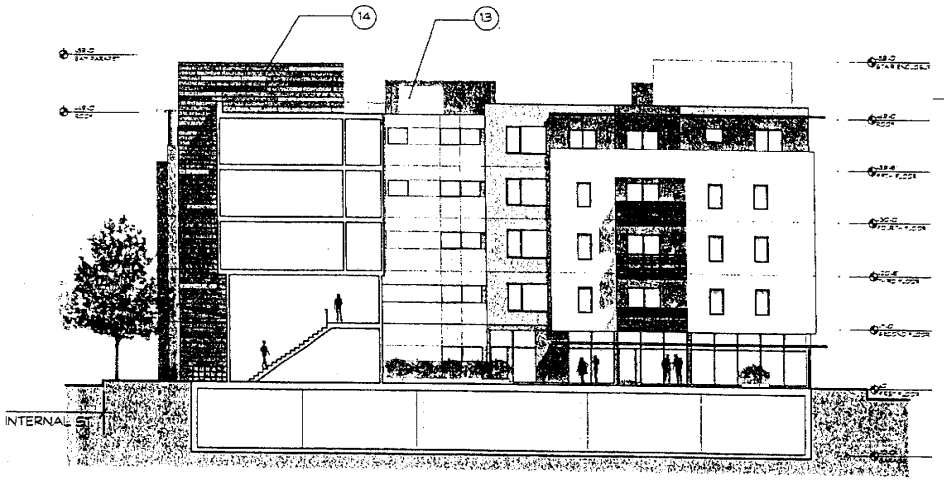
A4.10

Final Development Plan

COLOR PALETTE

A. PANEL COLOR - ICI PAINTS # A0096- DEL MAR SHORES (OFF WHITE)
B. BAY COLOR - ICI PAINTS # A1833- FOREST BLACK (DARK GREY)
C. BASE COLOR - ICI PAINTS # A131- OLD MONTEREY (LIGHT GREY)
D. ACCENT - ICI PAINTS # A0497- SPANISH HOLLOW (ORANGE RED)
E. ACCENT - ICI PAINTS # A0881- CITRUS SUNBURST (LIME GREEN)
F. ACCENT - ICI PAINTS # A0830- CHEERS (YELLOW)

SEE SHEET A3.10 FOR ADDITIONAL KEYNOTES



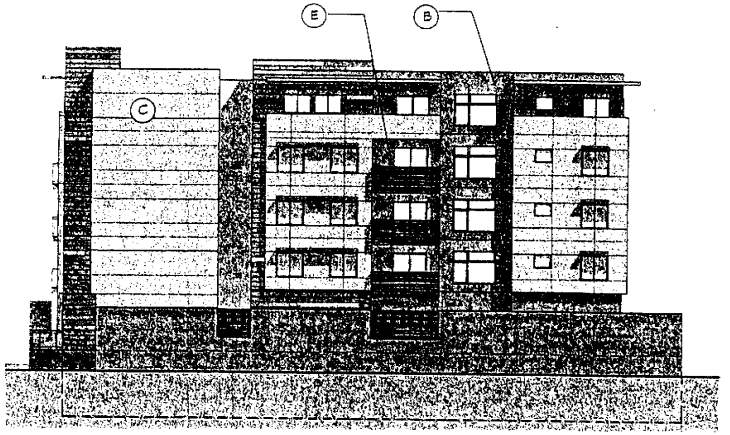
3 / A3.11 SECTION THROUGH LOBBY & COURTYARD

SCALE: 1/8" = 1'-0"



1 / A3.11 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



2 / A3.11 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
BKF
1301 Broadway, Suite 400
Oakland, CA 94612
510-671-0666

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
P & A Design
444 17th Street
Oakland, CA 94612
510-836-1284

DATE	DESCRIPTION

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

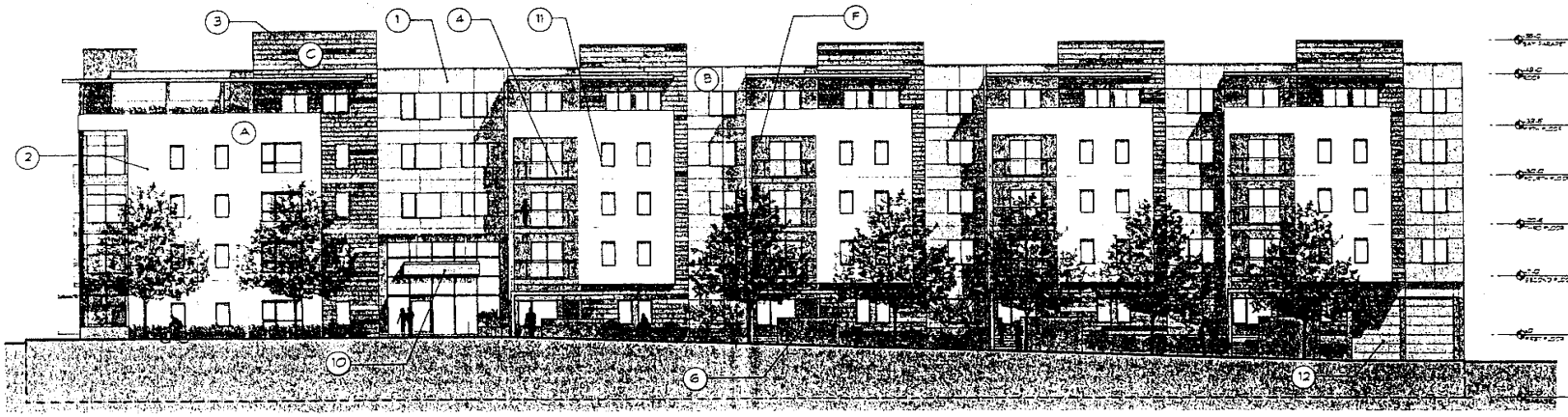
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Section/ Elevations

Job#: 1004
Scale: AS NOTED
Date: 12/05/08

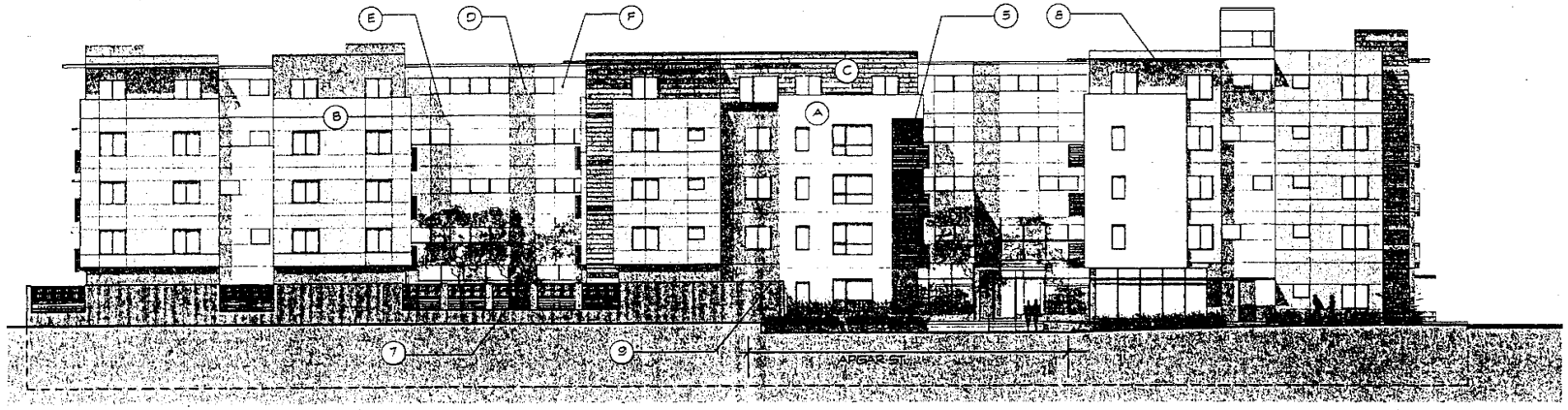
A3.11

Final Development Plan



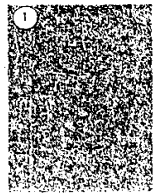
2 / A.310 WEST ELEVATION

SCALE: 1/8" = 1'-0"

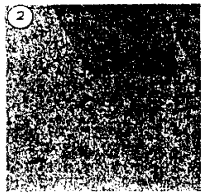


1 / A.310 EAST ELEVATION

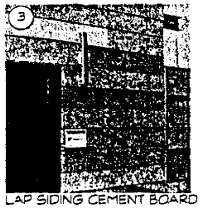
SCALE: 1/8" = 1'-0"



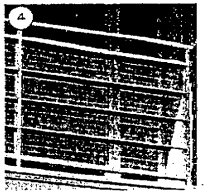
1 EXTERIOR PLASTER LIGHT SAND FINISH



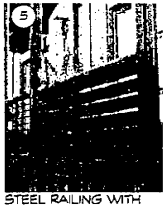
2 EXTERIOR PLASTER SMOOTH STEEL TROWEL TYP



3 LAP SIDING CEMENT BOARD VARIEGATED COLORS



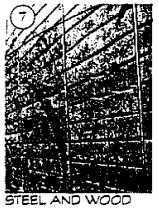
4 STEEL RAILING WITH STEEL PANEL SYSTEM



5 STEEL RAILING WITH WOOD PANEL SYSTEM



6 CONCRETE WITH FORM LINER TEXTURE PAINTED



7 STEEL AND WOOD FENCING AND GATES

8. STEEL AWNING SYSTEM
9. STEEL TRELLIS SYSTEM
10. STEEL AND GLASS ENTRY CANOPY
11. ALUMINUM WINDOW
12. SECTIONAL ALUMINUM GARAGE DOOR
13. ELEVATOR OVERIDE
14. MECHANICAL PENTHOUSE

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE	REVISIONS
2/07/11	FDP REVISION #1

Project:
MacArthur Transit Village - Block D

Oakland, CA. 94609

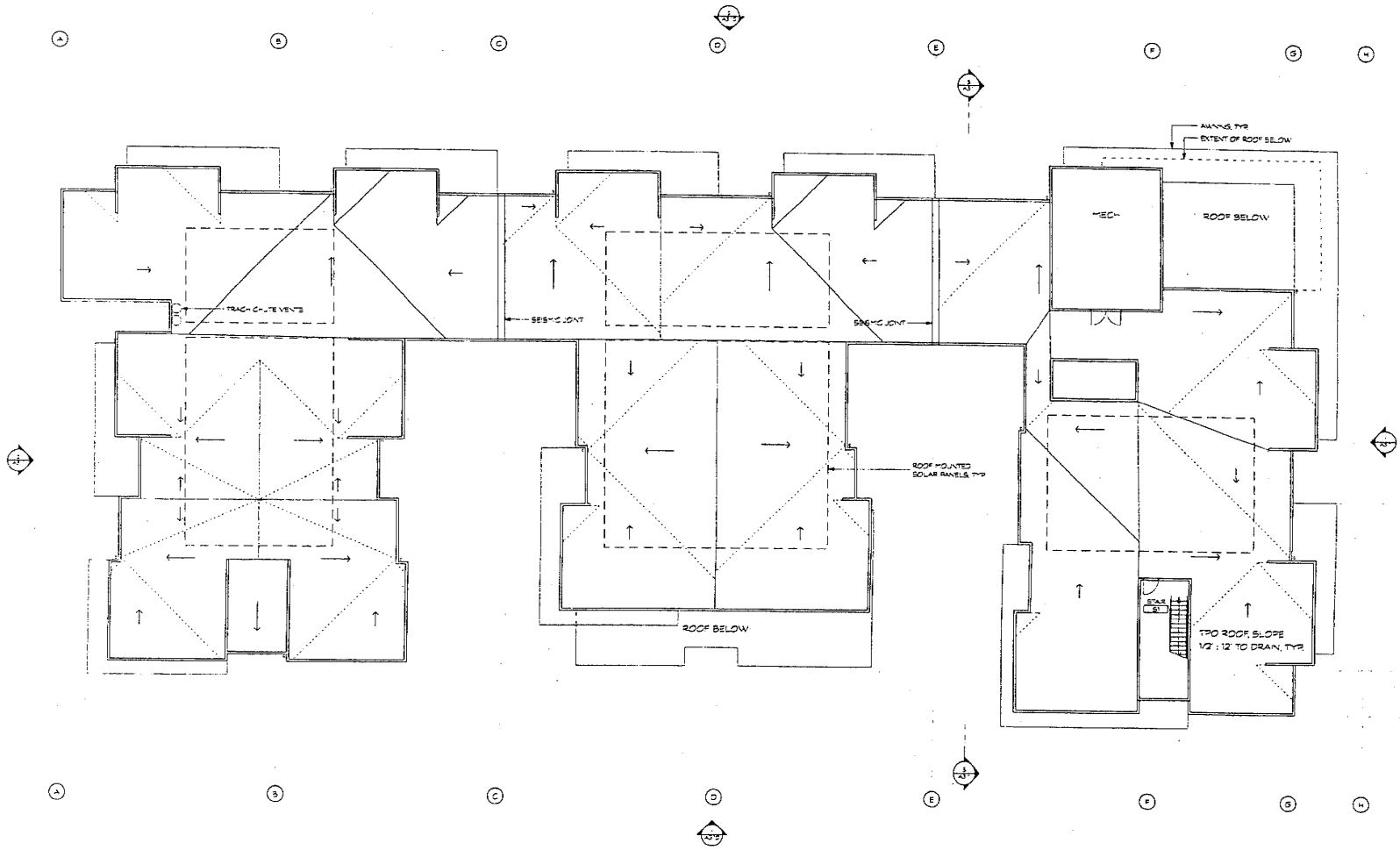
Client:
BRIDGE Housing

Section/ Elevations/ Materials Key

Job #: 1061
Scale: AS NOTED
Date: 12/5/10

A3.10

Final Development Plan



ROOF

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
BKF

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

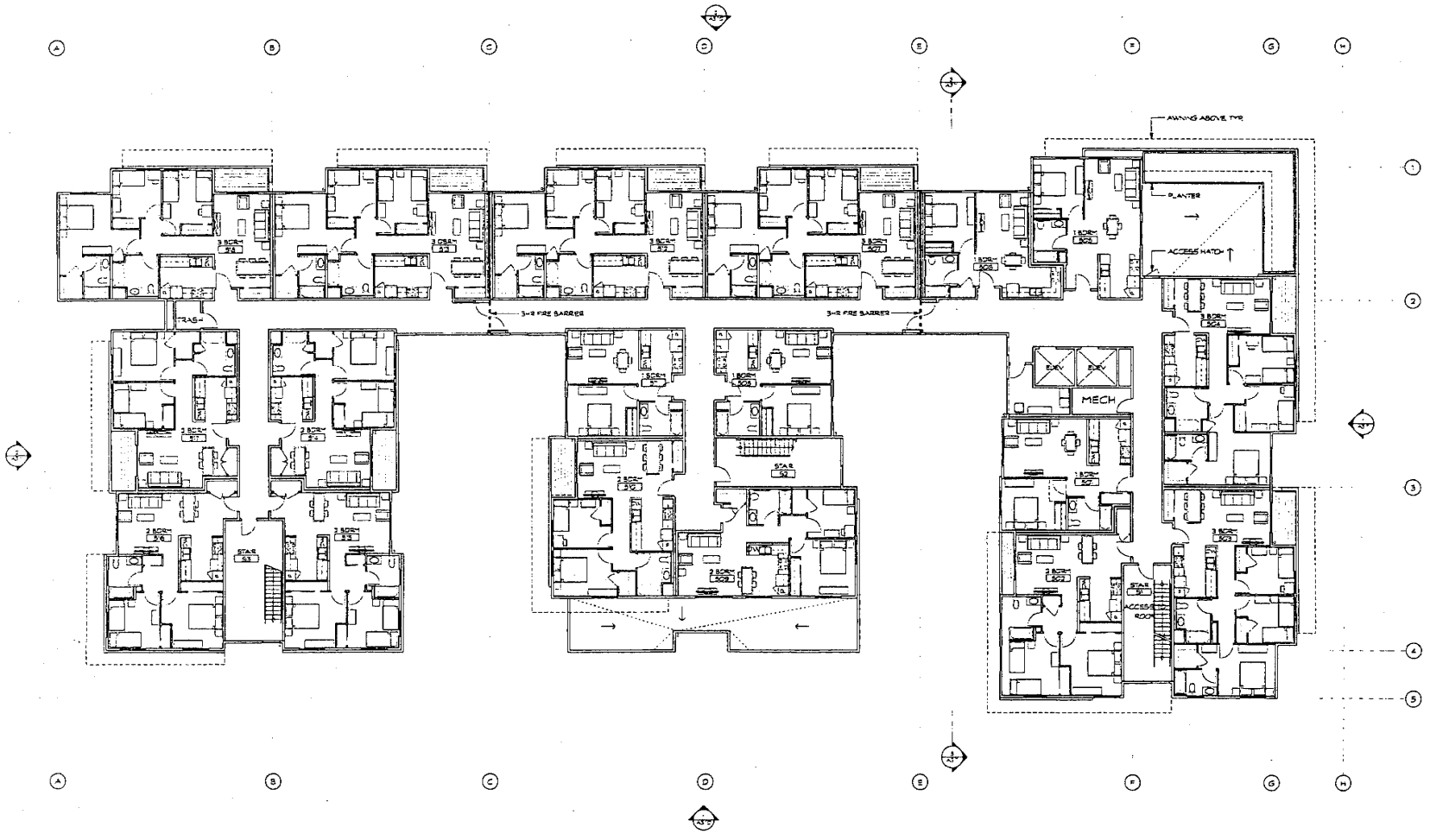
Client:
BRIDGE Housing

Roof Plan

Job #: 1104
Scale: AS NOTED
Date: 12/13/10

A2.16

Final Development Plan



1 A2.15 FIFTH FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

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SANDIS
1771 Broadway, Suite 700
Oakland, CA 94612
510-873-0810

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design
44 17th Street
Oakland, CA 94607
510-465-4364

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

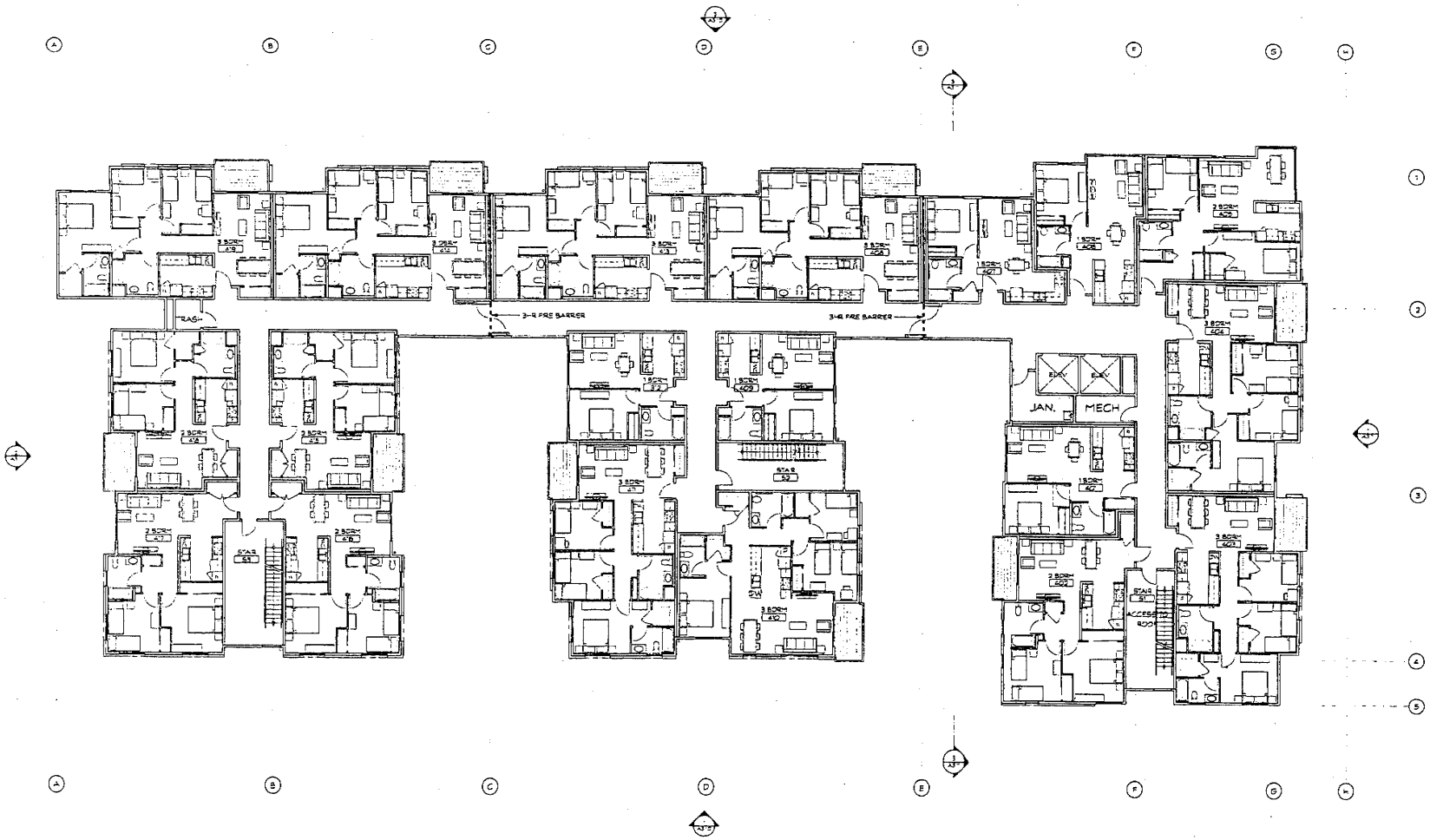
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Level 5 - Floor Plan

Job #: 104
Scale: AS NOTED
Date: 12/07/18

A2.15

Final Development Plan



FOURTH FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

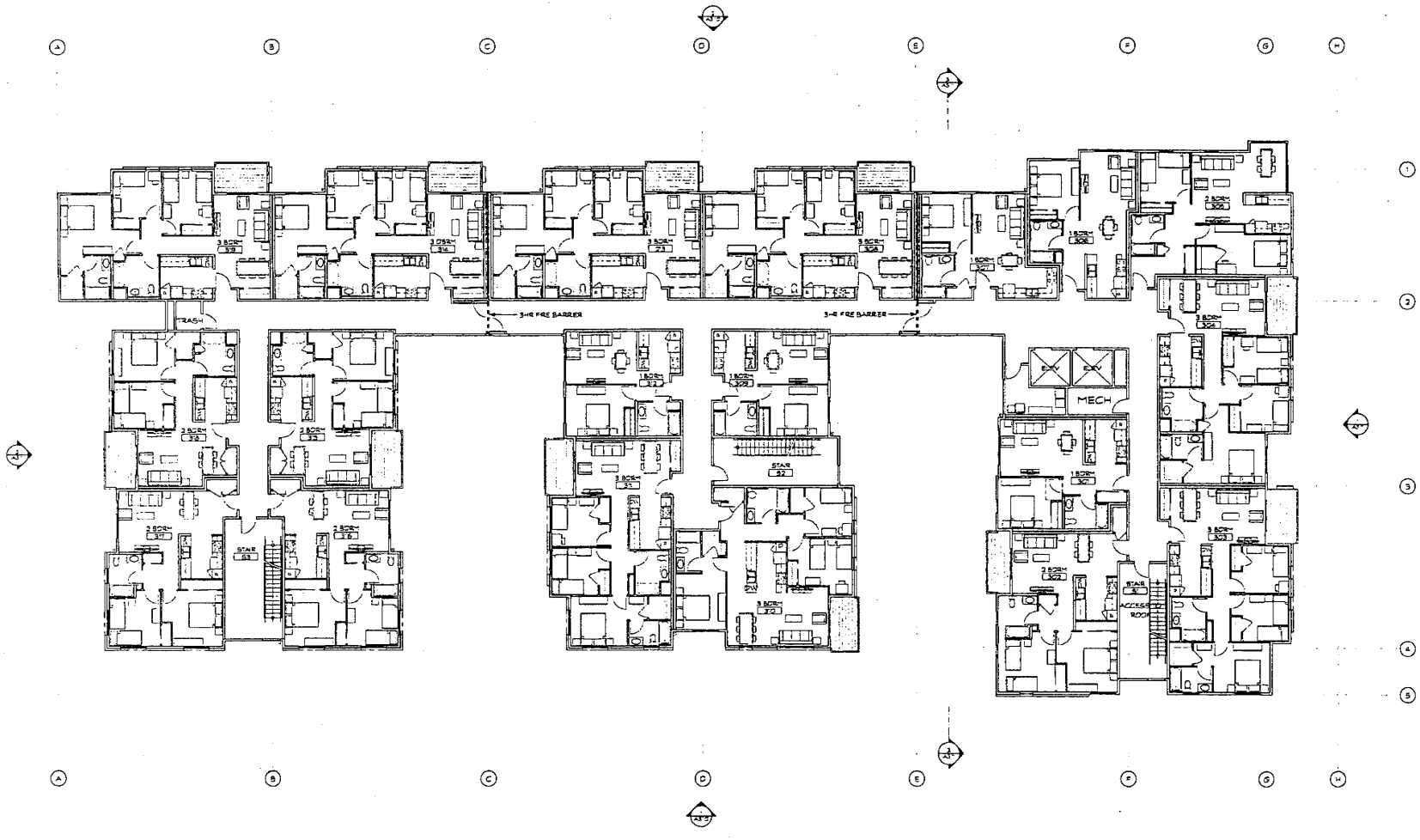
Oakland, CA. 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Level 4 - Floor Plan

Job # 104
Scale AS NOTED
Date 12.15.10
Final Development Plan

A2.14



1 A2.13 THIRD FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing

Level 3 - Floor Plan

A2.13

Final Development Plan



A2.12 SECOND FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
BANDES

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PBA Design

DATE	REVISIONS
2/27/11	FDP REVISION #1

Project:
MacArthur Transit Village - Block D
Oakland, CA. 94609

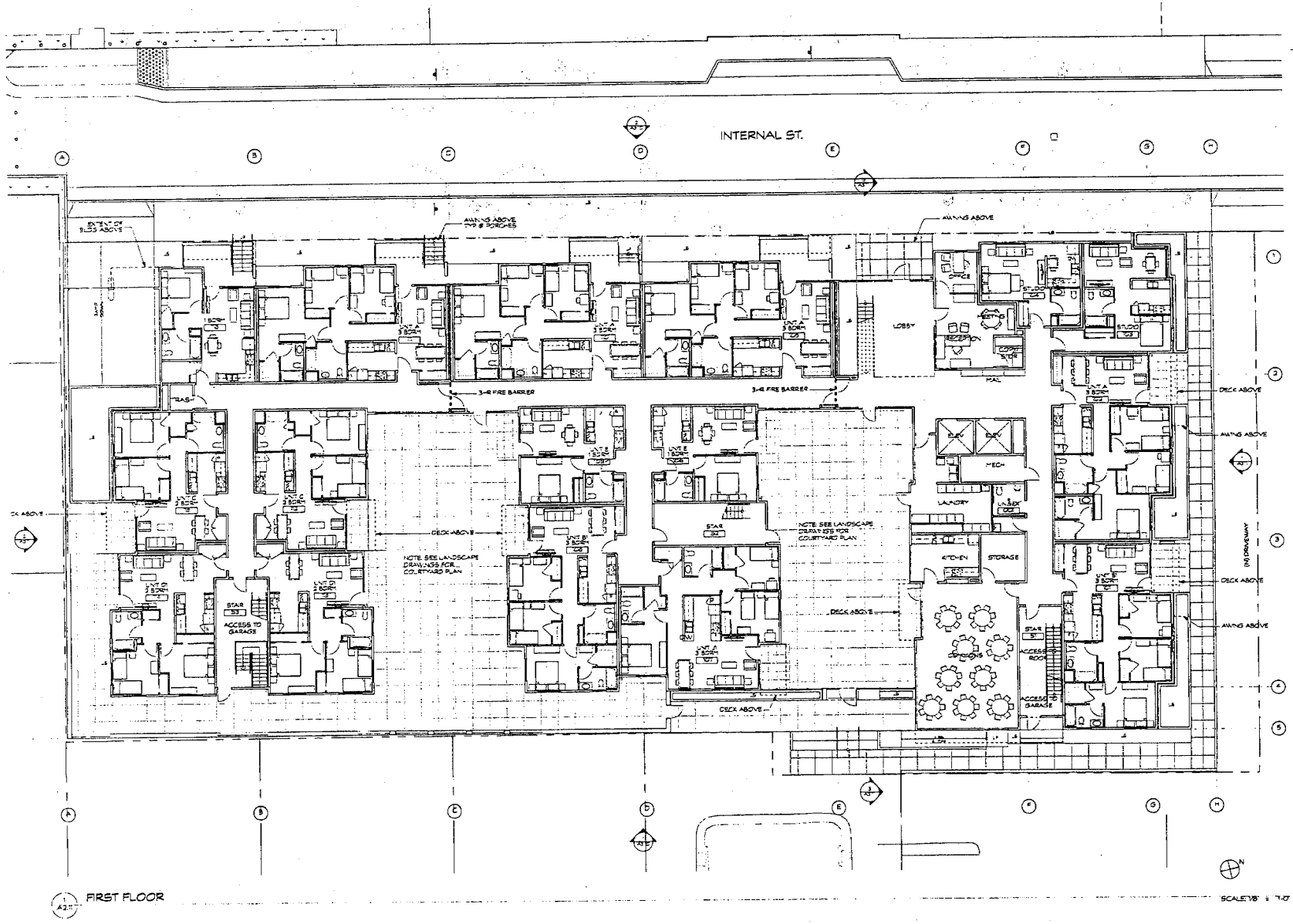
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Level 2 - Floor Plan

Job #: 1004
Scale: AS NOTED
Date: 02/15/10

A2.12

Final Development Plan



1 / A2.11 FIRST FLOOR

SCALE: 1/8" = 1'-0"

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CIVIL ENGINEER
BANDO

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE	REVISIONS
10/31/11	FOR REVISION #1

Project:
MacArthur Transit Village - Block D

Oakland, CA. 94609

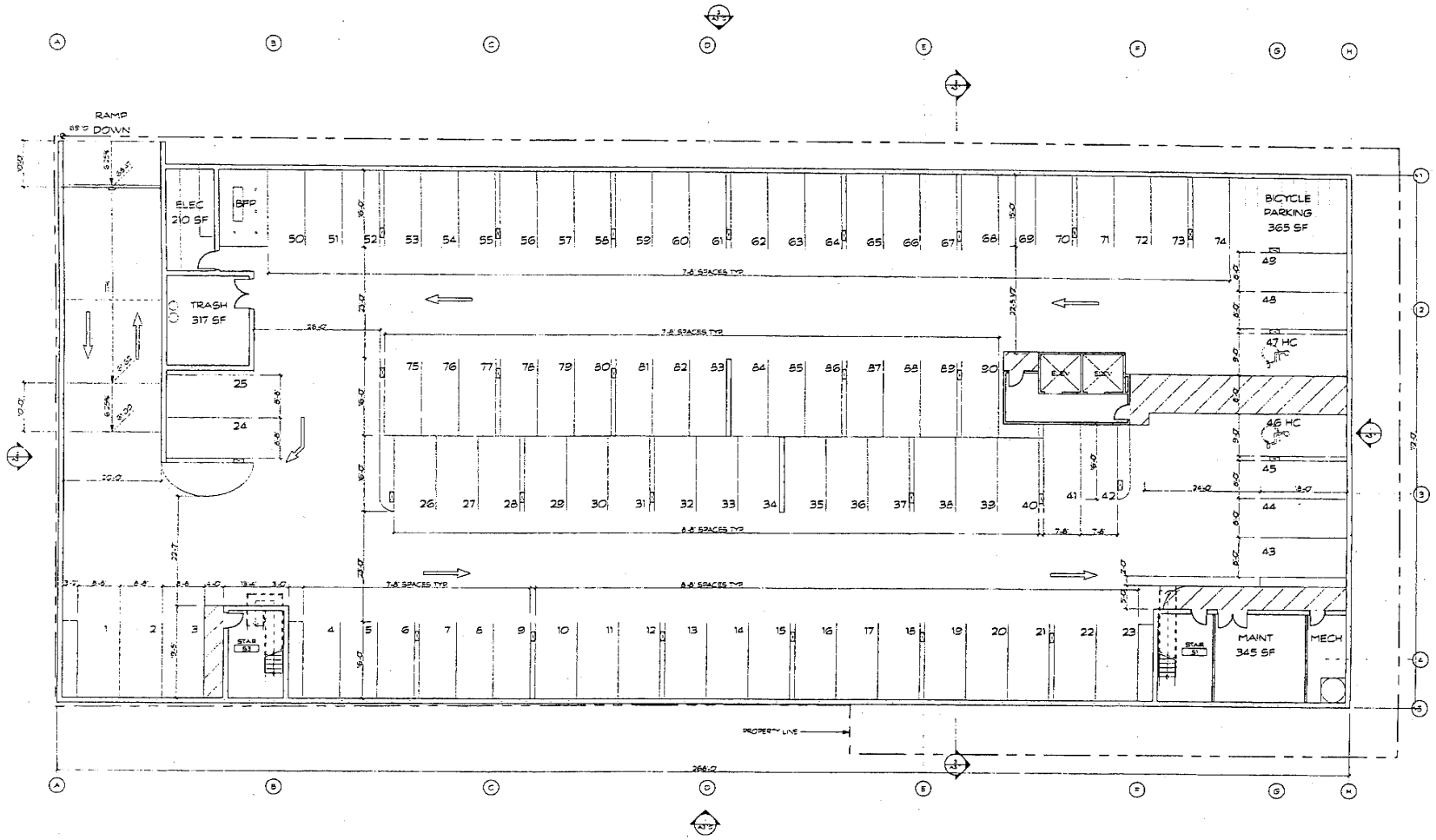
Client:
BRIDGE Housing

Level 1 - Floor Plan

Job #: 1011
Scale: AS NOTED
Date: 12/5/10

A2.11

Final Development Plan



GARAGE

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
BKF ENGINEERS

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

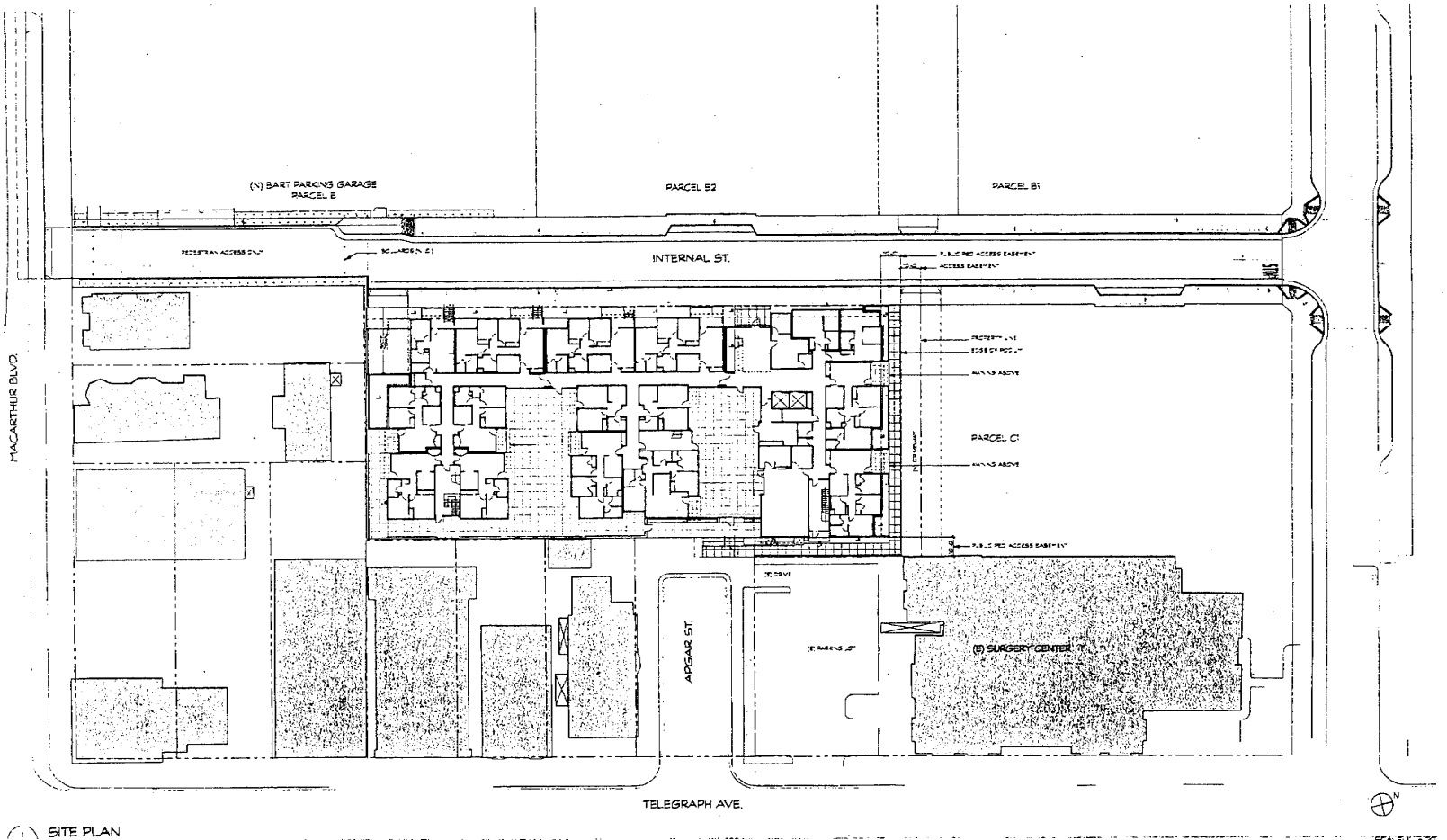
Oakland, CA, 94609

Client:
BRIDGE Housing

Garage Level - Floor Plan

A2.10

Final Development Plan



1 A1.10 SITE PLAN

SCALE: 1" = 20'

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
BANDEC

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE	REVISIONS
2/17/11	FOR REVISION #1

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

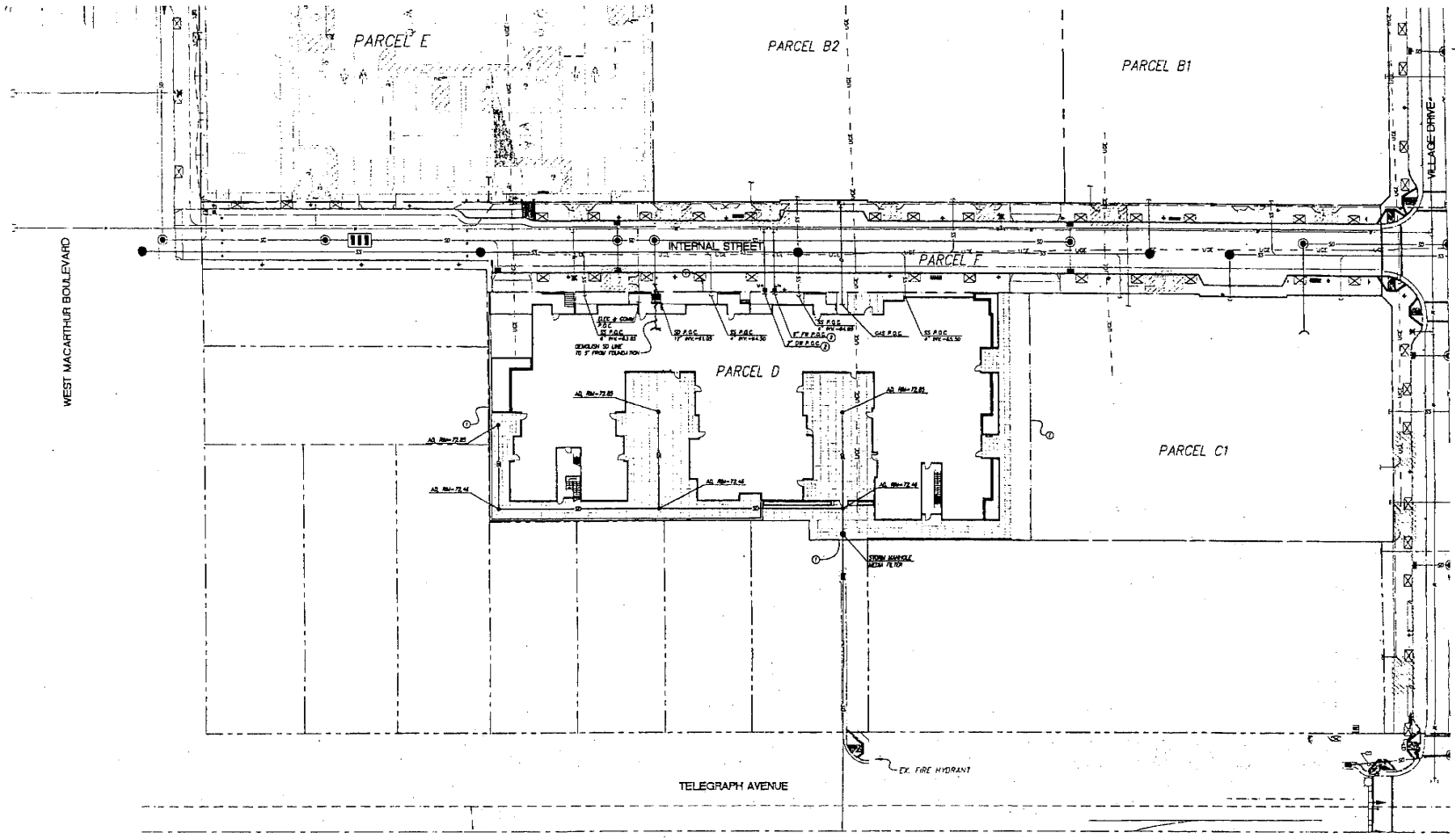
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Site Plan

Job #: 1014
Scale: AS NOTED
Date: 12/15/10

A1.10

Final Development Plan



C3.01 UTILITY PLAN AND PROFILE 1"=20'

SHEET NOTES

1. LIMIT OF WORK OF PARCEL D WORK IS AT PARCEL D PROPERTY LINE.
2. BACKFLOW PREVENTORS SHALL BE INSIDE BUILDINGS

GENERAL NOTES

1. WORK SHOWN OUTSIDE THE LIMIT OF WORK IS PART OF THE SITE IMPROVEMENT SET AND IS SHOWN FOR REFERENCE ONLY.

SANDIS OAKLAND SCALE: 1"=20'

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ELECTRICAL ENGINEER

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LANDSCAPE ARCHITECT
PGA Design
464 17th Street
Oakland, CA 94612
510-465-5384

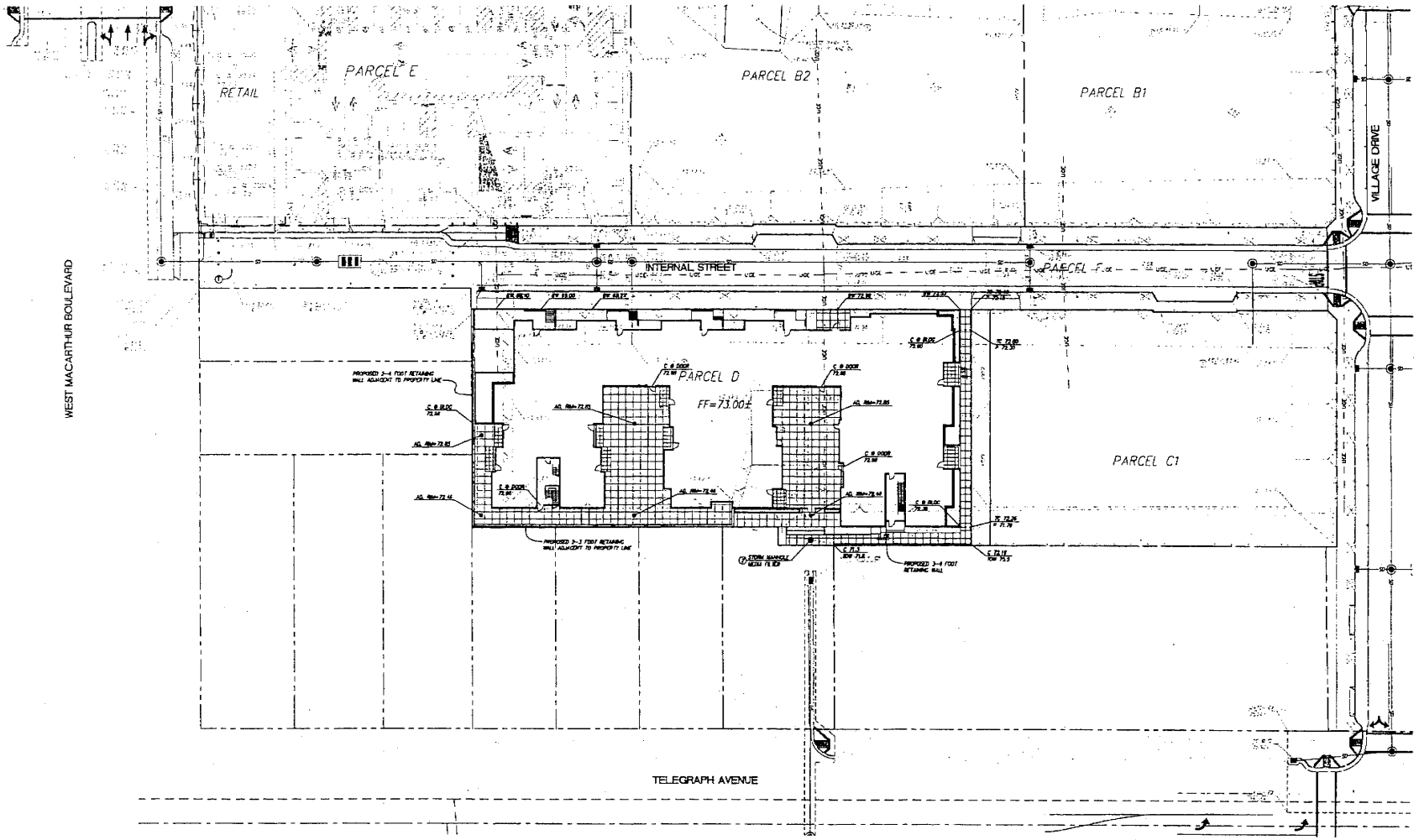
DATE	REVISIONS
2/07/11	PDP REVISION #1

Project:
MacArthur Transit Village - Block D
Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

UTILITY PLAN

Job#: 1014
Scale: 1"=20'
Date: 12/15/10
C4.01
Final Development Plan



GRADING & DRAINAGE PLAN
1" = 20'

GENERAL NOTES

1. WORK WITHIN PARCEL F AND APCAR STREET IS UNDER A SEPARATE PERMIT. SEE MACARTHUR TRANSIT VILLAGE SITE IMPROVEMENT PLANS.

POST CONSTRUCTION STORM WATER MANAGEMENT NOTES

1. THE INTENTION IS TO DRAIN ALL IMPERVIOUS SURFACES TO THE INTERNAL STREET DRAINAGE SYSTEM. ALL INTERNAL STREET DRAINAGE IS TO BE TREATED BY A MEDIA FILTER IN INTERNAL STREET PRIOR TO DISCHARGE TO THE MUNICIPAL STORM WATER SYSTEM. THE MEDIA FILTER HAS BEEN SIZED TO TREAT DRAINAGE FROM INTERNAL STREET AND THE ADJACENT PARCELS F1, B2, C1, AND D. DETAILS ARE SHOWN IN THE MACARTHUR TRANSIT VILLAGE SITE IMPROVEMENT PLANS.
2. ANY REMAINING DRAINAGE THAT FLOWS TO APCAR STREET WILL BE TREATED EITHER BY LANDSCAPE PLANTERS OR BY MEDIA FILTER.

SANDIS
OAKLAND

VAN METER WILLIAMS POLLACK LLP

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ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design
444 17th Street
Oakland, CA 94612
510-448-1384

DATE	REVISIONS
2/07/11	FDP REVISION #1

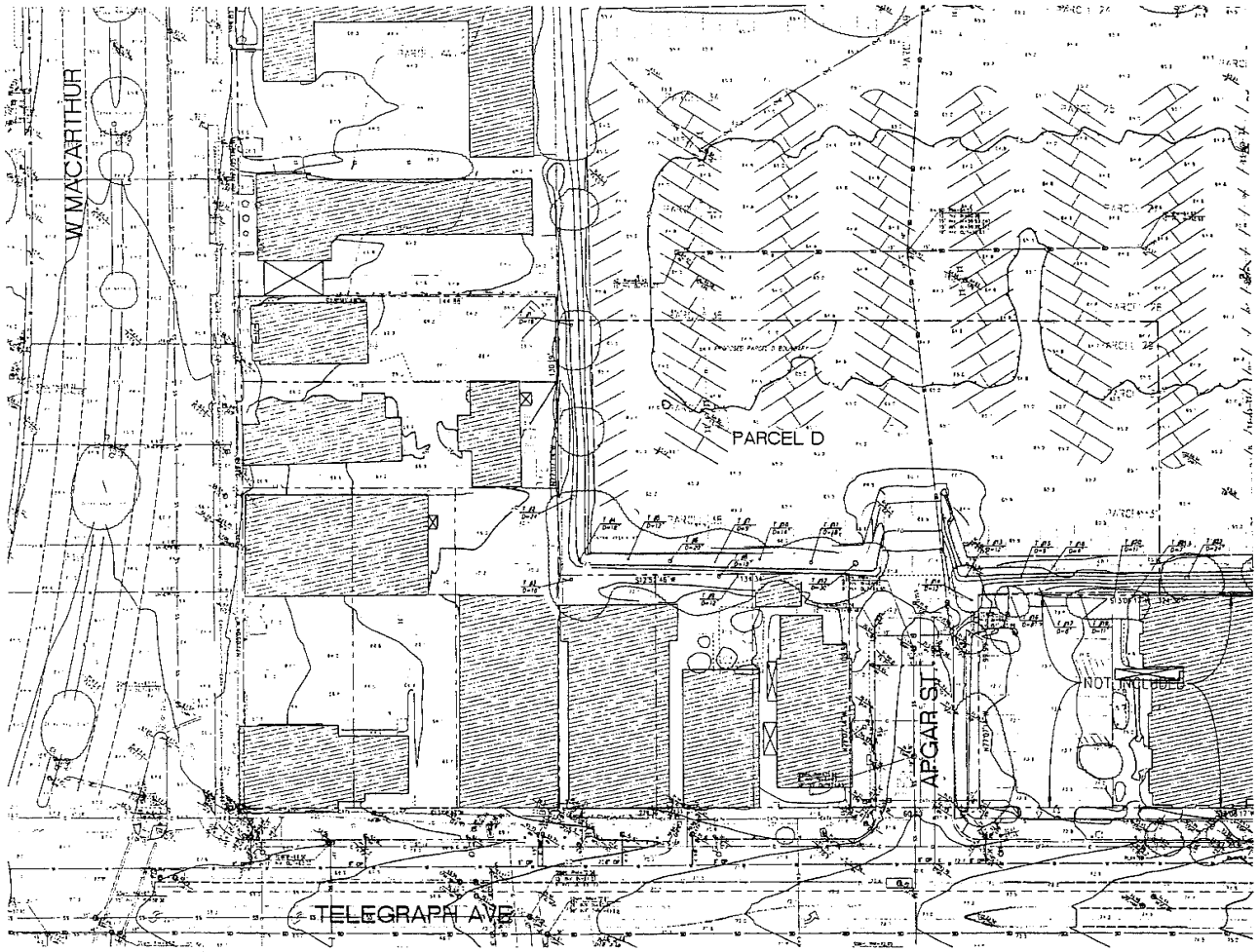
Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

GRADING & DRAINAGE PLAN

Job#: 1014
Scale: 1"=20'
Date: 12/15/10
C3.01
Final Development Plan



TREE #	DIAMETER	SPECIES	TO BE REMOVED
T #1	14"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #2	24"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #3	18"	APPEAR UNKNOWN, 4 STEMS	
T #4	18"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #5	12"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #6	22"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #7	8"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #8	18"	ACACIA MELANOXYLON, BLACKWOOD ACACIA	
T #9	12"	ACACIA MELANOXYLON, BLACKWOOD ACACIA	
T #10	14"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #11	12"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #12	22"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #13	12"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #14	12"	LOPHOSTEMON CONFERTUS, BRISBANE BOX	X
T #15	8"	PITTOSPORUM TOBIRA/DEE, LEYLAND CYPRESS	X
T #16	8"	LOPHOSTEMON CONFERTUS, BRISBANE BOX	X
T #17	8"	OLIVE/US EUROPAEA, COAST LIVE OAK	X
T #18	6"	OLIVE/US EUROPAEA, COAST LIVE OAK	X
T #19	10"	LOPHOSTEMON CONFERTUS, BRISBANE BOX	
T #20	11"	LOPHOSTEMON CONFERTUS, BRISBANE BOX	
T #21	7"	LOPHOSTEMON CONFERTUS, BRISBANE BOX	
T #22	24"	SEQUOIA SEMPERVIRENS, COAST REDWOOD	

TOPOGRAPHIC SURVEY

TOPOGRAPHIC SURVEY BY SANDIS WITH AERIAL TOPOGRAPHIC SURVEY PERFORMED BY ATLAS PHOTOMAPPING SERVICES FROM SURVEY FLIGHTS ON OCTOBER 24 AND 2007. THE AERIAL SURVEY WAS SUPPLEMENTED WITH GROUND SURVEY DATA TO DETERMINE THE TYPE AND SIZES OF EXISTING TREES SITE AND TO ACQUIRE DATA IN AREAS WHERE GREATER DETAIL IS REQUIRED

EXISTING BOUNDARY

EXISTING BOUNDARY INFORMATION FROM ALTA SURVEY BY SANDIS, DATED 03/09/2007

C0.11 TOPOGRAPHIC & TREE SURVEY 1"=20'

SANDIS
OAKLAND

VAN METER WILLIAMS POLLACK LLP

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1731 Broadway, Suite 203
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ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design
444 17th Street
Oakland, CA 94612
510-465-1384

DATE	REVISIONS

Project:
MacArthur Transit Village - Block D

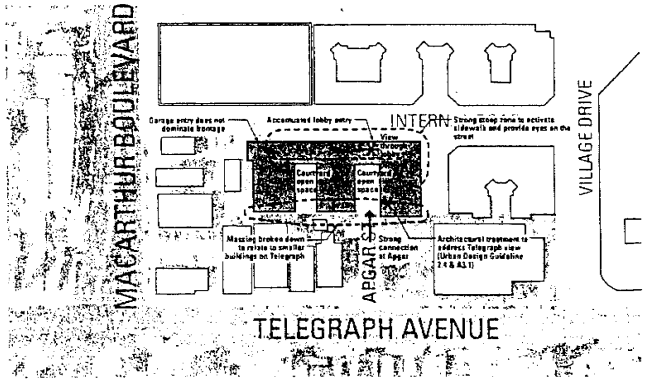
Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

TOPOGRAPHIC & TREE SURVEY

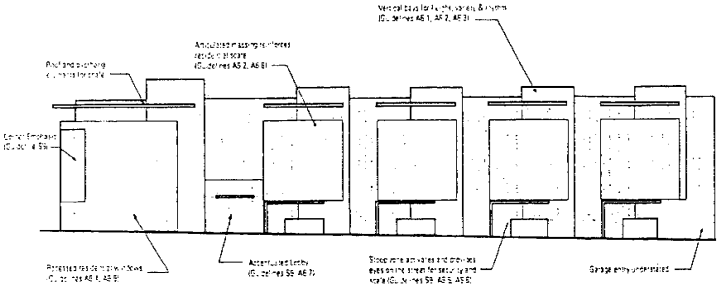
Job#: 1014
Scale: 1"=20'
Date: 12/15/10
Final Development Plan

C0.11

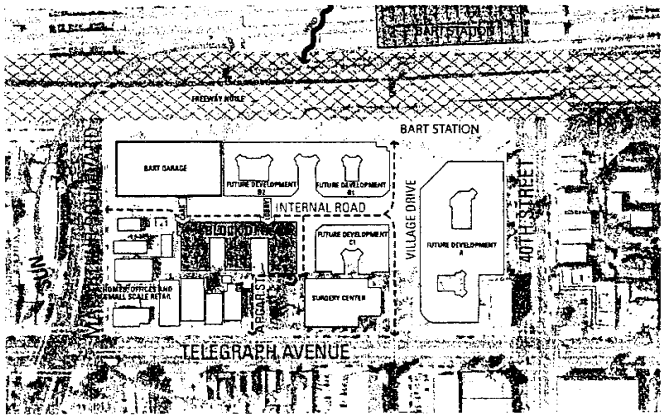


N

3 / AO.40 SITE DIAGRAM



3 / AO.40 DESIGN GUIDELINE COMPLIANCE - INTERNAL DRIVE



N

1 / AO.40 VICINITY DIAGRAM

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing

Master Plan Compliance Diagrams

Job #: 094
Scale: AS NOTED
Date: 12/15/10

A0.40

Final Development Plan

APPLICABLE CODES

ALL WORK SHALL BE IN CONFORMANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND CITY ORDINANCES IN FORCE. IT'S ORDER THE MORE STRINGENT REGULATION GOVERNS. REQ. PERMITS AS EITHER SHED BY STATE AND LOCAL FIRE MARSHALS AND THE RULES AND REGULATIONS OF THE UTILITY COMPANIES SERVING THIS PROJECT.

2007 EDITION OF THE CALIFORNIA CODE OF REGULATIONS - TITLE 24 CALIFORNIA BUILDING STANDARDS CODE:

PART 2 - CALIFORNIA BUILDING CODE (CBC)	2007 EDITION (TAKEN FROM 2006 IBC)
PART 3 - CALIFORNIA ELECTRICAL CODE	2007 EDITION (TAKEN FROM 2003 NEC)
PART 4 - CALIFORNIA MECHANICAL CODE	2007 EDITION (TAKEN FROM 2006 UMC)
PART 5 - CALIFORNIA PLUMBING CODE	2007 EDITION (TAKEN FROM 2006 UPC)
PART 6 - CALIFORNIA ENERGY CODE	2006 CALIFORNIA ENERGY CODE
PART 7 - CALIFORNIA ELEVATOR SAFETY CODE	2007 EDITION
PART 9 - CALIFORNIA FIRE CODE	2007 EDITION (TAKEN FROM 2006 UFC)

OAKLAND MUNICIPAL CODE	2006 EDITION
TITLE 15 - BUILDINGS AND CONSTRUCTION	CHAPTER 15.04 - AMENDMENTS TO THE 2007 CA CODE OF REGULATIONS PARTS 2, 3, 4, AND 5
TITLE 17 - PLANNING	CHAPTER 17.28 - R-70 - HIGH DENSITY RESIDENTIAL ZONE REGULATIONS
	CHAPTER 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS
TITLE 15 - BUILDINGS	CHAPTER 15.35 - SUSTAINABLE GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

ALL RESIDENTIAL UNITS ARE GOVERNED BY CHAPTER 11A & THE FAIR HOUSING ACT. ALL COMMON AREAS ARE GOVERNED BY CHAPTER 11B & ADAAG

CONSTRUCTION CLASSIFICATION

CONSTRUCTION TYPES	
R-2.1 STORIES	TYPE I-A (CBC TABLE 503)
R-2 BASEMENT	TYPE I-A (CBC 509.2)

CONSTRUCTION FIRE-RESISTIVE REQUIREMENTS	
EXTERIOR BEARING WALLS	3-HR RATED CONSTRUCTION, (CBC TABLE 601) FIRE TREATED WOOD ALLOWED IN UP TO 2-HR WALL PER 602.3
EXTERIOR NON-BEARING WALLS	1-HR RATED CONSTRUCTION, IF < 30' FROM PROPERTY LINE (CBC TABLES 601 & 602)
	NON-RATED IF 30' OR GREATER FROM PROPERTY LINE (CBC TABLES 601 & 602)
STRUCTURAL FRAME	1-HR RATED CONSTRUCTION, (CBC TABLE 601)
INTERIOR BEARING WALLS	1-HR RATED CONSTRUCTION (CBC TABLE 601)
INTERIOR NON-BEARING WALLS	NON-RATED (CBC TABLE 601)
FLOOR CONSTRUCTION & SUPPORTING BEAMS AND JOISTS	1-HR RATED CONSTRUCTION, (CBC TABLE 601)
ROOF CONSTRUCTION & SUPPORTING BEAMS AND JOISTS	1-HR RATED CONSTRUCTION, (CBC TABLE 601)
FIRE WALL	3-HR RATED CONSTRUCTION, (CBC TABLE 706.4)
OCCUPANCY SEPARATION R-2 TO S-2	1-HR RATED CONSTRUCTION, (CBC TABLE 508.3.3)
DWELLING UNIT / TENANT SEPARATION WALLS & FLOORS WITHIN R-2	1-HR RATED CONSTRUCTION, (CBC 708.3 - 711)
CORRIDORS WALLS & FLOORS WITHIN R-2	1-HR RATED CONSTRUCTION, (CBC TABLE 708.4 & 1017)
WITHIN DWELLING	2-HR RATED CONSTRUCTION, (CBC TOTAL SEP 2.3)
ELEVATOR	2-HR RATED CONSTRUCTION, (CBC TOTAL SEP 3.2)
ENCLOSED ELEVATOR LOBBIES (NOT REQ'D IN BLDGS PROTECTED BY SPRINKLER SYST (CBC 707.14.1 &
SHAFT ENCLOSURES	1-HR RATED WHERE CONNECTING 2-4 STORIES (CBC 707.4)
	2-HR RATED WHERE CONNECTING 5 OR MORE STORIES (CBC 707.4)
	2-HR RATED AT R-2 TO S-2 OCCUPANCY SEPARATION
RESIDENTIAL USE AREAS	
PLENUM ROOFS (IN EXCESS OF 4' OR 10% OF ROOM PERIMETER)	1-HR RATED CONSTRUCTION (PER CBC TABLE 509.3)
BOILER ROOMS (IN EXCESS OF 15 SQ. FT. OR 15 HORSEPOWER)	1-HR RATED CONSTRUCTION (PER CBC TABLE 509.3)
LAUNDRY ROOMS (OVER 100 SQ. FT.)	1-HR RATED CONSTRUCTION (PER CBC TABLE 509.3)
STORAGE ROOMS (OVER 100 SQ. FT.)	1-HR RATED CONSTRUCTION (PER CBC TABLE 509.3)
TRASH ROOMS (OVER 100 SQ. FT.)	1-HR RATED CONSTRUCTION (PER CBC TABLE 509.3 TOTAL)

OCCUPANCY CLASSIFICATION & EXITING

FLOOR LEVEL DESIGNATION	OCCUPANCY GROUP (CBC Ch. 3)	LOAD FACTOR (CBC Table 1004.1.1)	FLOOR AREA (Gross Area per CBC 1002)	OCCUPANT LOAD (Total Area / Load Factor)	MAX. LEGAL TRAVEL (CBC Table 1015.1)	EGRESS WIDTH (CBC Table 1005.1) STAIRWAY	EGRESS WIDTH (CBC Table 1005.1) OTHER	EXITS REQ. PER FLOOR
GARAGE LEVEL - PARKING	S-2	200	29,970 sf	150	29	30	22	2
GARAGE LEVEL - ELEC. ROOM	S-2 NONRESIDENTIAL USE	300	0 sf	0	29	0	0	1
GARAGE LEVEL - MAINTENANCE	S-2 NONRESIDENTIAL USE	300	0 sf	0	29	0	0	1
GARAGE LEVEL - UTILITY STORAGE	S-2 NONRESIDENTIAL USE	300	0 sf	0	29	0	0	1
GARAGE LEVEL - UTILITY STORAGE	S-2 NONRESIDENTIAL USE	300	0 sf	0	29	0	0	1
TOTAL			29,970 sf	150				
LEVEL ONE RESIDENTIAL	R-2	200	20,065 sf	101	150	37	18	2
LEVEL ONE COMMUNITY ROOM	R-2 ACCESSORY	50	0 sf	0	150	0	0	2
LEVEL ONE STORAGE	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL ONE RECEPTION	R-2 ACCESSORY	200	0 sf	0	150	0	0	1
LEVEL ONE LAUNDRY	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL ONE OFFICE	R-2 ACCESSORY	100	0 sf	0	150	0	0	1
LEVEL ONE JANITOR	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL ONE TRASH	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL ONE EGRESS COMPONENTS	R-2 ACCESSORY	200	0 sf	-	-	-	-	-
TOTAL			20,065 sf	101				
LEVEL TWO RESIDENTIAL	R-2	200	21,694 sf	109	150	33	17	2
LEVEL TWO JANITOR	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL TWO MECHANICAL	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL TWO TRASH	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL TWO EGRESS COMPONENTS	R-2 ACCESSORY	200	0 sf	-	-	-	-	-
TOTAL			21,694 sf	109				
LEVEL THREE RESIDENTIAL	R-2	200	21,694 sf	109	150	33	17	2
LEVEL THREE MECHANICAL	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL THREE JANITOR	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL THREE TRASH	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL THREE EGRESS COMPONENTS	R-2 ACCESSORY	200	0 sf	-	-	-	-	-
TOTAL			21,694 sf	109				
LEVEL FOUR RESIDENTIAL	R-2	200	21,694 sf	109	150	33	17	2
LEVEL FOUR JANITOR	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL FOUR MECHANICAL	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL FOUR TRASH	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL FOUR EGRESS COMPONENTS	R-2 ACCESSORY	200	0 sf	-	-	-	-	-
TOTAL			21,694 sf	109				
LEVEL FIVE RESIDENTIAL	R-2	200	19,797 sf	99	150	30	15	2
LEVEL FIVE MECHANICAL	R-2 ACCESSORY	300	0 sf	0	150	0	0	1
LEVEL FIVE LAUNDRY	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL FIVE TRASH	R-2 NONRESIDENTIAL USE	200	0 sf	0	150	0	0	1
LEVEL FIVE EGRESS COMPONENTS	R-2 ACCESSORY	200	0 sf	-	-	-	-	-
TOTAL			19,797 sf	99				

TOTAL BUILDING (RESIDENTIAL) AREA (PER CBC 1002.1 & 1004.1.2): 134,868 sf

OPENING PROTECTIONS

BUILDING ELEVATION	LABEL (SEE DIAGRAM)	DISTANCE FROM PROPERTY LINE	MAX. ALLOWABLE AREA OF EXT. WALL OPENINGS: UNPROTECTED	MAX. ALLOWABLE AREA OF EXT. WALL OPENINGS: PROTECTED	ELEVATION AREA	AREA OF EXTERIOR WALL OPENINGS	OPENINGS AS A % OF EXTERIOR WALL
PARCEL D							
WEST	-	23' TO E. STREET	45%	no limit	- sqft	- sqft	-
NORTH	-	20' TO R.	25%	75%	- sqft	- sqft	-
EAST	-	10'	10%	25%	- sqft	- sqft	-
SOUTH	-	10'	10%	25%	- sqft	- sqft	-
TYPICAL COURTYARD	-	17'	25%	75%	- sqft	- sqft	-

per CBC 704.8.1 if openings are protected in accordance with 703.3.1 then opening sizes & % are same as if protected.

ALLOWABLE AREA

OCCUPANCY GROUP TYPE		BASIC ALLOWABLE AREA (CBC Table 503 TYPE I-A)	FRONTAGE INCREASE - ALLOW. AREA (CBC 506.3)	SPRINKLER SYST - ALLOW. AREA (CBC 506.3) * IF 2 SIDES TO PERIMETER	TOTAL AREA MODIFICATION (CBC 506.1) & (CBC 506.4)
R-2	6A	24,000 sf	sf + (507.009-0.25) + (77.18.90) + 0.2357	Aa = [24,000 + 24,000 + 0.2357] + (10) = 28,656 sf/story	
TOTAL R-2					TOTAL AREA MODIFICATION: 28,656 sf > 59,376 sf PER BLDG
S-2	1A	CONSIDERED A BASEMENT & NOT INCLUDED IN TOTAL ALLOWABLE AREA (CBC 506.1.1)			UNLIMITED

ALLOWABLE STORIES

BUILDING USE DESIGNATION	OCCUPANCY GROUP	BASIC ALLOW. STORIES (CBC Table 503)	SPRINKLERED ALLOWABLE STORIES (CBC Table 503, 504.2)	MAX. HEIGHT (CBC Table 503, 504.3)	PROVIDED STORIES	ACTUAL HEIGHT
RESIDENTIAL	R-2 (TYPE 1-A)	4 STORIES	5 STORIES	85'	5 PLUS BASEMENT	55' + MECHANICAL

FIRE SPRINKLER REQUIREMENTS

SPRINKLER SYSTEM NOTES ARE FOR REFERENCE ONLY. SPRINKLER SYSTEM SHALL BE DESIGN / BUILD AND DRAWINGS SHALL BE SUBMITTED BY SPRINKLER SUBCONTRACTOR UNDER SEPARATE PERMIT.

APPROVED AUTOMATIC SPRINKLER SYSTEM REQUIRED THROUGHOUT PER NFPA 13 REQUIREMENTS.

OTHER CODE PROVISIONS

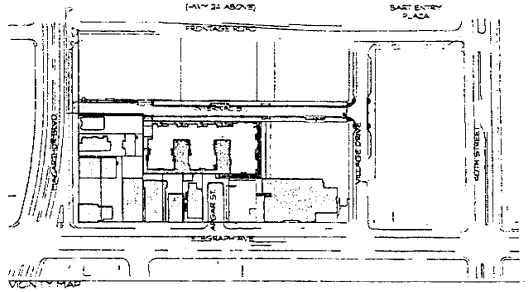
AT LEAST 1 STAIRWAY SHALL EXTEND TO ROOF EXCEPT WHERE ROOF SLOPE EXCEEDS 4:12 (CBC 1009.11).

WINDOWS IN HABITABLE ROOMS SHALL HAVE A MINIMUM NET CLEAR AREA OF 5% OF THE FLOOR AREA. (CBC 1205.2) THE MINIMUM OPENABLE AREA TO BE 4% OF THE FLOOR AREA (CBC 1203.4.1).

FIRE EXTINGUISHERS SHALL BE MOUNTED IN COMMON AREAS, CORRIDORS, PATH OF EXIT TRAVEL, AT OR LESS THAN 75' FROM ANY LOCATION OR 1 FIRE EXTINGUISHER EVERY 3,000 SF WHICHEVER RESULTS IN A HIGHER COUNT. SEE PLANS FOR LOCATIONS.

UNIT ENTRY DOORS NOT LOCATED ALONG AN ACCESSIBLE PATH OF TRAVEL, DOES NOT SWING OUT OVER THE STEP AND IS NOT REQUIRED AS A MEANS OF EGRESS, MAY HAVE A VERTICAL STEP AT THE DOOR THRESHOLD UP TO 7-3/4" (CBC 1008.1.8 EXCEPTION).

AREA OF REFUGE 1 SPACE PER AREA IS ALLOWED IF OCCUPANT LOAD IS LESS THAN 200 ON FLOOR BEING SERVED PER ENFORCING AGENCY APPROVAL. (CBC 1007.6.1)



PROJECT DATA

SITE AREA
- 34,107.22 SF
- 0.78 ACRE

UNIT COUNT
- 2 STUDIO
- 33 1 BEDROOM
- 28 2 BEDROOM
- 17 3 BEDROOM
- 80 TOTAL

DENSITY: 78 D.U./ACRE

BUILDING AREA
- RESIDENTIAL: 104,958 SF
- GARAGE: 29,970 SF
- 134,868 SF

PLANNING DATA

TITLE 17 - OAKLAND PLANNING CODE: CHAPTER 17.28 - R-70 HIGH DENSITY RESIDENTIAL ZONE REGULATIONS; CHAPTER 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

PRIMARY ZONING DESIGNATION: S-15 TOD ZONE

USABLE OPEN SPACE
- REQ'D: 75 SF per unit — PER TABLE 17.97.070 (ORDINANCE NO. 13083 C.M.S.)
- TOTAL: 6,750 SF
- PROVIDED: 2,906.6 SF PRIVATE USABLE OPEN SPACE (BALCONIES); 2550 SF PUBLIC GROUND FLOOR PLAZA; 5,743.8 SF COURTYARDS
- TOTAL: 8,993.3 SF

PARKING
- REQ'D: 0.5 spaces per unit — PER TABLE 17.97.050
- TOTAL: 43 spaces
- PROVIDED: 80 spaces — 1:1 RATIO WITH ALTERNATIVE BAY SIZES

BIKE PARKING
- REQ'D: 1 space per 4 units LONG TERM; 1 space per 20 units SHORT TERM
- TOTAL (PROVIDED): 23 spaces LONG TERM; 5 spaces SHORT TERM

S-15 TOD Zone: Primary zoning designation.

S-15 Open Space: 75 SF per unit. 10 unenclosed balconies shared for up to 20% of open space requirement. Inclusive balcony corner for 2 "regular" side walls, and be at least 10' wide. Depending on what "regular" means it may turn some of our balconies into open space requirements.

S-15 FLR: 1.60 D Minimum Base Floor Area Ratio

S-15 FLR: 3.60 Maximum Floor Area Ratio (Assume CCA generate 45,700 FAR)

* DRAWING INCLUDED
= DRAWING NOT INCLUDED

GENERAL					
	A0.00	COVER SHEET / PERSPECTIVE	*	*	
	A0.01	COVER SHEET / PERSPECTIVE		*	
	A0.10	DRAWING INDEX / PROJECT DIRECTORY/PROJECT DATA / CODE ANALYSIS	*	*	
	A0.30	EXISTING SITE PHOTOS	*	*	
	A0.40	MASTERPLAN COMPLIANCE DIAGRAMS	*	*	
CIVIL					
	C0.1	TOPOGRAPHIC AND TREE SURVEY	*	*	
	C1.0	GRADING AND DRAINAGE PLAN	*	*	
	C1.0	UTILITY PLAN	*	*	
ARCHITECTURAL					
SITE PLANS, SECTIONS & DETAILS					
	A1.0	SITE PLAN	*	*	
BUILDING PLANS, SECTIONS & ELEVATIONS					
	A2.0	GARAGE LEVEL - FLOOR PLAN	*	*	
	A2.1	LEVEL 1 - FLOOR PLAN	*	*	
	A2.2	LEVEL 2 - FLOOR PLAN	*	*	
	A2.3	LEVEL 3 - FLOOR PLAN	*	*	
	A2.4	LEVEL 4 - FLOOR PLAN	*	*	
	A2.5	LEVEL 5 - FLOOR PLAN	*	*	
	A2.6	BLDG 1 - ROOF PLAN	*	*	
	A3.0	SECTION / ELEVATIONS / MATERIALS KEY	*	*	
	A3.1	SECTION / ELEVATIONS	*	*	
	A4.10	PERSPECTIVE VIGNETTES	*	*	
LANDSCAPE					
	L1.0	MATERIALS PLAN	*	*	
	L1.01	PLANTING PLAN	*	*	

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER: BANKS, 1171 Broadway, Suite 1101, Oakland, CA 94612, 510-871-8848

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT: PGA Design, 444 17th Street, Oakland, CA 94612, 510-451-0544

DATE	REVISIONS
2.19.10	FDP REVISION #1

Project:
MacArthur Transit Village - Block D

Oakland, CA. 94609

Owner:
BRIDGE Housing
345 Spear Street, Suite 700, San Francisco, CA 94105

Drawing Index/ Project Directory/ Project Data/ Code Analysis

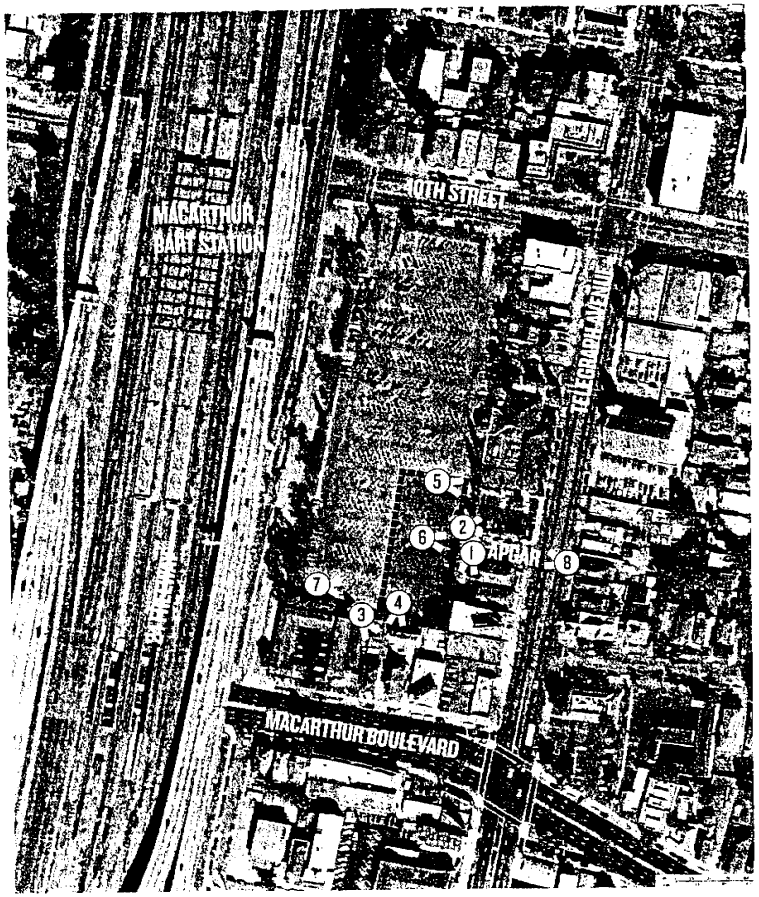
Job #: 1014

Scale: AS NOTED

Date: 12.15.10

A0.10

Final Development Plan





1. 3833 Telegraph (rear)



4. 514 West Macarthur Blvd



5. Trees at property line



2. 3075 Telegraph Ave. (parking)



6. View down Apgar to Telegraph



3. Buildings to the South



7. View across lot to East



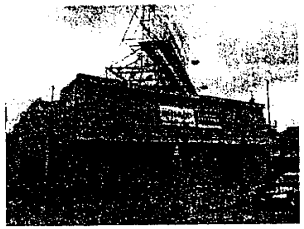
8. 3843 3075 Telegraph Ave



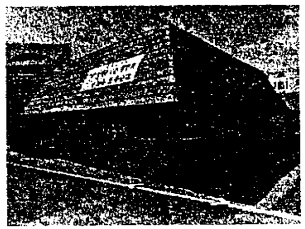
510 West Macarthur Blvd



514 West Macarthur Blvd



510 West Macarthur Blvd



3801 Telegraph Ave

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
KAPOOR

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA. 94609

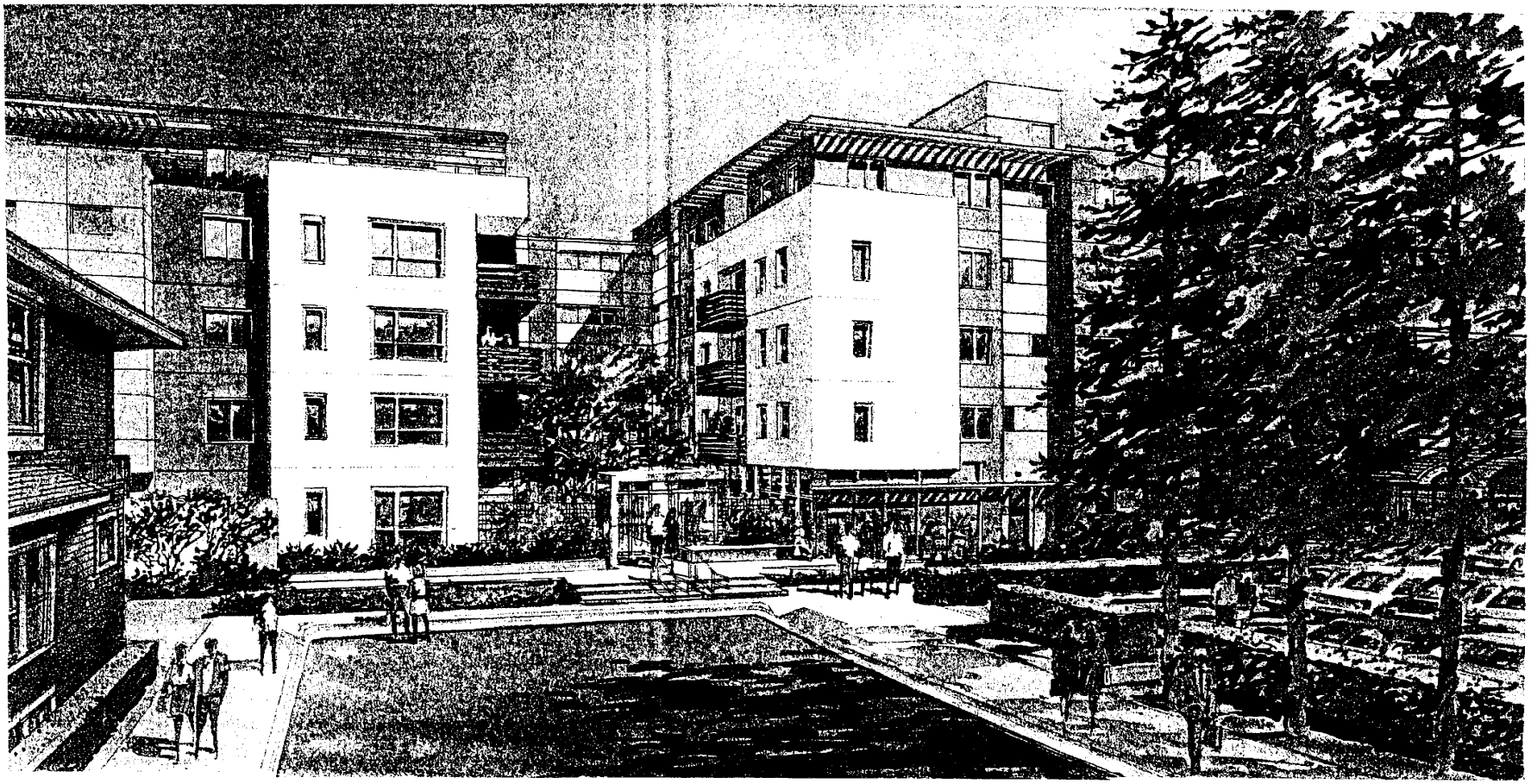
Client:
BRIDGE Housing

Existing Site Photos

Job #: 0214
Scale: AS NOTED
Date: 02/15/10

A0.30

Final Development Plan

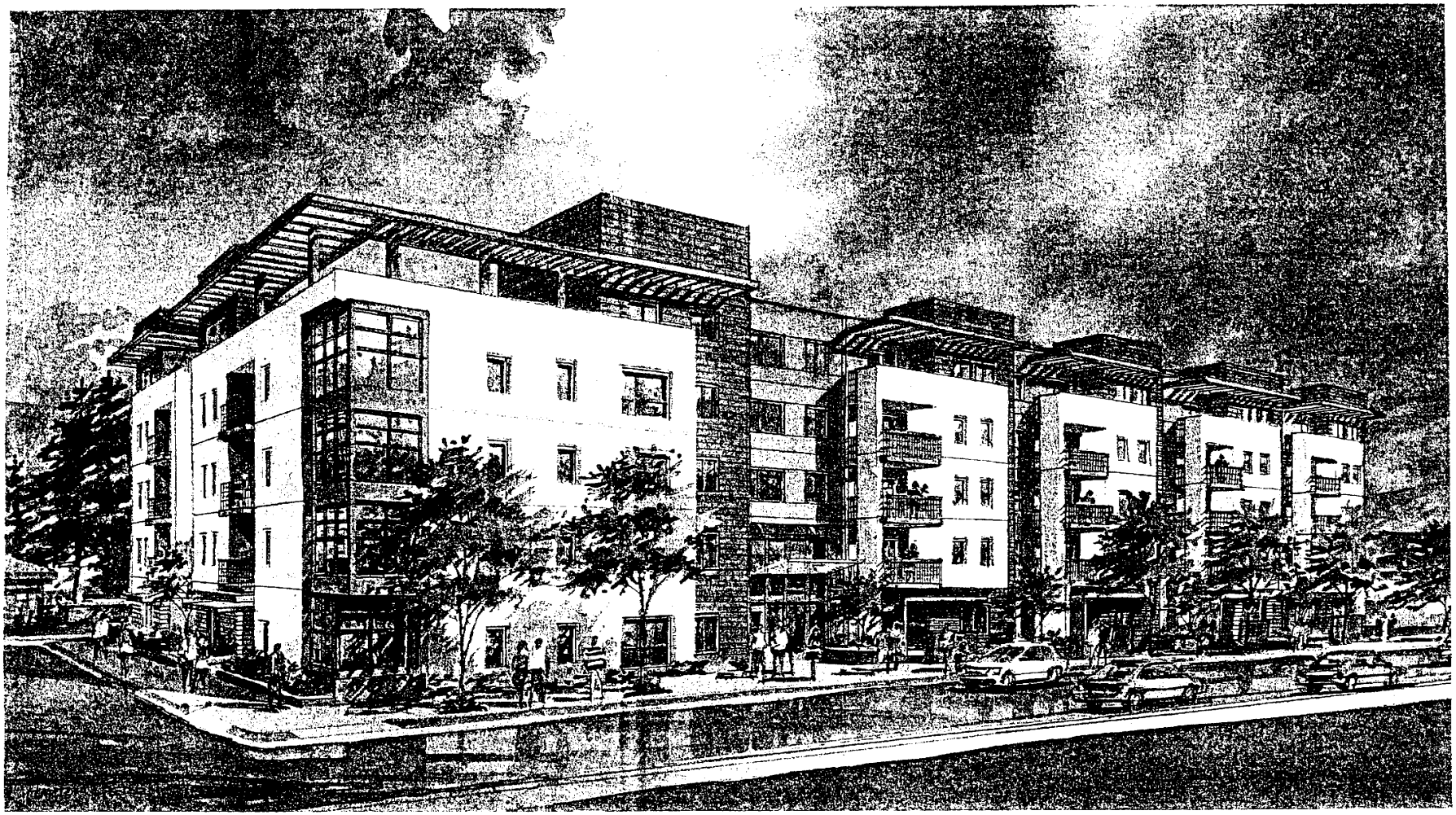


MTVD *FINAL DEVELOPMENT PLAN*

MACARTHUR TRANSIT VILLAGE - BLOCK D | APGAR/ TELEGRAPH VIEW

OAKLAND, CA | FEBRUARY 7, 2014 | PREPARED FOR SAN FRANCISCO, CA

VAN METER
WILLIAMS
POLLACK LLP



MTVD *FINAL DEVELOPMENT PLAN*

MACARTHUR TRANSIT VILLAGE - BLOCK D | INTERNAL VIEW

OAKLAND, CA | [illegible] | BRIDGE | SAN FRANCISCO, CA

VAN METER
WILLIAMS
POLLACK LLP

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:

Catherine Payne
Planner III

Approved by:

SCOTT MILLER
Zoning Manager

ATTACHMENT:

A. FDP Stage Two Project Plans

Western Elevation (Internal Street)

The western project elevation fronting Internal Street includes many desirable features and design details, as noted above. Staff previously recommended accentuating the northwestern corner of the building to provide a visual identity and marker. Staff specifically recommended providing more openness in the building at the corner and making the corner a tower or otherwise distinguishing it from the rest of the building.

The revised plans distinguish the northwestern corner of the building with a change in massing and rhythm of components.

Eastern Elevation (Apgar Street)

Although the front of the proposed project is located along Internal Street, the rear of the project also fronts a public street, Apgar Street, and is visible from Telegraph Avenue, a major arterial street. The project is designed to include a lobby and courtyard that provide modest visual access through the site from Apgar Street to Internal Street. In addition, the project entrance from Apgar Street is designed to increase connectivity between the public and private realms. That said, staff remains concerned that the connectivity between the public and private realm and between Apgar and Internal Streets is not yet provided to the extent that it should be. Ideally, staff believes that the lobby fronting Internal Street and the internal courtyard should be aligned with each other and with Apgar Street to provide a direct visual connection between the two streets and to provide an intentional connection between Apgar Street and the project. Staff finds that the approach taken by the applicant is more subtle and seeks review and direction from the Design Review Committee, specifically this issue.

Courtyards

The two proposed project courtyards are attractively designed and include desirable features for a multi-family residential project. In particular, the northernmost courtyard is adjacent to the community and laundry rooms, maximizing potential use of the outdoor space. The proposed exterior building materials are finer-grain facing the courtyards, and conditions of approval could specify child-friendly materials and features, as well.

As noted above, staff is concerned that the northernmost courtyard and rear project entry are not aligned with Apgar Street to maximize the transparency of the project and the connection between the public and private realms.

The project includes a clearly defined main lobby facing Internal Street, as well as stoops for ground-floor units facing Internal Street and the north side of the building. Courtyards are located internal to the project to provide a more intimate environment for residents.

Guideline A6.8 Provide quality durable material at all stoops, landscape walls and lobby entrances. Ground floor units shall have swinging front doors or French doors with some transparency rather than sliding patio doors.

Stoops are designed to reflect the overall architectural design of the building with concrete proposed as the stoop building material. Conditions of approval would ensure that all stoop entries will have swinging or French doors.

Guideline A6.9 Provide a minimum window recess of 2-3 inches for all windows at the groundfloor and upper levels.

Conditions of approval would ensure that all windows are appropriately recessed.

Guideline A6.10 Decorative lighting shall be incorporated seamlessly in the building design to enhance the architecture, promote pedestrian safety and support neighborhood security.

Conditions of approval would ensure that decorative lighting is incorporated seamlessly in the building design to enhance the architecture, promote pedestrian safety and support neighborhood security.

KEY DESIGN ISSUES

The proposed Macarthur Transit Village Stage 2 FDP is consistent with the requirements of the Preliminary Development Plan (PDP) and the terms of the Development Agreement (DA), as noted above. The proposed project is generally attractively designed. However, staff has worked with the applicant on specific architectural design details. The following is a summary of the key design issues staff has identified related to the proposal:

Site Planning

Staff supports the basic site plan, with sub-grade parking, the building fronting Internal Street and the northern property line, and front stoops along the western and northern building frontages. However, staff believes that the project should include a clear visual, if not actual, connection between Internal Street and Apgar Street at the rear of the property. Staff previously recommended aligning the building lobby and project courtyard with Apgar Street to provide a visual connection between Telegraph Avenue and Internal Street, thereby providing a more integrated feel between the existing neighborhood and the planned transit village.

The current plans indicate a subtle connection between Internal and Apgar Streets, where the lobby, courtyard and Apgar Street are connected but do not provide a clear connection into the project or between the public and private realms. The applicant has designed the Apgar Street project entry to be inviting and provide a formal-feeling entrance from that location.

Guideline A6.1 Consistent with and in response to smaller residential blocks, the architecture of buildings facing the internal street (Block B, C and D) should address the internal street with a variety of massing, roof line and architecture.

The façade of the building facing internal streets includes recesses and projections that provide variety of massing and rooflines. The massing and rooflines are appropriately repetitious where they indicate stacked units (each vertical stack of units being articulated in the same way as the adjacent vertical stack of units). However, the recessed lobby and northwest corner tower provide variation, announce the building itself and the lobby as a form or architectural way-finding.

Guideline A6.2 Building frontages should relate to one another through the use of residential scale elements and articulation such as bay windows, balconies, stoops, as well as narrow vertical modulations – similar to urban row houses.

The proposed building includes recesses and projections, including bay windows, balconies and stoops organized in narrow vertical modulations, as noted above, that mimic the height, bulk and massing of urban row houses.

Guideline A6.3 The proposed roof form should be more varied and articulated than the mixed use building along Telegraph Avenue and 40th Street to respond to the residential nature of this street.

As noted above, the project includes projected bays, a recessed lobby and a corner tower feature that provide roofline variation consistent with the residential nature of Internal Street.

Guideline A6.4 The pattern of fenestration should also be designed to reflect a more residential scale.

The project window openings are of a residential scale. Conditions of approval provide an opportunity for the Planning Commission to specify any details, such as recess, trim, materials, and type.

Architectural Treatments:

Guideline A6.5 Provide generously sized stoops and balconies at the ground level units to create a transition from the public street to the private realm of the residence and to enhance the sense of pedestrian activity on the street, support residential character and safety. These stoops can be designed uniquely to suit each architectural variation along the frontage.

The project includes stoops facing Internal Street and the north side of the property that are architecturally integrated into the building design.

Guideline A6.6 Provide variety of color and materials to further reinforce the finer grain residential scale and articulations.

The project includes a variety of colors and materials, including concrete, stucco and wood siding, with finer grain materials used on the courtyard sides of the building.

Guideline A6.7 Provide clearly defined residential lobbies, entries into residential courtyards and public uses by providing special canopies, signage, lighting and graphics. When possible, group entrances together to create a community activity node.

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 existing BART plaza would be renovated, and a new public plaza would be provided 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.

Stage 2 Final Development Permit

The Stage 2 Final Development Permit application before the Design Review Committee (DRC) includes construction of 90 units of affordable housing in a four story building, and below-grade parking for 90 vehicles. The site is located on Parcel D of Tentative Tract Map 8047 (TTM8047), along Internal Street and across from the planned BART garage. The project includes associated accessory uses (such as lobby, office, community room, laundry facilities) as well as required open space.

The project includes 90 residential units in a four-story building fronting Internal Street. Unit types include 2 studios, 22-1 bedroom units, 29-2 bedroom units and 37-3 bedroom units. The garage is designed to include 90 parking spaces (although only 45 spaces are required). The applicant will seek a minor variance to provide loading off-site on Internal Street, and to reduce the parking-related dimensional and ratio standards (consistent with the S-12 Residential Parking Combining Zone standards). The project includes 9,000 square feet of open space provided in two courtyards and private balconies, and exceeds the required minimum amount of open space.

Design Guidelines

The Conditions of Approval for the project require consistency with the Macarthur Transit Village Design Guidelines. The portions of the Design Guidelines that are most relevant to the Stage 2 FDP are cited below (and staff analysis of compliance is provided in indented, italicized text under each guideline).

6. Internal Residential Street
The Dutch model of streets that are shared between active recreational, residential, public uses and vehicles – the Woonerf – provides inspiration for this street. It is a private neighborhood street that mainly provides parking access for residents with limited on-street parking for residents and guests. This street is more a plaza than a street, and should provide a semi-private gathering space for Transit Village residents that is away from the main traffic and activity of the commercial and transit areas. The architectural character of this edge is illustrated in the PDP plan sheets A-2.07b, A-6.04, L-03

Height, Bulk and Scale:

Committee review and comment on the design of the Stage 2 improvements shown on the project plans.

PROJECT SITE AND SURROUNDING AREA

The Macarthur Transit Village area 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 Parcel D of the Tentative Tract Map 8047, and is located on "Internal Street" across from the planned BART garage. There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks.

BACKGROUND

The Macarthur Transit Village Project has been in development since 1993 with the involvement of the surrounding community and has been through several iterations. The PDP for the Planned Unit Development (PUD) and Development Agreement (DA) were approved in July 2008. The Planning Commission recommended approval of the Stage 1 FDP, including the planned BART garage and site infrastructure, to the City Council on November 3, 2010. City Council consideration of the Stage 1 FDP is pending.

PROJECT DESCRIPTION

Planned Unit Development

The approved PDP for the project involves the 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 phased project includes five new blocks that would accommodate a total of 624 residential units (including 108 affordable units), 42,500 square feet of neighborhood-serving retail and commercial uses, 5,000 square feet of community center space, and a 400-space parking garage for BART patrons. Parking for residential units 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 a north/south connection from Village Drive to the southern edge of the project. Frontage Road would be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements would also be constructed. See Attachment A: Sheets A-1.01, A-1.0A, and A-1.02.

The project would involve the construction of up to five phases (labeled Blocks A-E on the attached project plans) 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 BART parking garage.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PUDF10-097, TTM8047 (related to PUD06-058)
Applicant: West MacArthur Transit Community Partners (MTCP)
Address: Multiple parcels immediately adjacent to MacArthur BART station; on west side of Telegraph Ave. between 40th St. and W. MacArthur Blvd
Zone: S-15

Oakland City Planning Commission

Design Review Committee

STAFF REPORT

Case File Numbers: PUDF10-304, V10323, TTM8047

February 23, 2011

Location:	Parcel D of the Macarthur Transit Village (the area bounded by Highway 24 to the west, 40th Street to the north, Telegraph Avenue to the east, and West Macarthur Boulevard to the south).
Assessors Parcel Numbers:	Parcel D of TTM8047
Proposal:	Construct Stage II of the Macarthur Transit Village project which includes redevelopment of the site with 90 residential units, 90 parking spaces, and usable open space. The applicant currently seeks approval of a Final Development Permit for the project, as well as variances for providing required loading off-site and reduced parking space dimensions.
Applicant:	BRIDGE Housing Corporation
Contact Person:	Robert Stevenson (415) 989-1111 x 7518
Owner:	BART
Planning Permits Required:	Final PUD for Stage II of project; Variances from on-site loading requirements and parking space dimension requirements.
General Plan:	Neighborhood Center Mixed Use
Zoning:	S-15 Transit-Oriented Development Zone
Environmental Determination:	An Environmental Impact Report (EIR) was certified in June 2008.
Historic Status:	There are no Potential Designated Historic Properties located on the project site.
Service Delivery District:	Service District 2
City Council District:	1
Date Filed:	December 15, 2010
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, **Catherine Payne** at (510) 238-6168 or at **cpayne@oaklandnet.com**

SUMMARY

The Macarthur Transit Village Stage 2 project is proposed on Parcel D of the Macarthur Transit Village (the area bounded by Highway 24 to the west, 40th Street to the north, Telegraph Avenue to the east, and West Macarthur Boulevard to the south). The proposed project includes redevelopment of the site with 90 residential units, 90 parking spaces, and usable open space. The applicant will be seeking approval of a Final Development Permit for the project, as well as variances for providing required loading off-site and reduced parking space dimensions.

The purpose of this item is to receive preliminary feedback on the design of Stage 2 for the proposed Macarthur Transit Village project in North Oakland. No action will be taken at today's hearing. The recommendation to the City Council on project entitlements will occur at a future hearing in front of the full Planning Commission. Staff requests that the Design Review

City of Oakland Planning Commission
April 6, 2011
Agenda Item #5: PUDF10-304, V10323

Attachment B: February 23 Design Review Committee Report (and attachments)

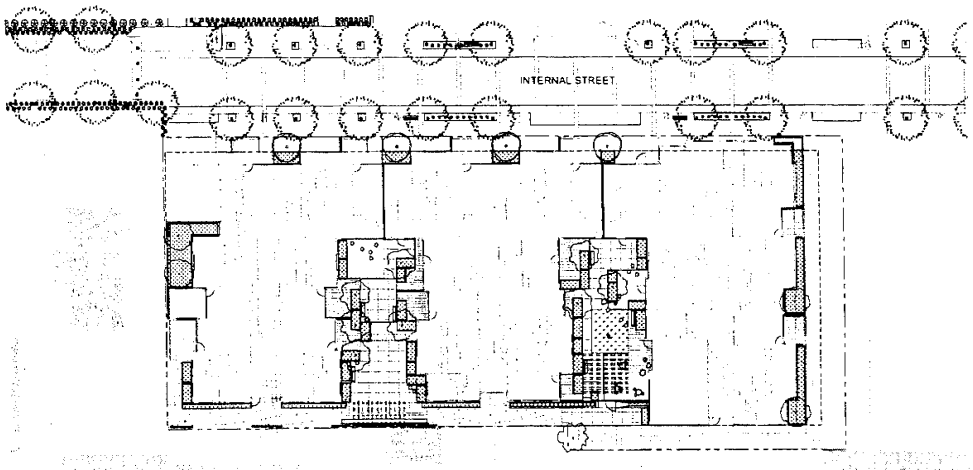
PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	REMARKS	WATER USE
TREES				
	ACACIA MACRONEURA 'VARIEGATA'	BOW-LEAF ACACIA	UPRIGHT OPEN ARM BRANCHING HABIT, TRY DECIDUOUS EVERGREEN LEAVES WITH CREAM EDGE	MEDIUM
	CERCIS OCCIDENTALIS	WESTERN REDBUD	NATIVE OPEN BRANCHING HABIT, LIGHT GREEN DECIDUOUS FOLIAGE, MAGENTA SPRING FLOWERS	LOW
	GINKGO BILOBA	MAIDENHAIR TREE	OPEN BRANCHING HABIT, LIME GREEN LEAVES, YELLOW FALL FOLIAGE	MEDIUM
	LAGERSTROEMIA 'LOWII'	CRAPE MYRTLE	LAVENDER FLOWER, ORANGE FALL FOLIAGE	LOW
	LAURUS NOBILIS 'SARATOGA'	GREEK LAUREL	EVERGREEN AROMATIC LEAVES	LOW
TALL SHRUBS				
	DODONAEA VISCOSA 'PURPUREA'	PURPLE HOPSEED BUSH	GRAY-GREEN LANCE-LIKE SIMPLE LEAVES	LOW
	NANDINA DOMESTICA	HEAVENLY BAMBOO	TALL BAMBOO-LIKE CANES WITH LACY MULTI-STEMMED FOLIAGE	LOW
	ROSMARINUS OFFICINALIS	UPRIGHT ROSEMARY	BLUE-GREEN EVERGREEN FOLIAGE, BLUE FLOWERS	LOW
LOW SHRUBS				
	AGAVE ATTENUATA	FOXTAIL AGAVE	BLUE GRAY SUCCULENT	LOW
	CARPENTERIA CALIFORNICA	BUSH ANEMONE	NATIVE	LOW
	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	BLUE GRAY GRASS	LOW
GROUNDCOVERS				
	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	NATIVE EVERGREEN FERN	LOW (SHD)
	MAHONIA REPENS	CREEPING HOLLY GRAPE	NATIVE CREEPING GROUNDCOVER WITH YELLOW SPRING FLOWERS AND RED FALL FOLIAGE	LOW
	SEDUM SPATHULIFOLIUM 'PURPUREUM'	STONECROP	NATIVE TRAILING SUCCULENT WITH PURPLE TINGED ROSETTES	LOW

ALL PLANTS ARE LOW MAINTENANCE, LOW WATER USE SPECIES FROM MEDITERRANEAN CLIMATE ZONES. SOURCE OF WATER USE DATA: WUCOLS. UNLESS OTHERWISE NOTED, SHD = SHADE CONDITIONS

IRRIGATION NOTES

1. THE IRRIGATION SYSTEM WILL USE A COMBINATION OF HIGH EFFICIENCY, LOW FLOW TECHNOLOGIES. ALL SYSTEMS COMPONENTS WILL BE COMMERCIAL GRADE AND WILL CONFORM TO CITY OF OAKLAND STANDARDS. THE IRRIGATION SYSTEM DESIGN WILL BE COMPLIANT WITH BAY FRIENDLY GUIDELINES, CHAPTER 31 OF THE UBC, NFPA 13, AND CALIFORNIA'S MODEL WATER CONSERVATION ORDINANCE. CONTROL OF THE SYSTEM WILL BE VIA SMART CONTROLLER CAPABLE OF REAL-TIME SCHEDULE ADJUSTMENT BASED ON WEATHER DATA. THE SYSTEM WILL BE DESIGNED FOR MINIMAL MAINTENANCE BURDEN, AND WILL INCLUDE A HANDHELD REMOTE FOR THE USE OF MAINTENANCE PERSONNEL.



1 L2.0 **SITE PLANTING**
SCALE: 1/16" = 1'-0"

NORTH



CERCIS OCCIDENTALIS | GINGKO BILOBA | LAGERSTROEMIA



NANDINA DOMESTICA | AGAVE ATTENUATA | MAHONIA REPENS

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
1331 Broadway, Suite 501
Oakland, CA 94612
510-873-0466

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGAdesign
164 17th Street
Oakland, CA 94612
510-763-1361

DATE REVISIONS
3.30.11 TDA RESUBMIT

Project:
MacArthur Transit Village - Block D

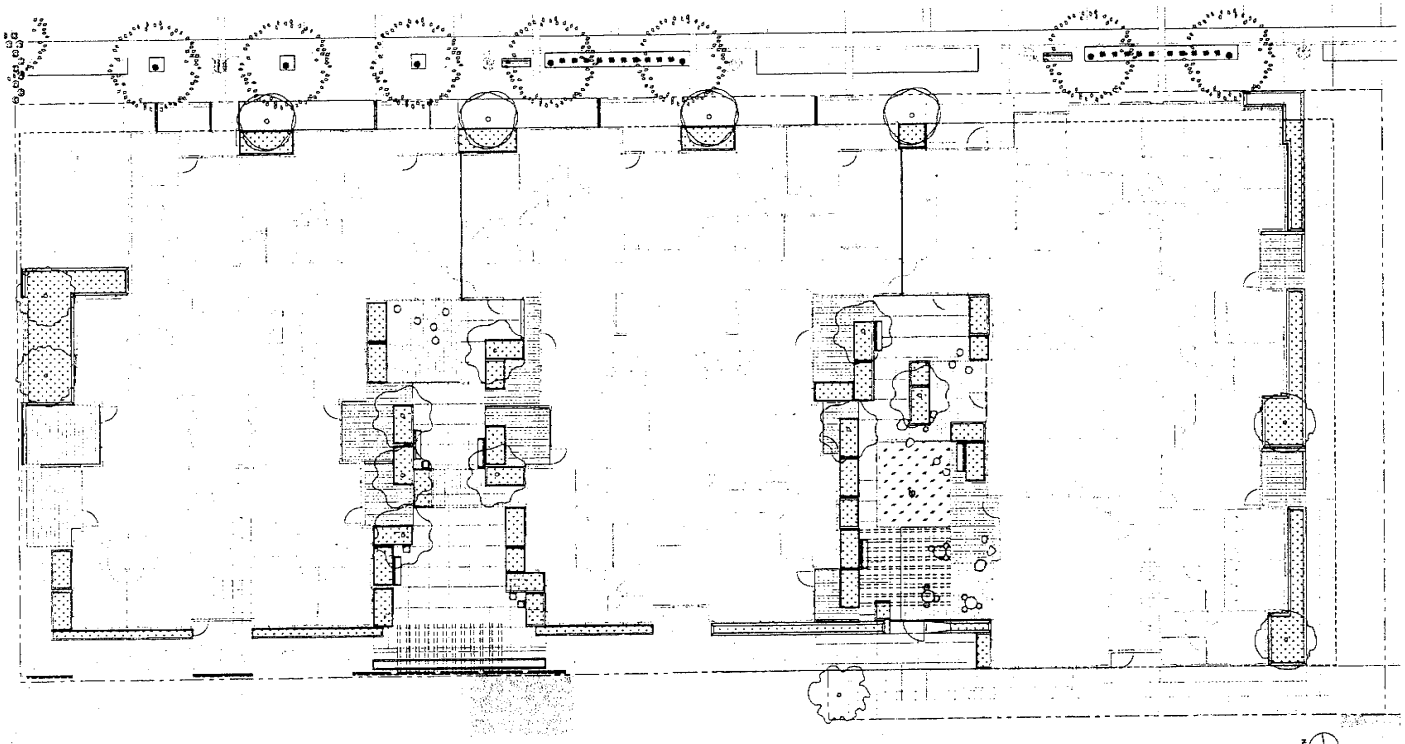
Oakland, CA, 94608

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Planting Plan

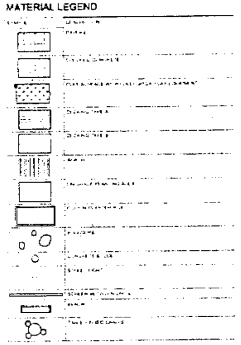
Job: 836
Scale: AS NOTED
Date: 2/6/09
Final Development Plan

L2.01



1 L1.0 COURTYARDS
SCALE: 1/8" = 1'-0"

MATERIAL LEGEND





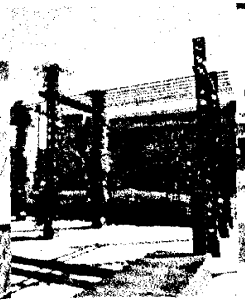
PLANTER BOX



DECKING A

DECKING B

BOULDERS



ARBOR



BENCH

CONCRETE STOOL

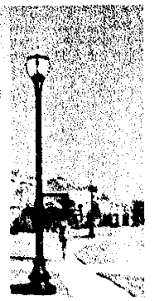
BIKE RACK



COLORED CONCRETE

PLAY EQUIPMENT

TABLE + FIXED CHAIRS



STREETLIGHT

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
1111 Broadway, Suite 301
Oakland, CA 94607
510-457-3438

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PSAdesign
444 17th Street
Oakland, CA 94612
510-465-1984

DATE REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Materials Plan

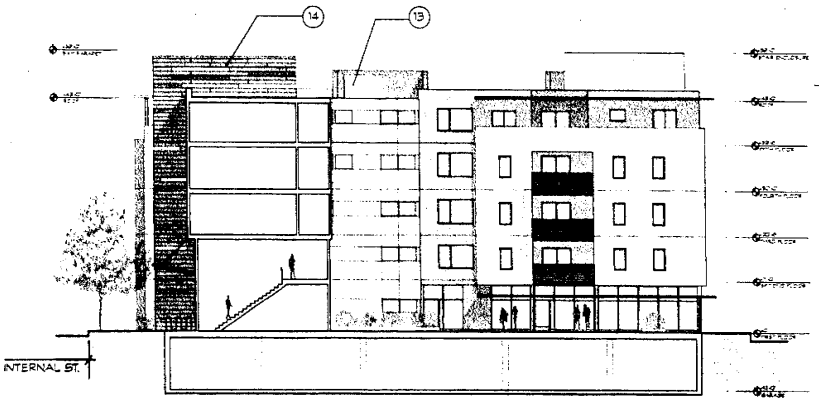
Job# 074
Scale: AS NOTED
Date: 3/5/10
Final Development Plan

L1.01

COLOR PALETTE

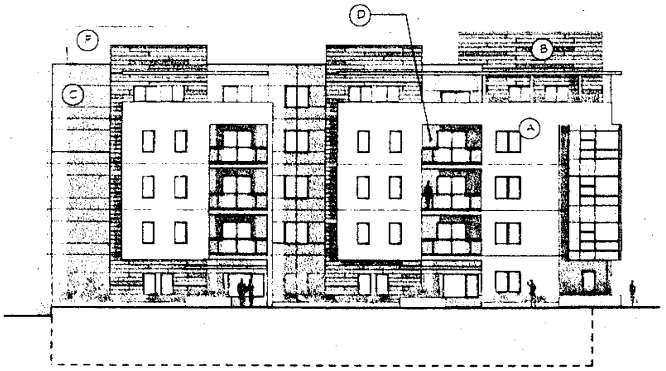
A. PANEL COLOR - ICI PAINTS # A0086- DEL MAR SHORES (OFF WHITE)
B. BAY COLOR - ICI PAINTS # A1833- FOREST BLACK (DARK GREY)
C. BASE COLOR - ICI PAINTS # A131- OLD MONTEREY (LIGHT GREY)
D. ACCENT - ICI PAINTS # A0497- SPANISH HOLLOW (ORANGE RED)
E. ACCENT - ICI PAINTS # A0881- CITRUS SUNBURST (LIME GREEN)
F. ACCENT - ICI PAINTS # A0830- CHEERS (YELLOW)

SEE SHEET A3.10 FOR ADDITIONAL KEYNOTES



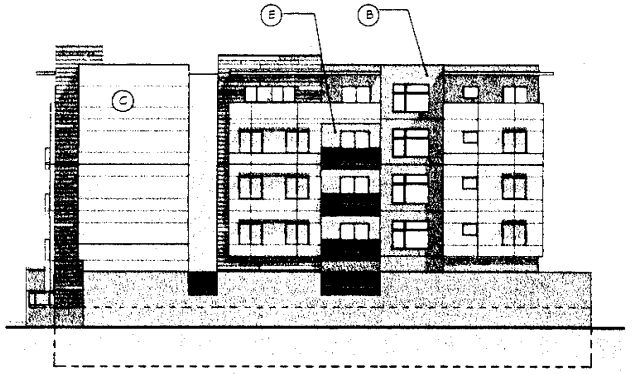
1 / A3.1 SECTION THROUGH LOBBY & COURTYARD

SCALE: 1/8" = 1'-0"



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



2 / A3.1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

DATE	REVISIONS
5/2011	FDP REVISION #1
5/14/11	FDP REVISION #2

Project:
MacArthur Transit Village - Block D

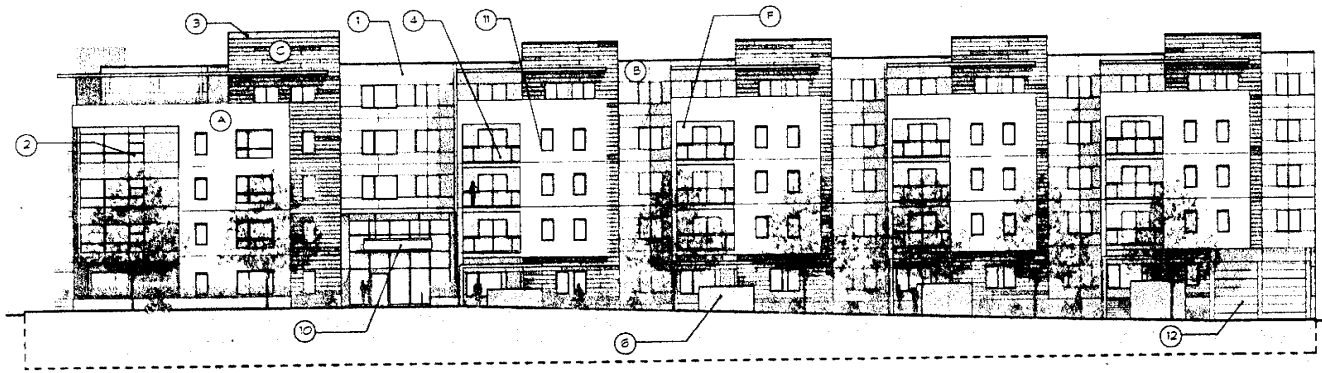
Oakland, CA, 94609

Client:
BRIDGE Housing

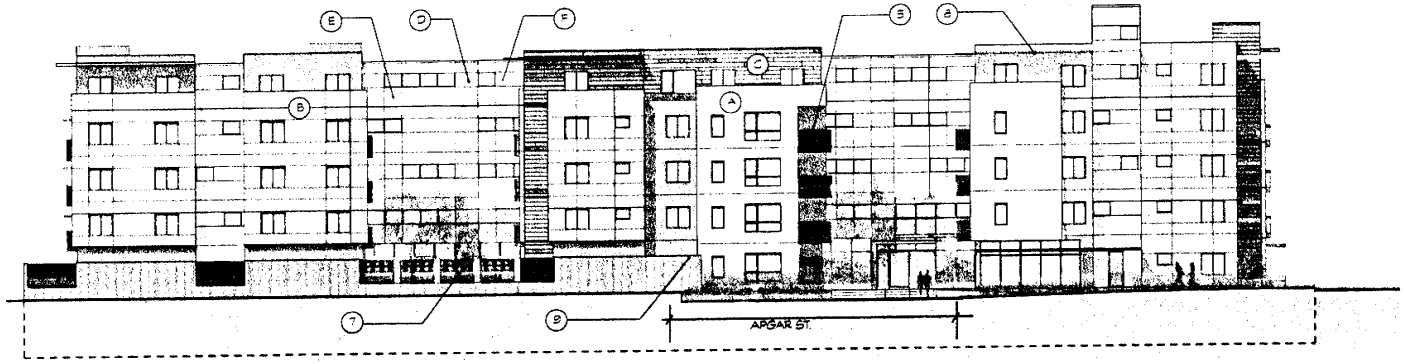
Section/ Elevations

A3.11

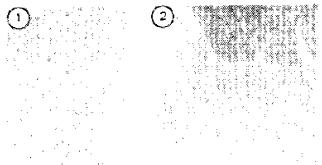
Final Development Plan



WEST ELEVATION

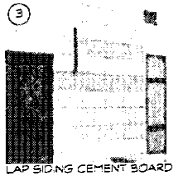


EAST ELEVATION

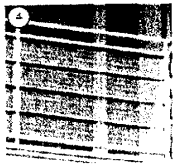


1 EXTERIOR PLASTER LIGHT SAND FINISH

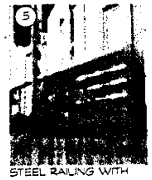
2 EXTERIOR PLASTER SMOOTH STEEL TROWEL TYP



3 LAP SIDING CEMENT BOARD VARIEGATED COLORS



4 STEEL RAILING WITH STEEL PANEL SYSTEM



5 STEEL RAILING WITH WOOD PANEL SYSTEM



6 CONCRETE WITH FORM LINER TEXTURE PAINTED



7 STEEL AND WOOD FENCING AND GATES

8. STEEL AWNING SYSTEM
9. STEEL TRELLIS SYSTEM
10. STEEL AND GLASS ENTRY CANOPY
11. ALUMINUM WINDOW
12. SECTIONAL ALUMINUM GARAGE DOOR
13. ELEVATOR OVERIDE
14. MECHANICAL PENTHOUSE

VAN METER WILLIAMS POLLACK LLP

Date	Remarks
4/27/11	FDP REVISION #1
5/16/11	FDP REVISION #2

Client:
MacArthur Transit Village - Block D

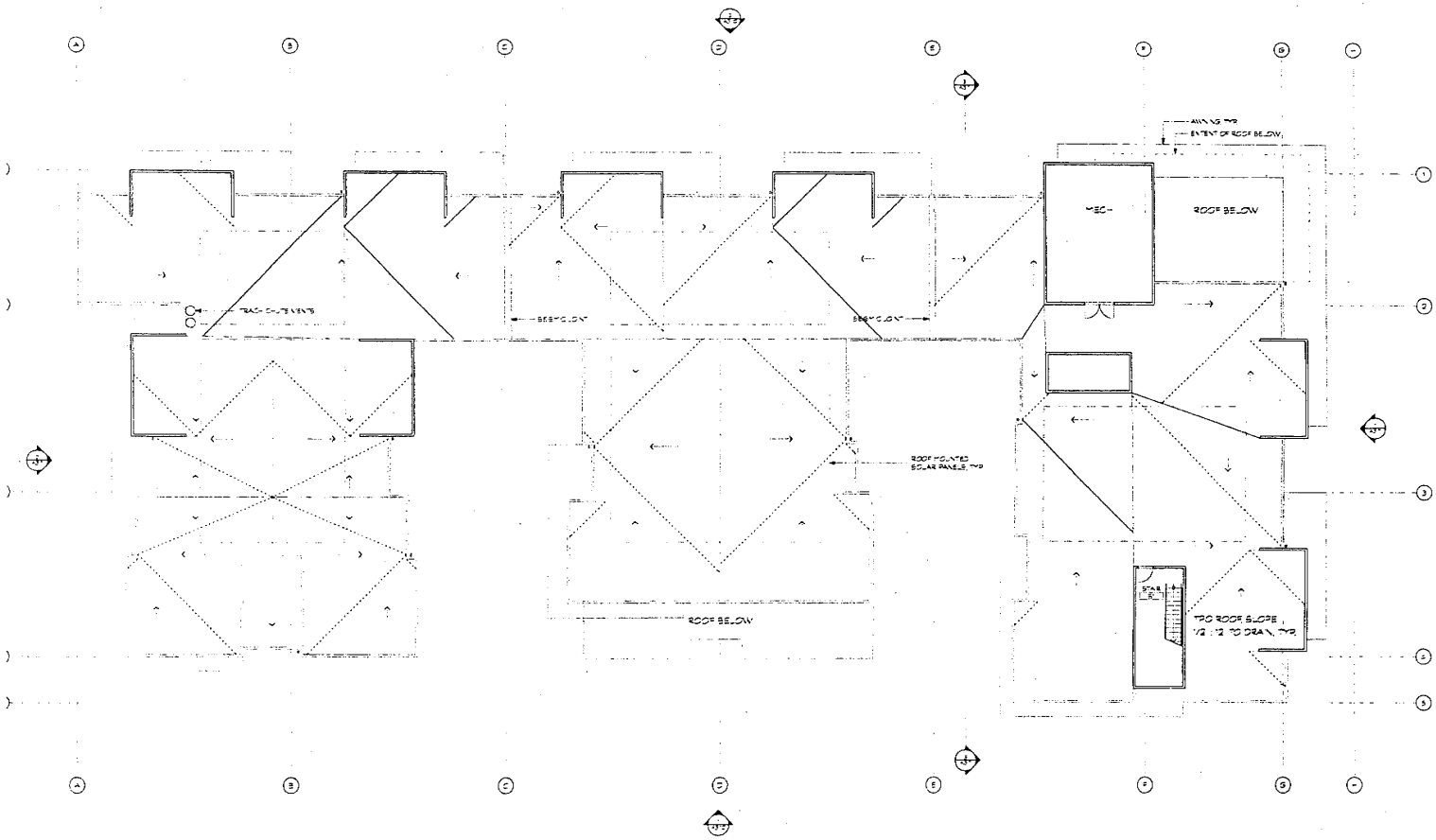
Oakland, CA 94609

Client:
BRIDGE Housing

Section/ Elevations/ Materials Key

A3.10

Final Development Plan



1 ROOF
A2.16

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design

DATE | REVISIONS

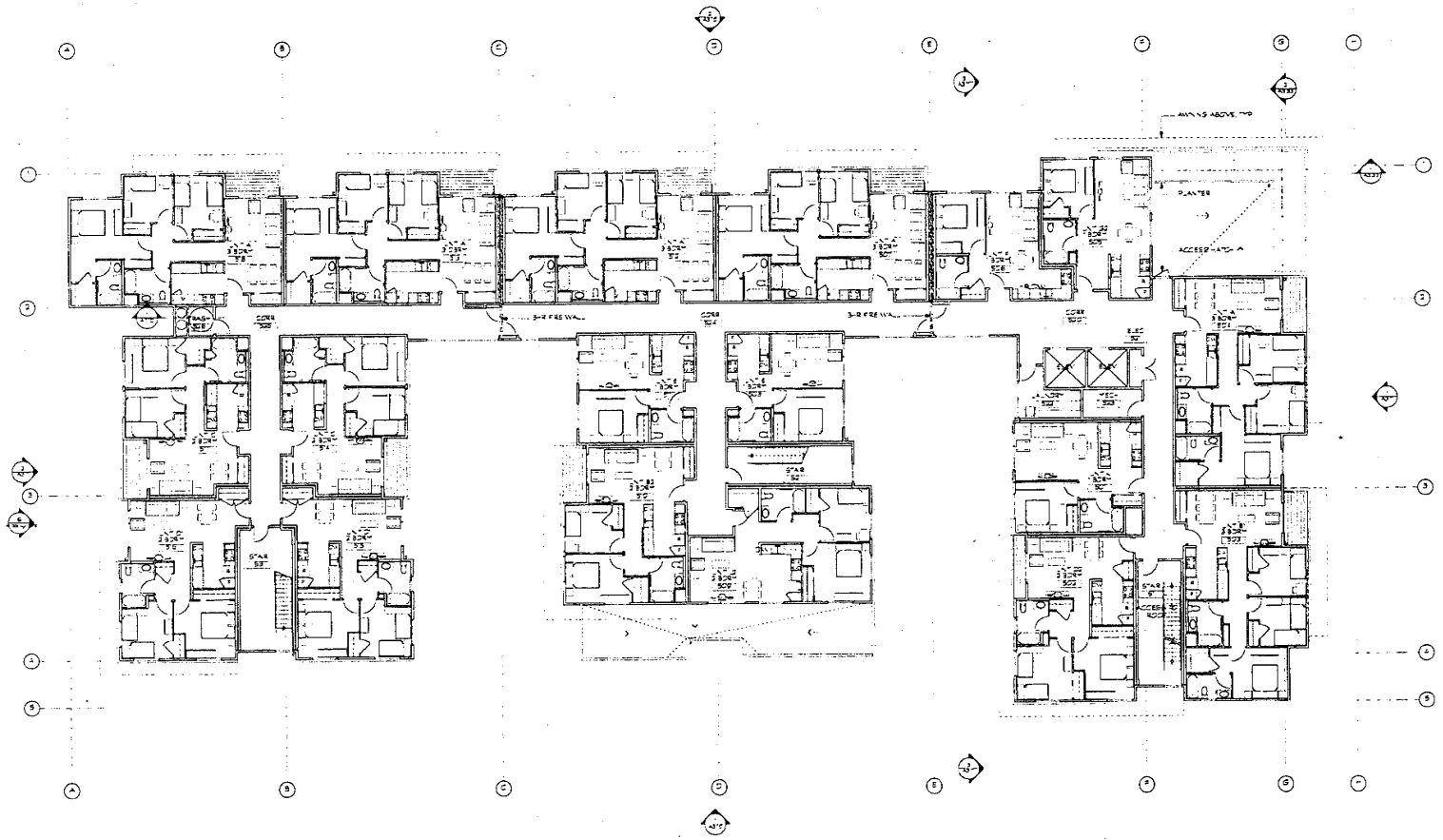
Project
MacArthur Transit Village - Block D
Oakland, CA, 94605

Client
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Roof Plan

Job #: 1014
Scale: 1/8" = 1'-0"
Date: 12.13.10
Final Development Plan

A2.16



FIFTH FLOOR

SCALE: 1/8" = 1'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
BKF

STRUCTURAL ENGINEER
MURPHY BURR CURRY

ELECTRICAL ENGINEER
P.W. ASSOCIATES, INC.

MECHANICAL ENGINEER
WEST ENGINEERING, INC.

LANDSCAPE ARCHITECT
PGA Design

DATE	REVISIONS
3-17-11	DP REVISION #2

Project
MacArthur Transit Village - Block D

Oakland, CA. 94609

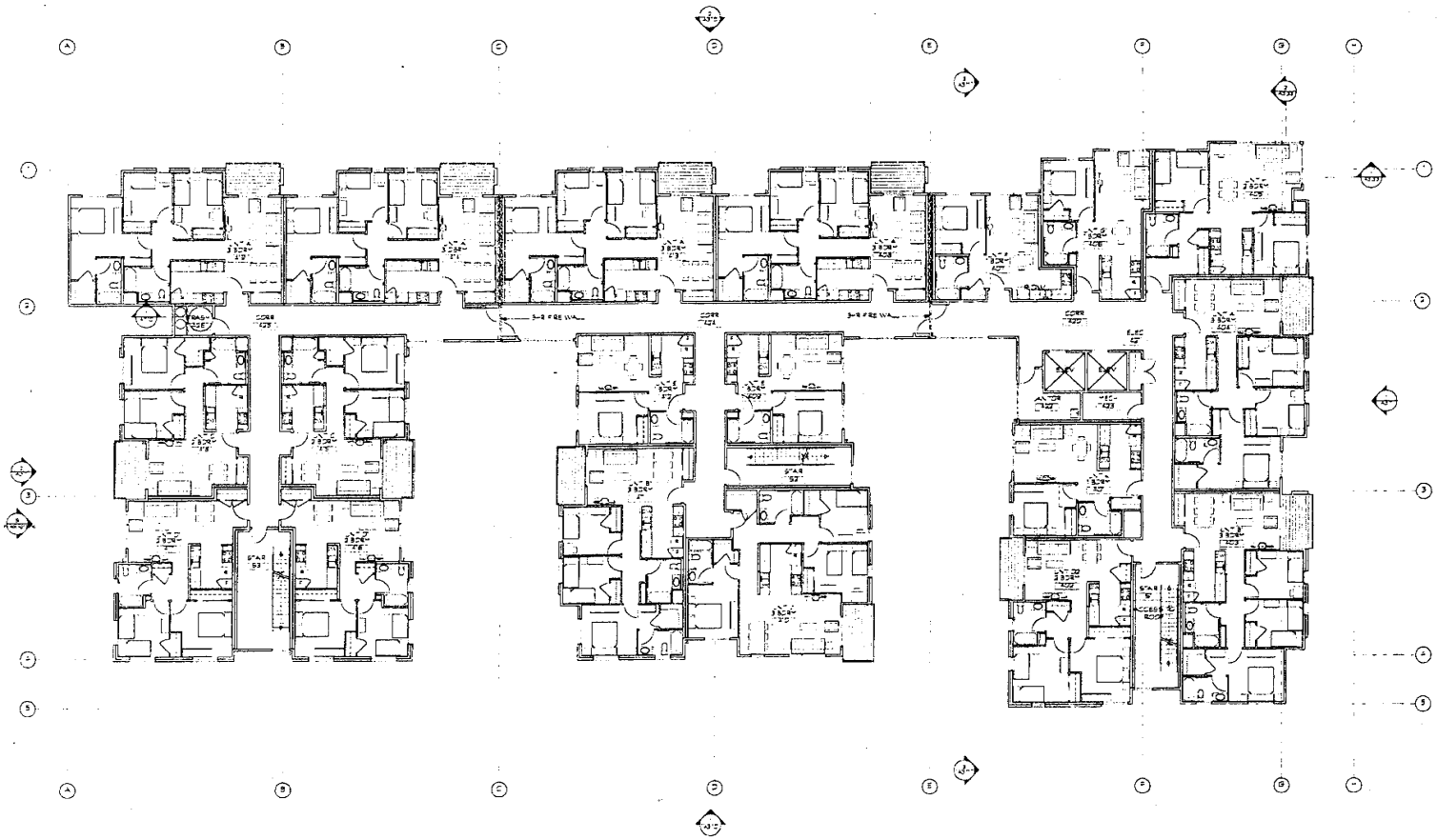
Client
BRIDGE Housing

Level 5 - Floor Plan

Job: 1014
Scale: AS NOTED
Date: 12.13.10

A2.15

Final Development Plan



FOURTH FLOOR

SCALE: 1" = 10'-0"

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CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER
MURPHY BURR CURRY

ELECTRICAL ENGINEER
P.M. ASSOCIATES, INC.

MECHANICAL ENGINEER
BKD ENGINEERING, INC.

LANDSCAPE ARCHITECT
PBA Design

DATE	REVISIONS
3/14/11	FOR REVIEW #1

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

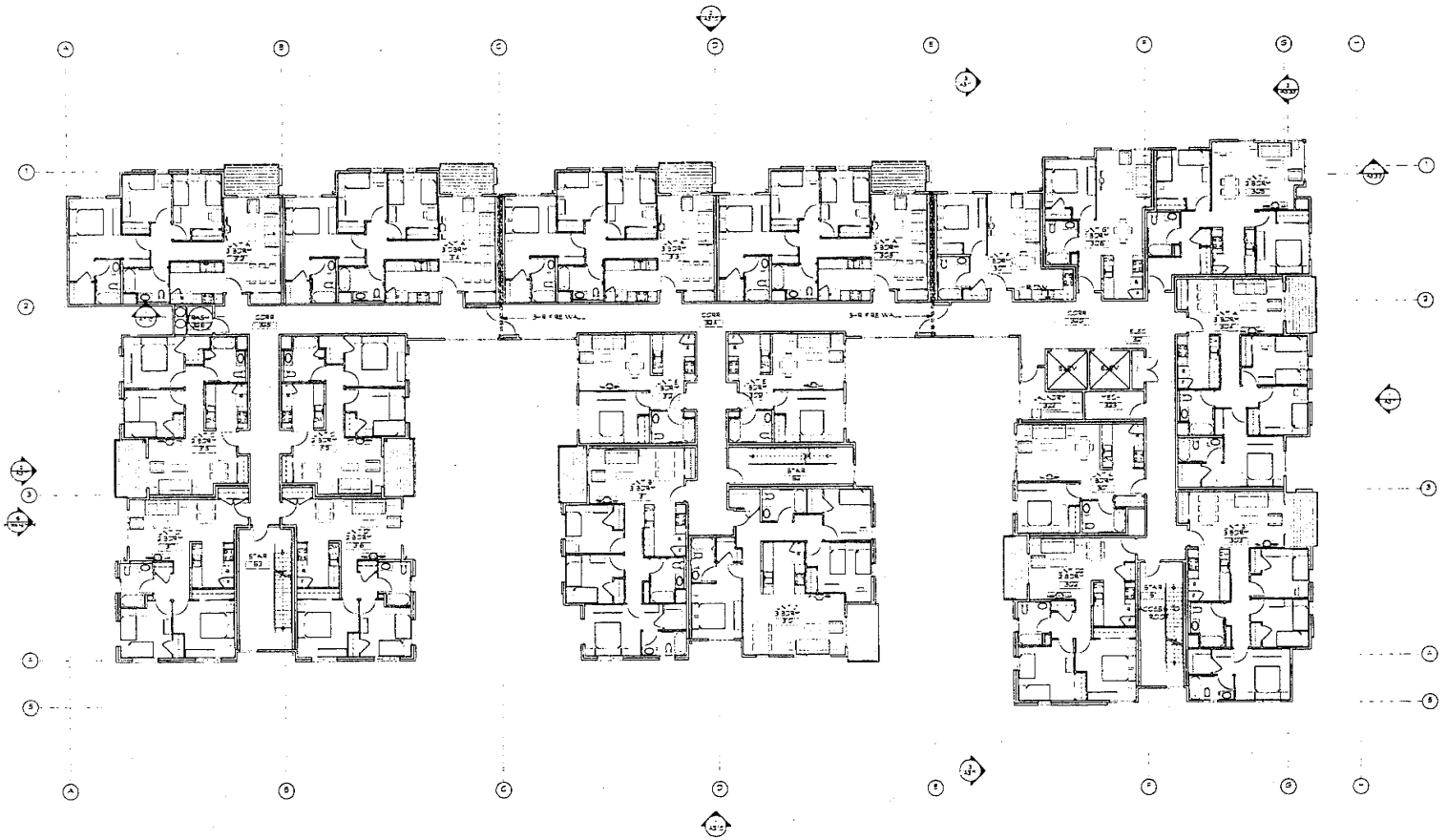
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Level 4 - Floor Plan

Job #: 1004
Scale: AS NOTED
Date: 07.15.10

A2.14

Final Development Plan



A2.13 THIRD FLOOR

SCALE: 1/8" = 1'-0"

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CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER
MURPHY BURR CURRY

ELECTRICAL ENGINEER
F.W. ASSOCIATES, INC.

MECHANICAL ENGINEER
MEP ENGINEERING, INC.

LANDSCAPE ARCHITECT
PBA Design

NO.	REVISIONS
3/16	TDM RESPONSE #2

Project
MacArthur Transit Village - Block D

Oakland, CA, 94609

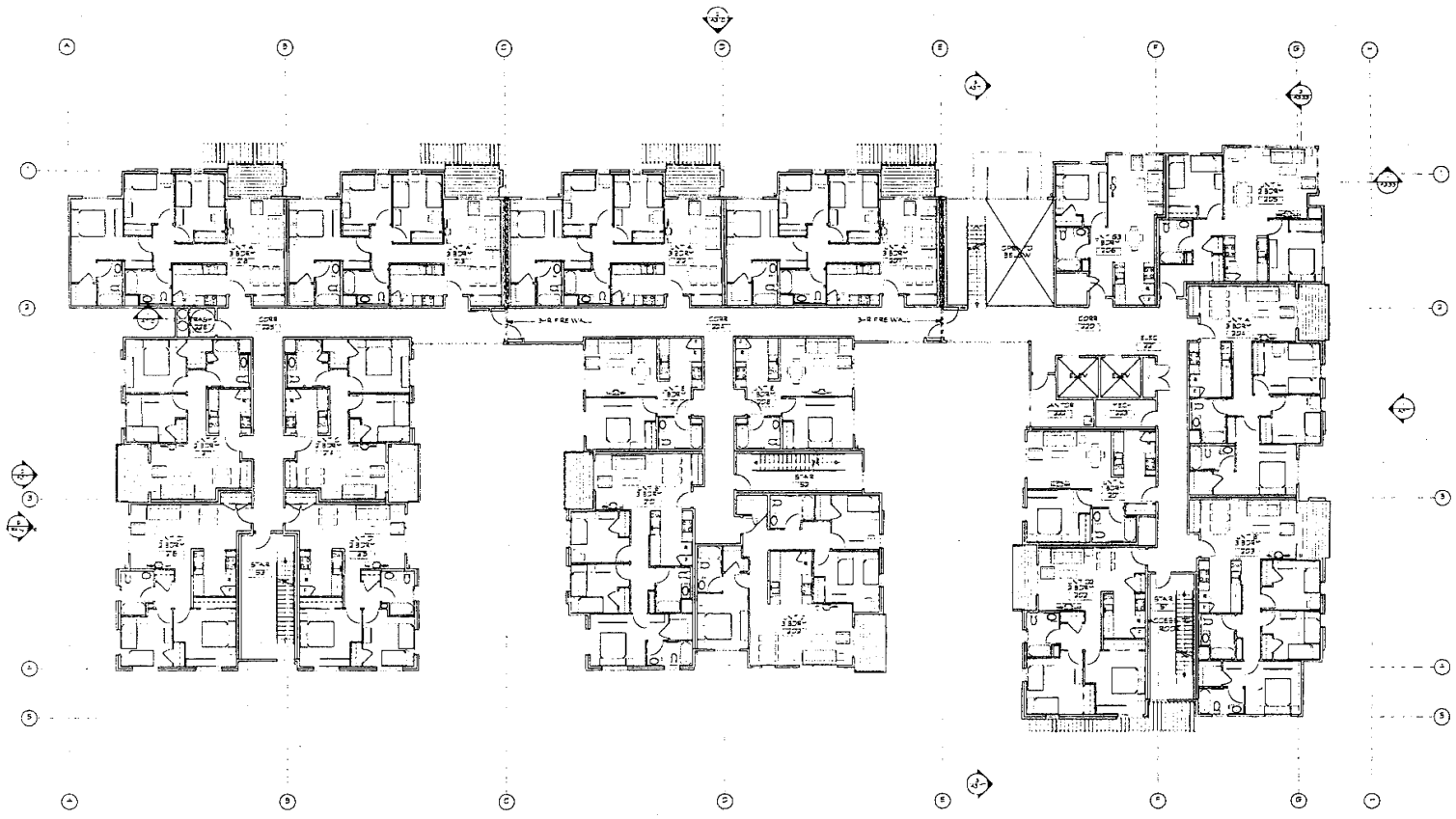
Client
BRIDGE Housing

Level 3 - Floor Plan

Job # 1104
Scale AS NOTED
Date 12/15/10

A2.13

Final Development Plan



SECOND FLOOR

SCALE: 1/8" = 1'-0"

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CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER
MURPHY BURR CURRY

ELECTRICAL ENGINEER
P.W. ASSOCIATES, INC.

MECHANICAL ENGINEER
IMEG ENGINEERING, INC.

LANDSCAPE ARCHITECT
PBA Design

DATE	REVISIONS
2.07.11	1 DP REVISION #1
5.16.11	1 DP REVISION #2

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

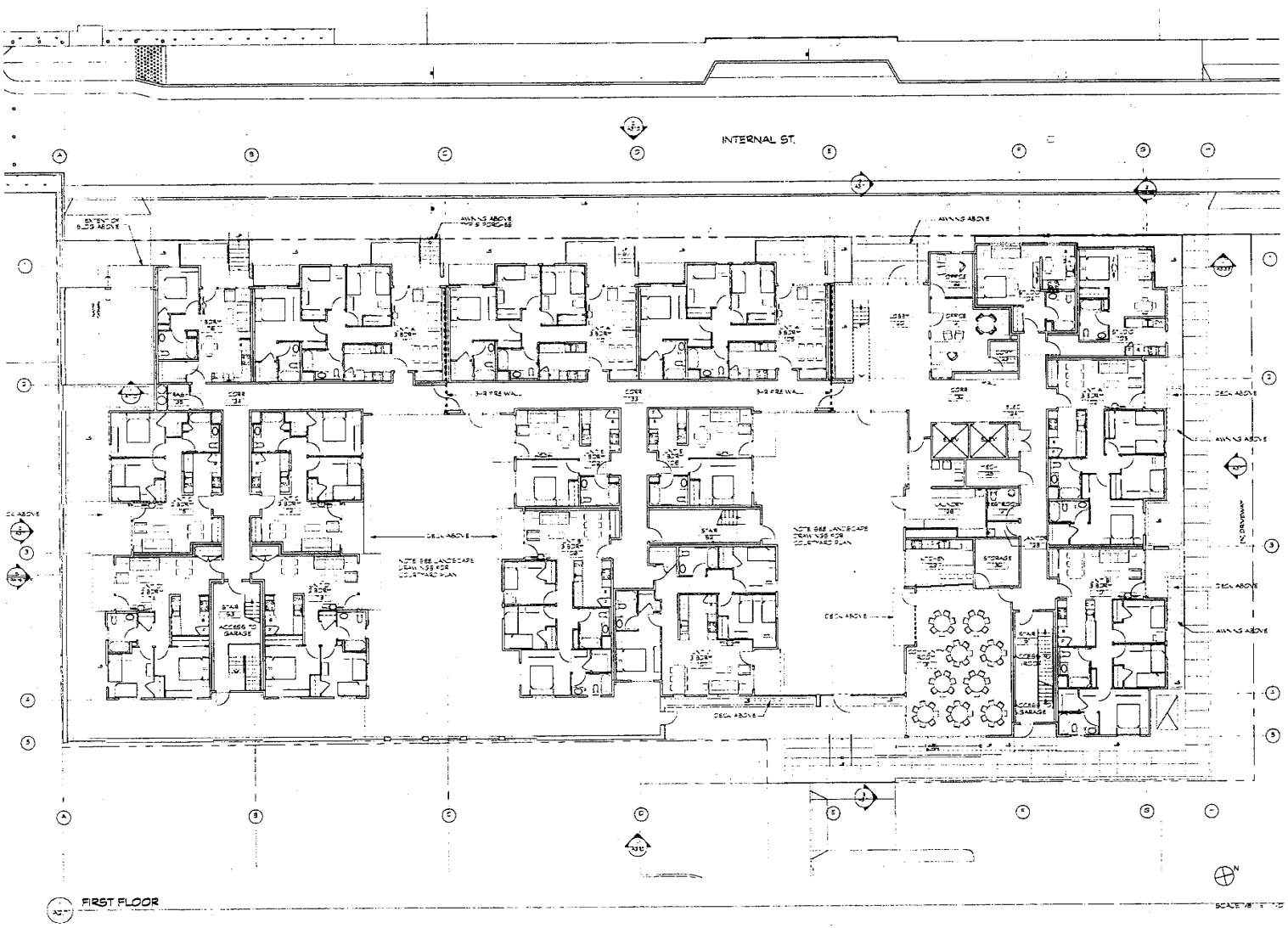
Client:
BRIDGE Housing

Level 2 - Floor Plan

Job #: 1101
Scale: AS NOTED
Date: 12.15.10

A2.12

Final Development Plan



FIRST FLOOR

SCALE: 1/8" = 1'-0"

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CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER
MURPHY BURR CURRY

ELECTRICAL ENGINEER
P.W. ASSOCIATES, INC.

MECHANICAL ENGINEER
BKF ENGINEERS HB, INC.

LANDSCAPE ARCHITECT
PBS Design

DATE	REVISIONS
2.10.11	FDP REVISION #1
3.18.11	FDP REVISION #2

Project:
MacArthur Transit Village - Block D

Oakland, CA. 94609

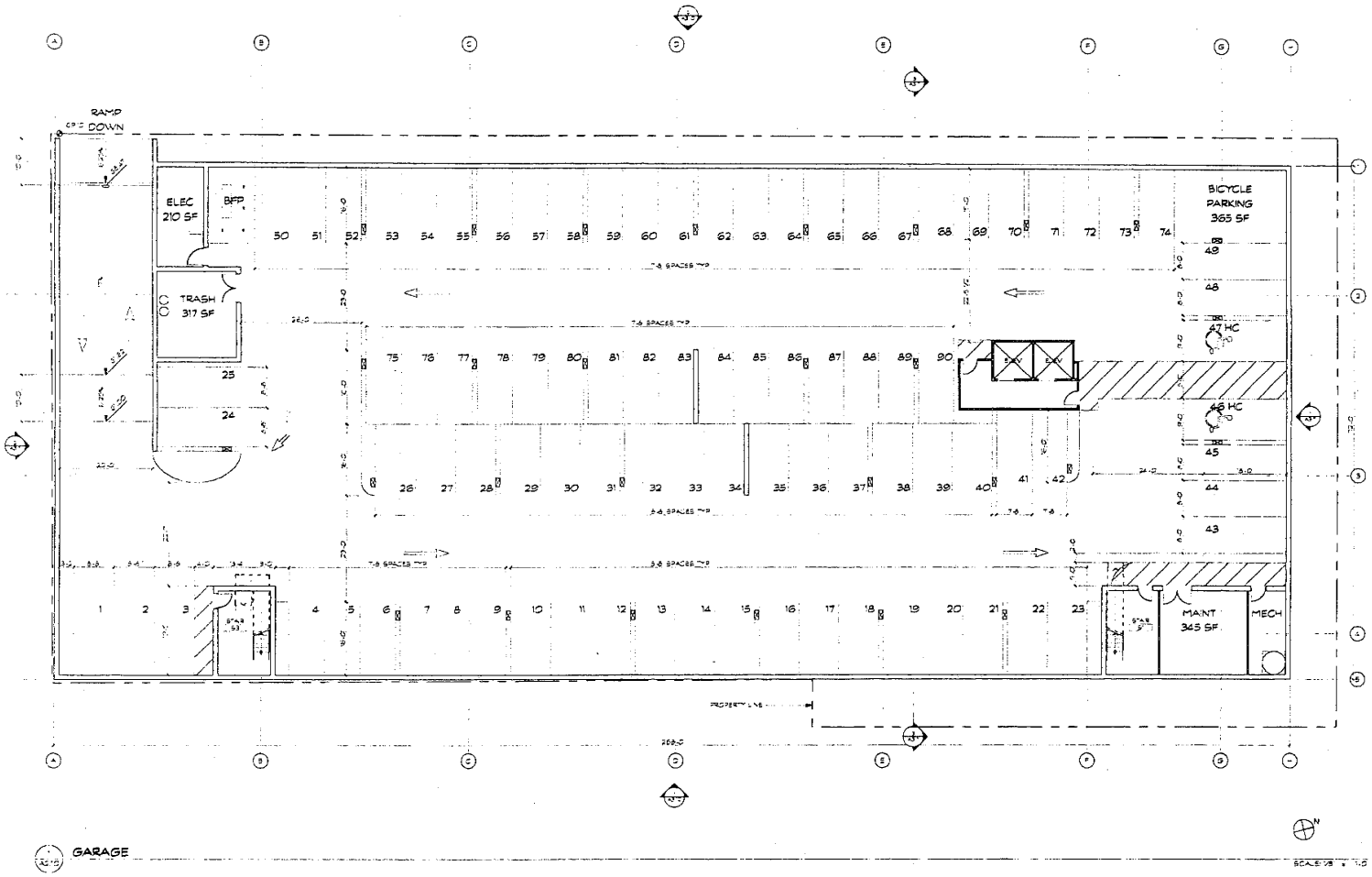
Client:
BRIDGE Housing

Level 1 - Floor Plan

Job #: 1024
Scale: AS NOTED
Date: 12.15.10

A2.11

Final Development Plan



GARAGE

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PBA Design

NO. REVISIONS

Project
MacArthur Transit Village - Block D

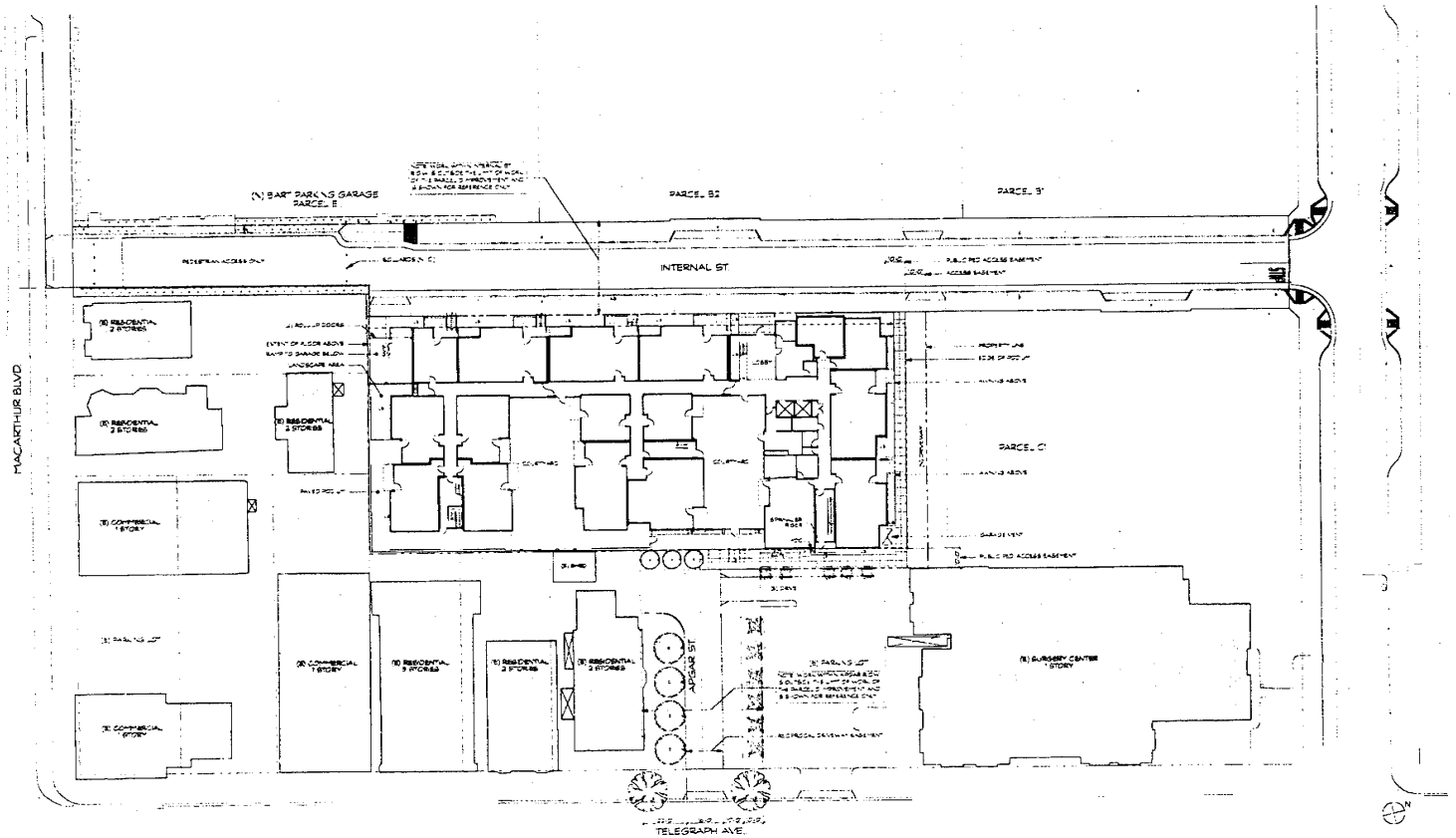
Oakland, CA, 94609

Client
BRIDGE Housing

Garage Level - Floor Plan

A2.10

Final Development Plan



A1.10 SITE PLAN

SCALE: 1" = 20'-0"

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS

STRUCTURAL ENGINEER
MURPHY BURR CURRY

ELECTRICAL ENGINEER
PJE ASSOCIATES, INC.

MECHANICAL ENGINEER
BKF ENGINEERS, INC.

LANDSCAPE ARCHITECT
PBA Design

DATE	REVISIONS
2/27/15	FDP REVISION #1
5/4/15	FDP REVISION #2

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

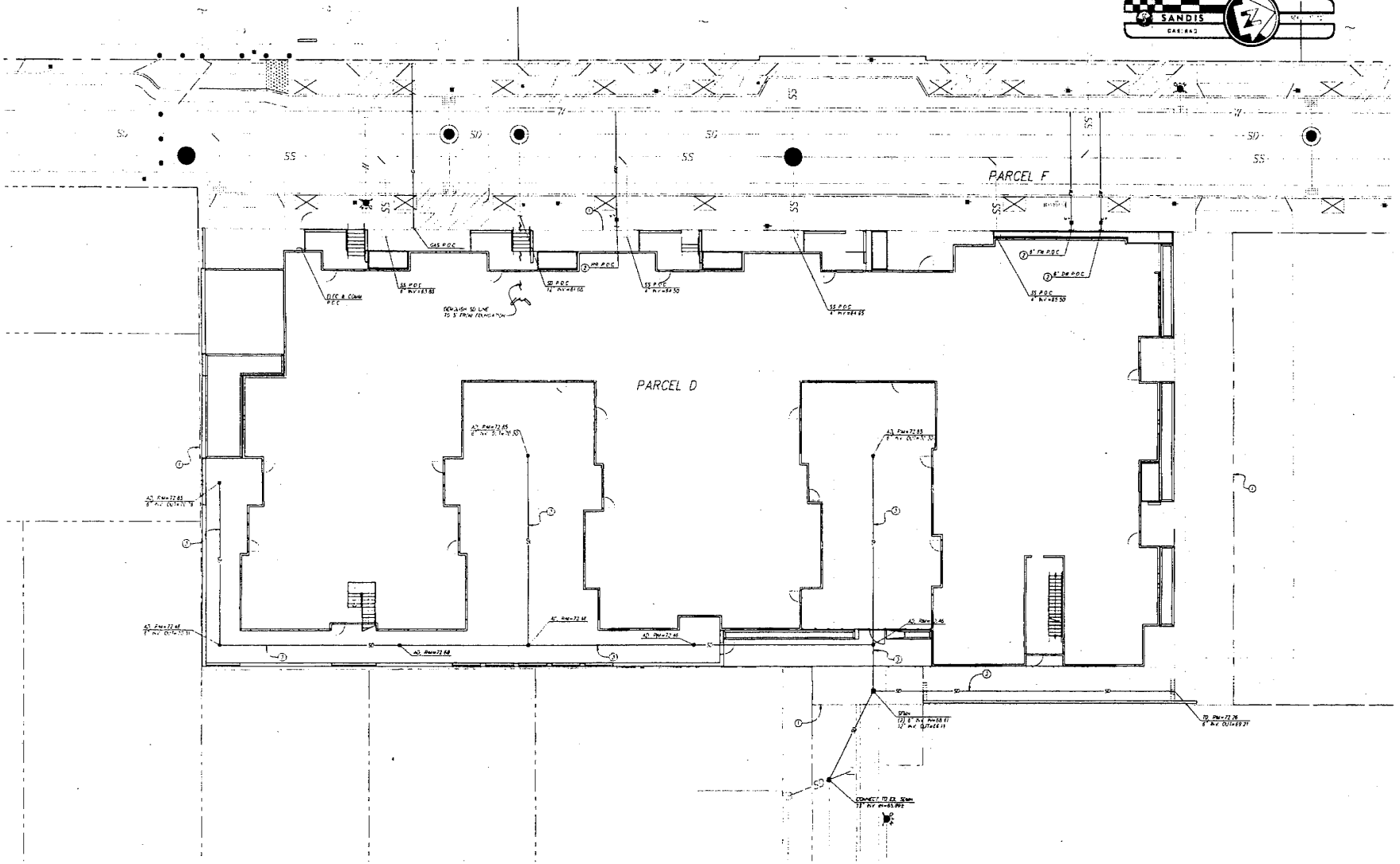
Client:
BRIDGE Housing

Site Plan

Job: 1304
Scale: AS NOTED
Date: 11/13/14

A1.10

Final Development Plan



C3.01 UTILITY PLAN AND PROFILE

1"=20'

SHEET NOTES

1. [illegible] OF PARCEL D WORK IS AT PARCEL D PROPERTY LINE
2. MATCH EXISTING INVERT OF ADJACENT MANHOLE
3. 6" SD @ 0.5% (MIN.) UNLESS OTHERWISE NOTED

GENERAL NOTES

1. WORK FROM OUTSIDE OF PARCEL D WORK IS PART OF THE SITE MOBILIZATION SHOWN FOR REFERENCE ONLY

SANDIS
OAKLAND

VAN METER WILLIAMS POLLACK LLP

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SANDIS
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MURPHY BURR CURRY
85 Second Street, Suite 201
San Francisco, Ca 94105
415-348-0431

ELECTRICAL ENGINEER
F.W. Associates, Inc.
350 Franklin Street, Suite 400
Oakland, Ca 94607
510-763-7475

MECHANICAL ENGINEER
MK2 Engineering, Inc.
1428 Second Street
Napa, CA 94558
707-307-1518

LANDSCAPE ARCHITECT
PGA Design
444 17th Street
Oakland, Ca 94612
510-465-1384

DATE	REVISIONS
3/7/11	FOR REVISION #1
3/18/11	FOR REVISION #2

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

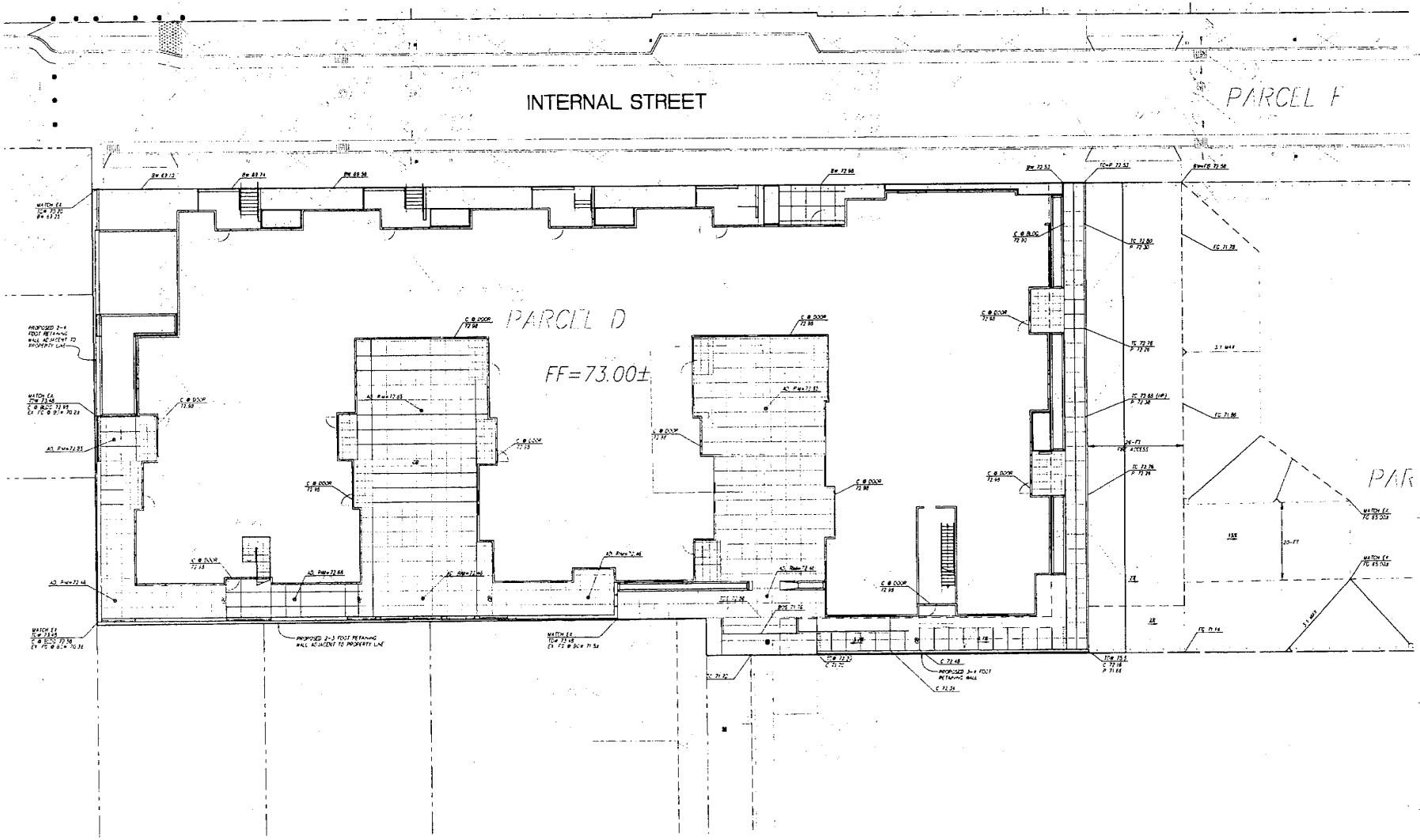
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

UTILITY PLAN

Job#: 1014
Scale: 1"=20'
Date: 12/15/10

C4.01

Final Development Plan



K C3.01 GRADING & DRAINAGE PLAN 1"=20'

COORDINATION NOTES

1. [illegible]

GENERAL NOTES

1. [illegible]

POST CONSTRUCTION STORM WATER MANAGEMENT NOTES

1. [illegible]

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
1731 Broadway, Suite 201
Oakland, Ca 94612
510-873-8644

STRUCTURAL ENGINEER
MURPHY BURR CURRY
85 Second Street, Suite 201
San Francisco, Ca 94105
415-648-0451

ELECTRICAL ENGINEER
F.W. Associates, Inc.
300 Frank H Ogawa, Suite 400
Oakland, Ca 94607
510-763-7475

MECHANICAL ENGINEER
MK2 Engineering, Inc.
1428 Second Street
Napa, Ca 94559
707-207-1514

LANDSCAPE ARCHITECT
PGA Design
444 17th Street
Oakland, Ca 94612
510-465-1384

DATE	REVISIONS
2/07/11	FDP REVISION #1
3/16/11	FDP REVISION #2

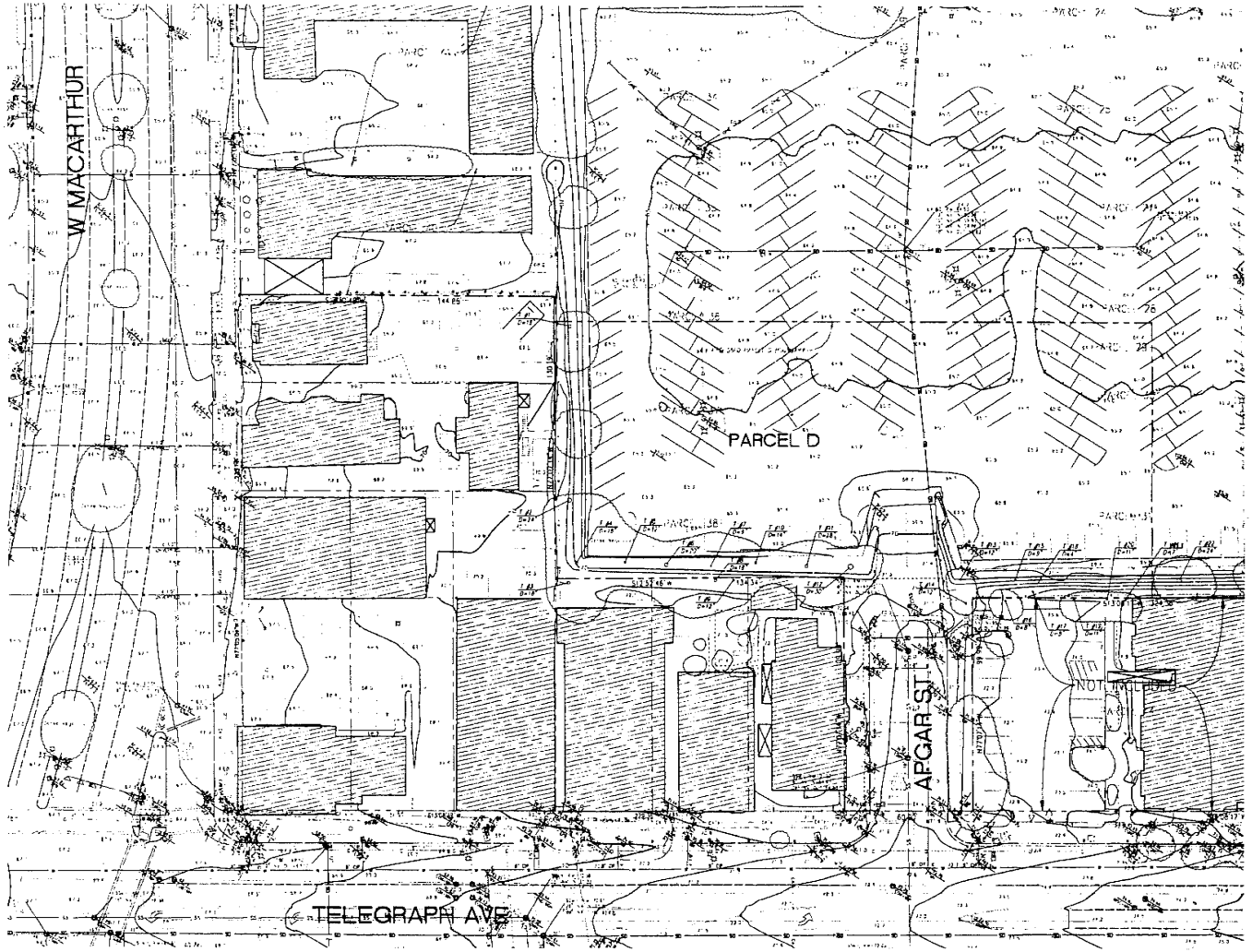
Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

GRADING & DRAINAGE PLAN

Job#: 1014
Scale: 1"=20'
Date: 12/15/10
C3.01
Final Development Plan



TOPOGRAPHIC SURVEY

EXISTING BOUNDARY

TOPOGRAPHIC & TREE SURVEY

C0.11

1"=20'

SANDIS
OAKLAND

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
1721 Broadway, Suite 201
Oakland, Ca 94612
510-873-8866

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT
PGA Design
444 17th Street
Oakland, CA 94612
510-465-1284

DATE	REVISIONS

Project:
MacArthur Transit Village - Block D

Dakland, CA, 94609

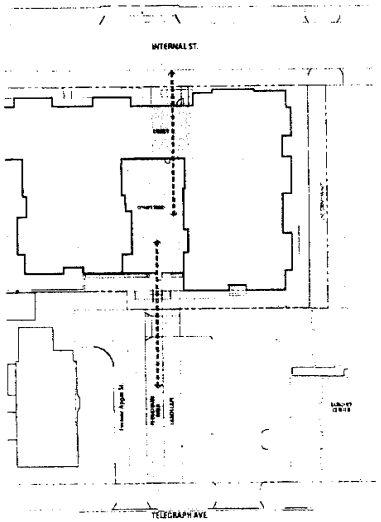
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

TOPOGRAPHIC & TREE SURVEY

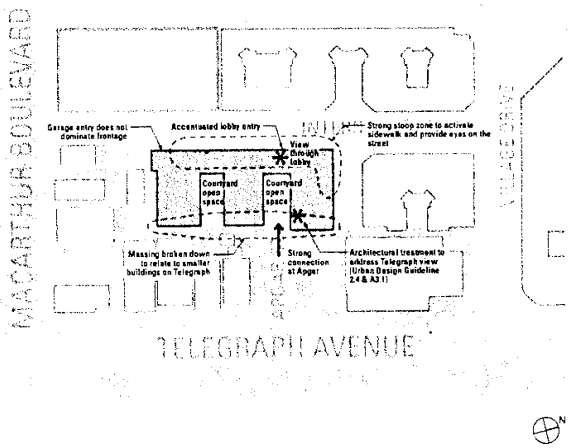
Job#: 1014
Scale: 1"=20'
Date: 12/15/10

C0.11

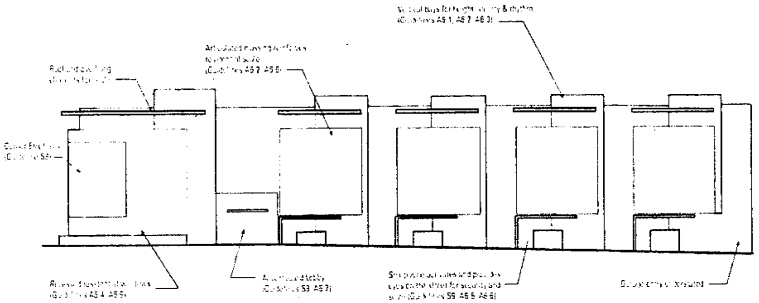
Final Development Plan



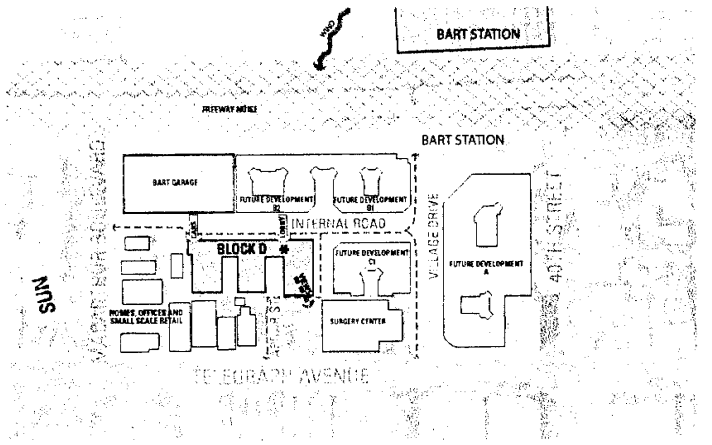
4 / AC4.0 ALIGNMENT DIAGRAM



2 / AC4.0 SITE DIAGRAM



3 / AC4.0 DESIGN GUIDELINE COMPLIANCE - INTERNAL DRIVE



1 / AC4.0 VICINITY DIAGRAM

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER
SANDIS
STRUCTURAL ENGINEER
ELECTRICAL ENGINEER
MECHANICAL ENGINEER
LANDSCAPE ARCHITECT
PWA Design

DATE	REVISIONS
2/07/11	FDP REVISION #1
3/15/11	FDP REVISION #2

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

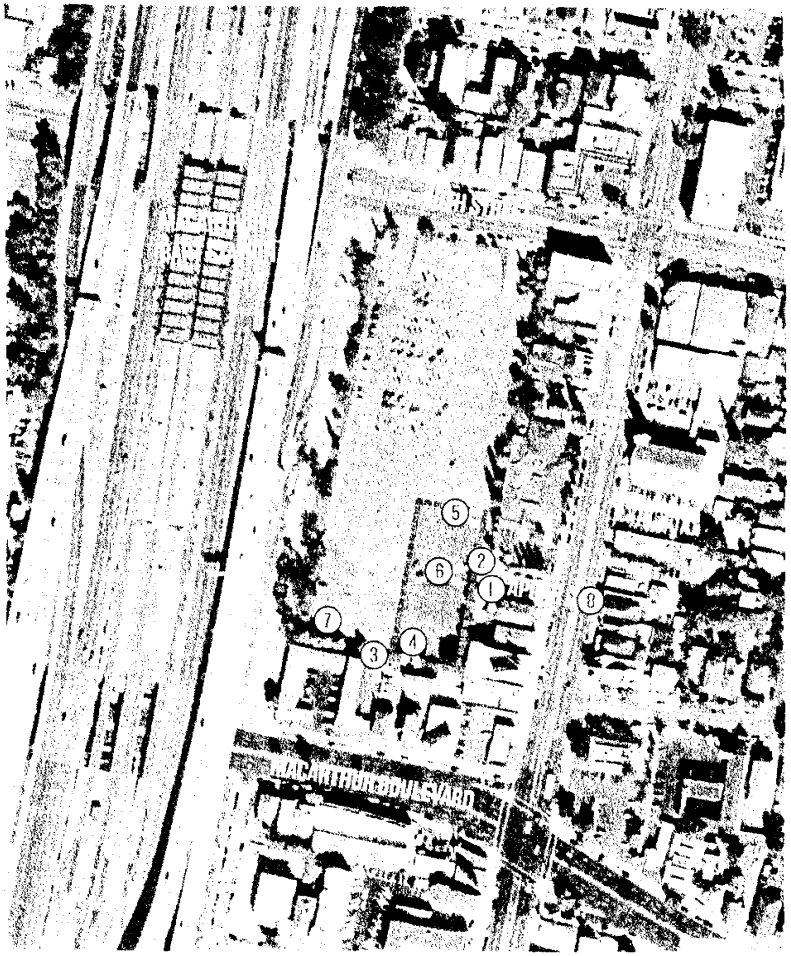
Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Master Plan Compliance Diagrams

Job #: 1014
Scale: AS NOTED
Date: 12/15/10

A0.40

Final Development Plan













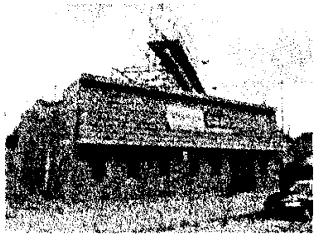


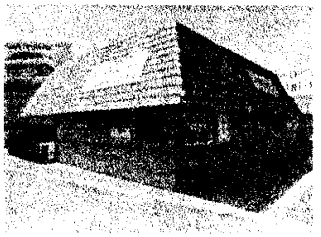












VAN METER WILLIAMS POLLACK LLP

- ☐ CIVIL ENGINEER
  BKF
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- ☐ STRUCTURAL ENGINEER
- ☐ ELECTRICAL ENGINEER
- ☐ MECHANICAL ENGINEER
- ☐ LANDSCAPE ARCHITECT
  PGA Design
  [illegible]

DATE	REVISIONS

Project:
MacArthur Transit Village - Block D

Oakland, CA, 94609

Client:
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105

Existing Site Photos

Job # 1014
Scale AS NOTED
Date 12/15/10

A0.30

Final Development Plan

APPLICABLE CODES

ALL WORK SHALL BE IN CONFORMANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND CITY ORDINANCES AND CODES. IN THE CASE OF A CONFLICT BETWEEN REGULATIONS, THE MOST RESTRICTIVE SHALL GOVERN. THE FOLLOWING ARE THE STATE AND LOCAL CODES, AMENDMENTS AND OTHER LAWS AND REGULATIONS OF THE JURISDICTION HAVING AUTHORITY OVER THE PROJECT:

2007 EDITION OF THE CALIFORNIA CODE OF REGULATIONS - TITLE 24 (CBC, BUILDING STANDARDS CODE):	
PART 2, CALIFORNIA BUILDING CODE (CBC)	2007 EDITION (TAKEN FROM 2006 IBC)
PART 3, CALIFORNIA ELECTRICAL CODE	2007 EDITION (TAKEN FROM 2006 NEC)
PART 4, CALIFORNIA MECHANICAL CODE	2007 EDITION (TAKEN FROM 2006 UMC)
PART 5, CALIFORNIA PLUMBING CODE	2007 EDITION (TAKEN FROM 2006 UPC)
PART 6, CALIFORNIA ENERGY CODE	2008 CALIFORNIA ENERGY CODE
PART 9, CALIFORNIA FIRE & BUILDING SAFETY CODE	2007 EDITION
PART 10, CALIFORNIA FIRE CODE	2007 EDITION (TAKEN FROM 2006 IFC)

OAKLAND MUNICIPAL CODE	2006 EDITION
TITLE 15 - BUILDING AND CONSTRUCTION	CHAPTER 15.04 - AMENDMENTS TO THE 2007 CA CODE OF REGULATIONS PARTS 2, 3, 5, AND 9
TITLE 17 - PLANNING	CHAPTER 17.28 - R-70 HIGH-DENSITY RESIDENTIAL ZONE REGULATIONS
	CHAPTER 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS
TITLE 18 - SUBDIVISIONS	CHAPTER 18.02 - SUSTAINABLE GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

ALL RESIDENTIAL UNITS ARE GOVERNED BY CHAPTER 15.48 THE PARKING ACT. ALL COMMON AREAS ARE GOVERNED BY CHAPTER 15.40 ADA

CONSTRUCTION CLASSIFICATION

CONSTRUCTION TYPES	
R-2.1 STORY(S)	TYPE I-A (CBC TABLE 503)
R-2 BASEMENT	TYPE I-A (CBC 509.2)

CONSTRUCTION REQUIREMENTS	
EXTERIOR BEARING WALLS	2-HR RATED CONSTRUCTION (CBC TABLE 601, FIRE RESISTIVE WOOD ALLOWED UP TO 2-HR WALL PER 602.3)
EXTERIOR NON-BEARING WALLS	1-HR RATED CONSTRUCTION IF < 30' FROM PROPERTY LINE (CBC TABLE 602, 602.1, 602.2)
	NON-RATED IF > 30' OR GARAGE FACES PROPERTY LINE (CBC TABLE 602, 602.1, 602.2)
STRUCTURAL FRAME	1-HR RATED CONSTRUCTION (CBC TABLE 601)
INTERIOR BEARING WALLS	1-HR RATED CONSTRUCTION (CBC TABLE 601)
INTERIOR NON-BEARING WALLS	NON-RATED (CBC TABLE 601)
FLOOR CONSTRUCTION & SUPPORTING BEAMS AND JOISTS	1-HR RATED CONSTRUCTION (CBC TABLE 601)
ROOF CONSTRUCTION & SUPPORTING BEAMS AND JOISTS	1-HR RATED CONSTRUCTION (CBC TABLE 601)
FIRE WALL	2-HR RATED CONSTRUCTION (CBC TABLE 706.4)
OCCUPANCY SEPARATION R-2 TO R-2	1-HR RATED CONSTRUCTION (CBC TABLE 508.3.3)
DWELLING UNIT / TENANT SEPARATION WALLS & FLOORS WITHIN R-2	1-HR RATED CONSTRUCTION (CBC TABLE 708.3)
CORRIDOR WALLS & FLOORS WITHIN R-2	1-HR RATED CONSTRUCTION (CBC TABLE 708.3, 1017.1)
INTERIOR STAIRS	2-HR RATED CONSTRUCTION (CBC TABLE 602 & 2)
ELEVATOR	2-HR RATED CONSTRUCTION (CBC TABLE 602 & 2)
ENCLOSED ELEVATOR LOBBIES NOT REQD. IN BLDGS PROTECTED BY SPRINKLER SYST. (CBC 708.14.1)	
SHAFT ENCLOSURES	1-HR RATED IN WHEN CONNECTING 4 OR MORE STORIES (CBC 708.4)
	2-HR RATED IN WHEN CONNECTING 4 OR MORE STORIES (CBC 708.4)
	2-HR RATED AT R-2 TO R-2 OCCUPANCY SEPARATION
INCIDENTAL USES AREAS	
FURNACE ROOM (NO REQ'D, > 400 BTU/HR)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
BOILER ROOM (NO REQ'D, > 15 PSI OR 10 HORSEPOWER)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
LAUNDRY ROOM (10-100 SQ.FT.)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
STORAGE ROOM (OVER 100 SQ.FT.)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2)
TRASH ROOM (OVER 100 SQ.FT.)	1-HR RATED CONSTRUCTION (PER CBC TABLE 508.2, TCH 19.3)

OCCUPANCY CLASSIFICATION & EXITING

FLOOR / ROOM DESIGNATION	OCCUPANCY GROUP (CBC Chapter 3)	LOAD FACTOR (CBC Table 1004.1.2)	FLOOR AREA (GROSS per CBC 1002)	OCCUPANT LOAD (1 per x sq.ft. - CBC Table 1004.1.2)	MAX. LOAD FOR 1 EXIT (CBC Table 1021.2)	EGRESS WIDTH REQ'D (.2"/OCC. 3"/OCC. STAIRWAY)	(.15"/OCC. OTHER)	EXITS REQ'D PER SPACE
GARAGE LEVEL - PARKING	S-2	200	29,910 sf	150	49	30	23	2
GARAGE LEVEL - ELEC. ROOM	S-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
GARAGE LEVEL - MAINTENANCE	S-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
GARAGE LEVEL - STORAGE	S-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
GARAGE LEVEL - STORAGE	S-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
TOTAL			29,910 sf	150				
LEVEL ONE RES DENTAL	R-2	200	20,065 sf	101	49	7	6	2
LEVEL ONE COMMUNITY ROOM	R-2 ACCESSORY	*	0 sf	00	49	0	0	1
LEVEL ONE STORAGE	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL ONE RESTROOM	R-2 ACCESSORY	200	0 sf	00	49	0	0	1
LEVEL ONE LAUNDRY	R-2 NON-DENTAL USE	200	0 sf	00	49	0	0	1
LEVEL ONE OFFICE	R-2 ACCESSORY	100	0 sf	00	49	0	0	1
LEVEL ONE JANITOR	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL ONE TRASH	R-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
LEVEL ONE EGRESS COMPONENTS	R-2 ACCESSORY	300	0 sf	-	-	-	-	-
TOTAL			20,065 sf	101				
LEVEL TWO RES DENTAL	R-2	200	21,824 sf	109	49	11	9	2
LEVEL TWO JANITOR	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL TWO MECHANICAL	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL TWO TRASH	R-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
LEVEL TWO EGRESS COMPONENTS	R-2 ACCESSORY	300	0 sf	-	-	-	-	-
TOTAL			21,824 sf	109				
LEVEL THREE RES DENTAL	R-2	200	21,824 sf	109	49	11	9	2
LEVEL THREE MECHANICAL	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL THREE LAUNDRY	R-2 NON-DENTAL USE	200	0 sf	00	49	0	0	1
LEVEL THREE TRASH	R-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
LEVEL THREE EGRESS COMPONENTS	R-2 ACCESSORY	300	0 sf	-	-	-	-	-
TOTAL			21,824 sf	109				
LEVEL FOUR RES DENTAL	R-2	200	21,824 sf	109	49	11	9	2
LEVEL FOUR JANITOR	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL FOUR MECHANICAL	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL FOUR TRASH	R-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
LEVEL FOUR EGRESS COMPONENTS	R-2 ACCESSORY	300	0 sf	-	-	-	-	-
TOTAL			21,824 sf	109				
LEVEL FIVE RES DENTAL	R-2	200	19,719 sf	99	49	10	8	2
LEVEL FIVE MECHANICAL	R-2 ACCESSORY	300	0 sf	00	49	0	0	1
LEVEL FIVE LAUNDRY	R-2 NON-DENTAL USE	200	0 sf	00	49	0	0	1
LEVEL FIVE TRASH	R-2 NON-DENTAL USE	300	0 sf	00	49	0	0	1
LEVEL FIVE EGRESS COMPONENTS	R-2 ACCESSORY	300	0 sf	-	-	-	-	-
TOTAL			19,719 sf	99				

TOTAL BUILDING (GROSS) AREA (PER CBC 1002) = 134,866 sf

OPENING PROTECTIONS

BUILDING ELEVATION	LABEL AS A RATED	DISTANCE FROM PROPERTY LINE	MAX. ALLOWABLE AREA OF OPENINGS (SF Wall / Story)		ELEVATION AREA	AREA OF OPENINGS (Wall Area x %)	OPENINGS AS A PROTECTED (SF Wall)
			UNLIMITED	UNLIMITED			
PARCEL D							
WEST	-	33' TO C.L. STREET	45%	UNLIMITED	- SF	- SF	-
NORTH	-	20' TO P.L.	25%	75%	- SF	- SF	-
EAST	-	10'	10%	25%	- SF	- SF	-
SOUTH	-	10'	10%	25%	- SF	- SF	-
TYPICAL CONDITIONS	-	-	25%	75%	- SF	- SF	-

PER CBC TABLE 705.8, FOR WALLS WITH MORE THAN ONE OPENING, THE SUM OF THE FIRE EXPOSURE WIDTHS OF ALL OPENINGS SHALL NOT EXCEED 25% OF THE WALL AREA.

ALLOWABLE AREA

OCCUPANCY GROUP	TYPE	BASIC ALLOWABLE AREA (CBC Table 503 - Type I-A)	FRONTAGE INCREASE - Actual Open Area / CBC 506.2	SPRINKLER SYSTEM - Actual Area / CBC 506.3	TOTAL AREA MODIFICATION (CBC 506.1 & CBC 506.4)
R-2	I-A	24,000 sf	4 x (30'/100-0.25) x (127'/100) x 0.2357 = 0.3357	As = 24,000 x (3A/100 + 0.3357 - 1)(F) = 38,858 allowed	
TOTAL R2					TOTAL AREA MODIFICATION (29,658/31,59.3 SF PER FLOOR)
S-2	A	CONSIDERED A BASEMENT & NOT INCLUDED IN TOTAL ALLOWABLE AREA (CBC 506.1)			UNLIMITED

ALLOWABLE STORIES

BUILDING / ZONE DESIGNATION	OCCUPANCY GROUP	BASIC ALLOWABLE STORIES (CBC Table 503)	SPRINKLERED ALLOWABLE STORIES (CBC Table 503 & 504.2)	MAX. HEIGHT (CBC Table 503 & 504.3)	PROVIDED STORIES	ACTUAL HEIGHT
RESIDENTIAL	R-2 (TYPE I-A)	4 STORIES	5 STORIES	85'	5 PLUS BASEMENT	85' - MECHANICAL

FIRE SPRINKLER REQUIREMENTS

APPLICABLE SYSTEM NOTES ARE FOR REFERENCE ONLY. SPRINKLER SYSTEM SHALL BE DESIGN / BUILD AND DRAWINGS SHALL BE SUBMITTED BY SPRINKLER SUBCONTRACTOR UNDER SEPARATE PERMIT.

APPROVED AUTOMATIC SPRINKLER SYSTEM REQUIRED THROUGHOUT PER NFPA 13 REQUIREMENTS.

OTHER CODE PROVISIONS

AT LEAST 1 STAIRWAY SHALL EXTEND TO ROOF EXCEPT WHERE ROOF SLOPE EXCEEDS 4:12 (CBC 1009.11).

WINDOWS IN HABITABLE ROOMS SHALL HAVE A MINIMUM GLAZED AREA OF 8% OF THE FLOOR AREA. (CBC 1205.2) THE MINIMUM OPENABLE AREA TO BE 4% OF THE FLOOR AREA (CBC 1205.2).

FIRE EXITS / EXITS SHALL BE LOCATED TO COMMON AREAS CORRIDORS EACH OF WHICH SHALL BE AT LEAST 44" IN WIDTH FROM ANY LOCATION OR FIRE EXITS SHALL BE EVERY 3,000 S.F. WHICHEVER RESULTS IN A GREATER COUNT. SEE PLANS FOR LOCATIONS.

ALL ENTRY DOORS NOT LOCATED ALONG AN ACCESSIBLE PATH OF TRAVEL DOES NOT SWING OUT OVER THE SITE AND IS NOT REQUIRED AS A MEANS OF EGRESS MAY HAVE A VERTICAL STEP AT THE DOOR THRESHOLD UP TO 7/4" (CBC 1008.1.6 EXCEPTION).

AREA OF REFUSE / SPACE PER AREA & ALLOWED IF OCCUPANT LOAD IS LESS THAN 2000 OR FLOOR BEING REVIEWED PER ENFORCING AGENCY APPROVAL (CBC 1007.6).

PROJECT DATA

SITE AREA

34,107.28	SF
0.78	ACRE

UNIT COUNT

3	STUDIO
23	1 BEDROOM
29	2 BEDROOM
31	3 BEDROOM
90	TOTAL

DENSITY: 115 DU/ACRE

BUILDING AREA

RES DENTAL	104,959	SF
GARAGE	29,910	SF
	134,869	SF

PLANNING DATA

TITLE 17 OAKLAND PLANNING CODE: CHAPTER 17.28 - R-70 HIGH-DENSITY RESIDENTIAL ZONE REGULATIONS; CHAPTER 17.97 - S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

PRIMARY ZONING DESIGNATION: S-15 TOD ZONE

GARAGE OPEN SPACE

REQUIRED	75 SF per unit	PER CHAPTER 17.97 (TOD) VARIANCE AND PLANNING DIRECTOR
TOTAL	6,750 SF	
PROVIDED		
	3,936 SF	PRIVATE USABLE OPEN SPACE (BALCONIES)
	2,814 SF	PUBLIC GARDEN & POOL PLAZA
	8,750 SF	COURTYARDS
TOTAL	69,955 SF	

PARKING

REQUIRED	0.5 spaces per unit	PER CHAPTER 17.97 (TOD)
TOTAL	45 spaces	
PROVIDED	30 spaces	1 LEVEL WITH ALTERNATIVE BAY SIZES

BIKE PARKING

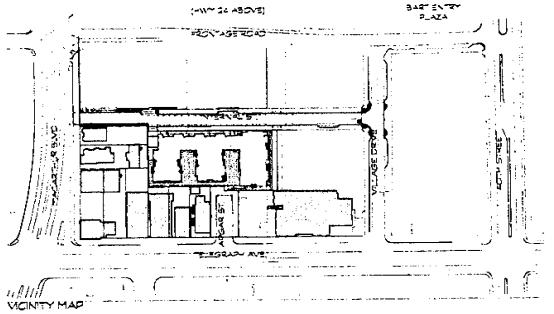
REQUIRED	1 space per 10 units	LONG TERM
	1 space per 20 units	SHORT TERM
TOTAL PROVIDED	33 spaces	LONG TERM
	8 spaces	SHORT TERM

S-15 TOD Zone: Private Balcony Required

S-15 Open Space: 75 SF per unit TO count as private balcony space, at least 50% of open space must be provided at grade. Balconies must be at least 6 feet wide and 60 SF in area. Open space must be usable.

S-15 Parking: Minimum Required: 0.5 / unit. Maximum: 1 / unit.

S-15 Parking: Bicycle Parking Required: 1 per 10 units (long term); 1 per 20 units (short term).



VICINITY MAP

DRAWING INCLUDED	DRAWING NOT INCLUDED		PLANNING DEPARTMENT (PDF)	BUILDING DEPARTMENT (PDF)
		GENERAL		
●	○	A0.00 COVER SHEET / PERSPECTIVE	●	●
●	○	A0.01 COVER SHEET / PERSPECTIVE	●	●
●	○	A0.10 DRAWING INDEX / PROJECT DIRECTORY / PROJECT DATA / CODE ANALYSIS	●	●
●	○	A0.30 SHEETS SITE PHOTOS	●	●
●	○	A0.40 MASTER PLAN COMPLIANCE DIAGRAMS	●	●
		CIVIL		
●	○	C0.01 TOPOGRAPHIC AND TREE SURVEY	●	●
●	○	C1.01 GRADING AND DRAINAGE PLAN	●	●
●	○	C4.01 UTILITY PLAN	●	●
		ARCHITECTURAL		
		SITE PLANS, SECTIONS & DETAILS		
●	○	A1.10 SITE PLAN	●	●
		BUILDING PLANS, SECTIONS & ELEVATIONS		
●	○	A2.10 GARAGE LEVEL - FLOOR PLAN	●	●
●	○	A2.11 LEVEL 1 - FLOOR PLAN	●	●
●	○	A2.12 LEVEL 2 - FLOOR PLAN	●	●
●	○	A2.13 LEVEL 3 - FLOOR PLAN	●	●
●	○	A2.14 LEVEL 4 - FLOOR PLAN	●	●
●	○	A2.15 LEVEL 5 - FLOOR PLAN	●	●
●	○	A2.16 ROOF PLAN	●	●
●	○	A3.10 BUILDING SECTION / MATERIAL KEY	●	●
●	○	A3.11 SECTION / ELEVATIONS	●	●
●	○	A4.10 PERSPECTIVES / RENDERS	●	●
		LANDSCAPE		
●	○	L0.01 MATERIALS PLAN	●	●
●	○	L0.02 PLANTING PLAN	●	●

VAN METER WILLIAMS POLLACK LLP

CIVIL ENGINEER: BAINES, 1736 Stone Drive, Suite 201, Oakland, CA 94612, 510 873 9666

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT: PGA Design, 444 17th Street, Oakland, CA 94612, 510 465 4244

DATE	REVISIONS
2/27/11	TOD REVISION #1

Project:
MacArthur Transit Village - Block D
Oakland, CA, 94609

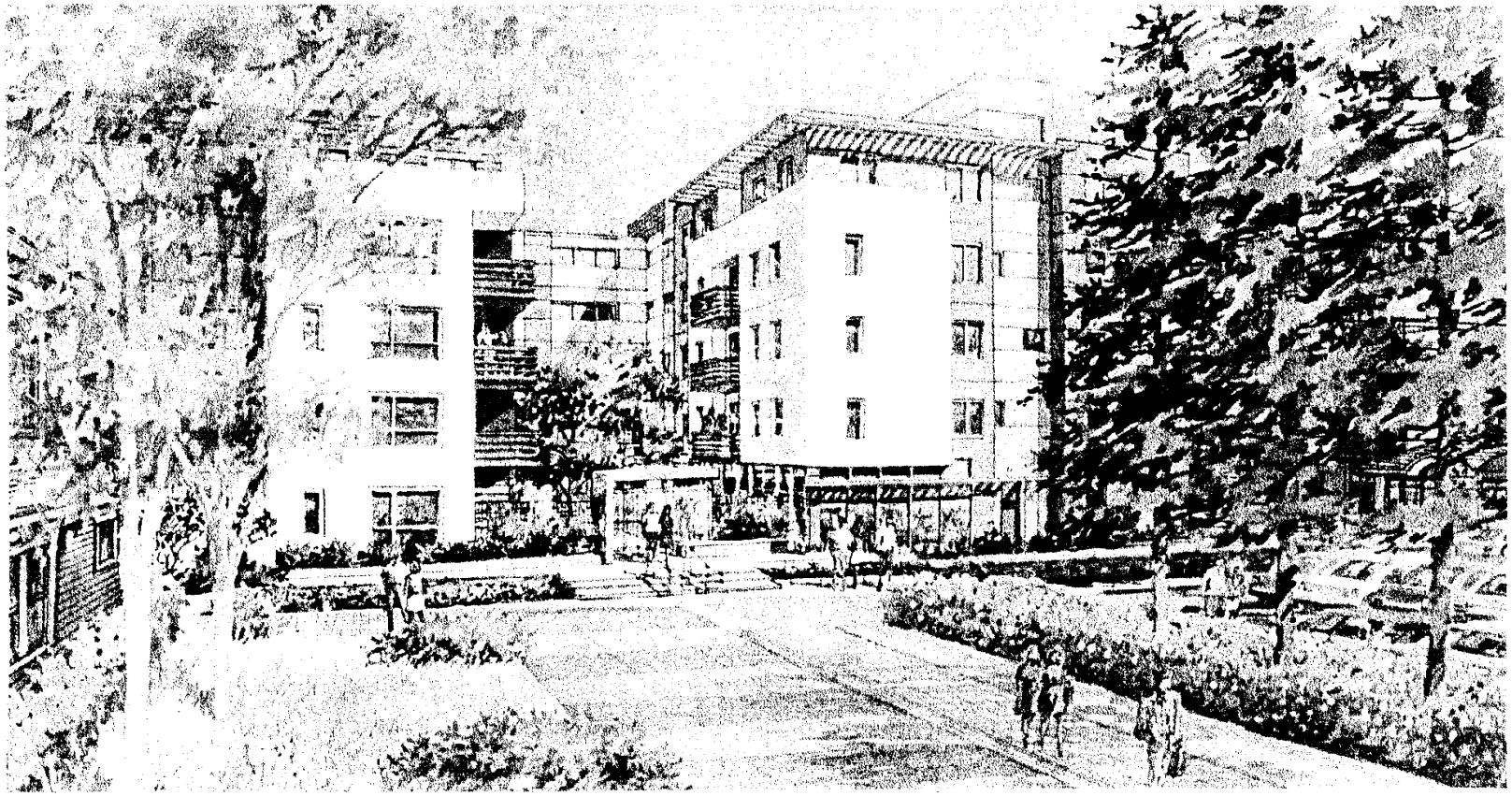
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345 Spear Street, Suite 700, San Francisco, CA 94105

Drawing Index/ Project Directory/ Project Data/ Code Analysis

Job # 1014
Scale AS NOTED
Date 10.15.10

A0.10

Final Development Plan

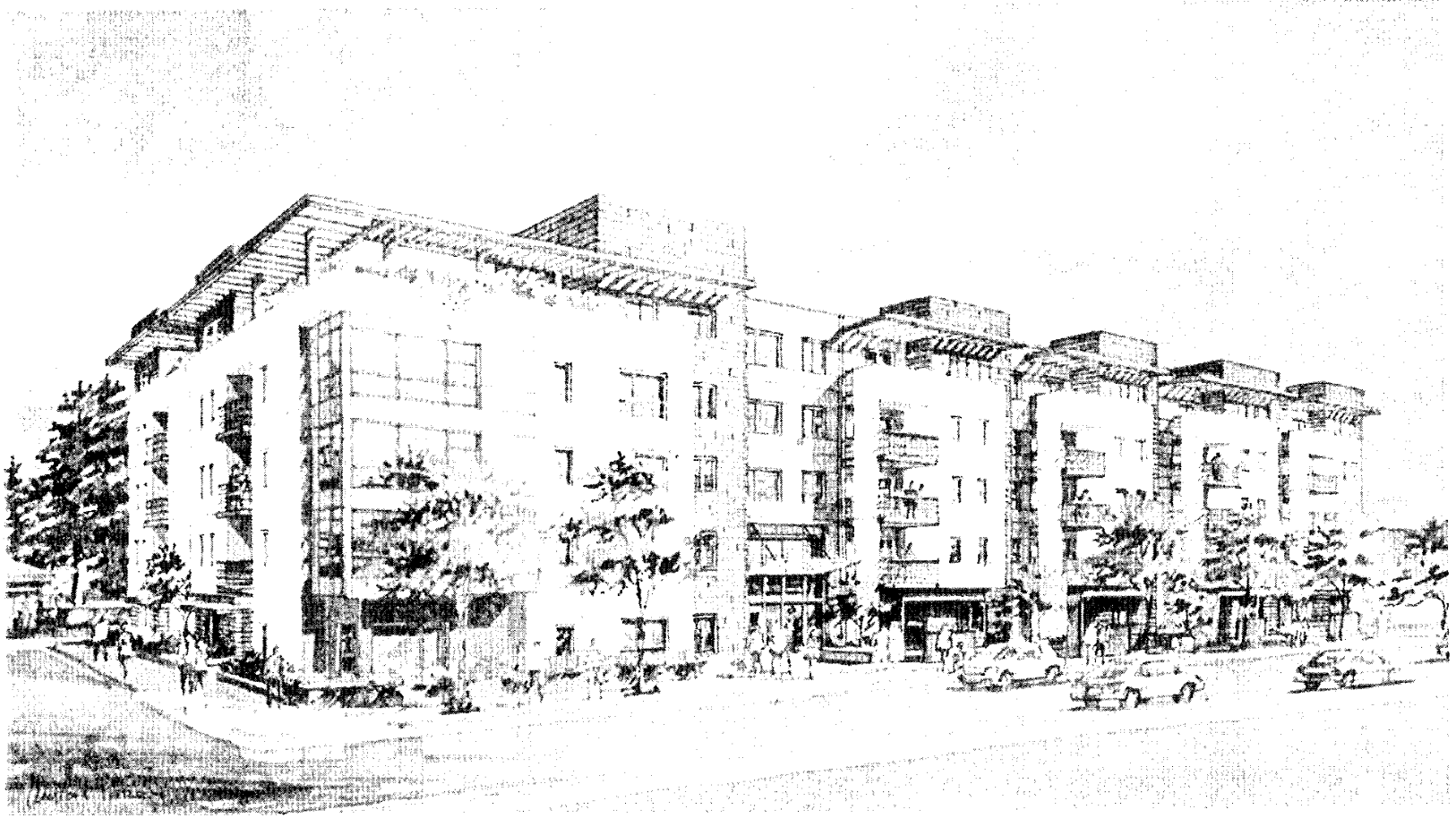


MTVD *FINAL DEVELOPMENT PLAN*

MACARTHUR TRANSIT VILLAGE - BLOCK D

OAKLAND, CA 3/16/11 FDP REVISION #2

VAN METER
WILLIAMS
POLLACK LLP



MTVD *FINAL DEVELOPMENT PLAN*

MACARTHUR TRANSIT VILLAGE - BLOCK D

OAKLAND, CA 3/16/11 FDP REVISION #2

VAN METER
WILLIAMS
POLLACK LLP

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:

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[1] http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/macarthur.html

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

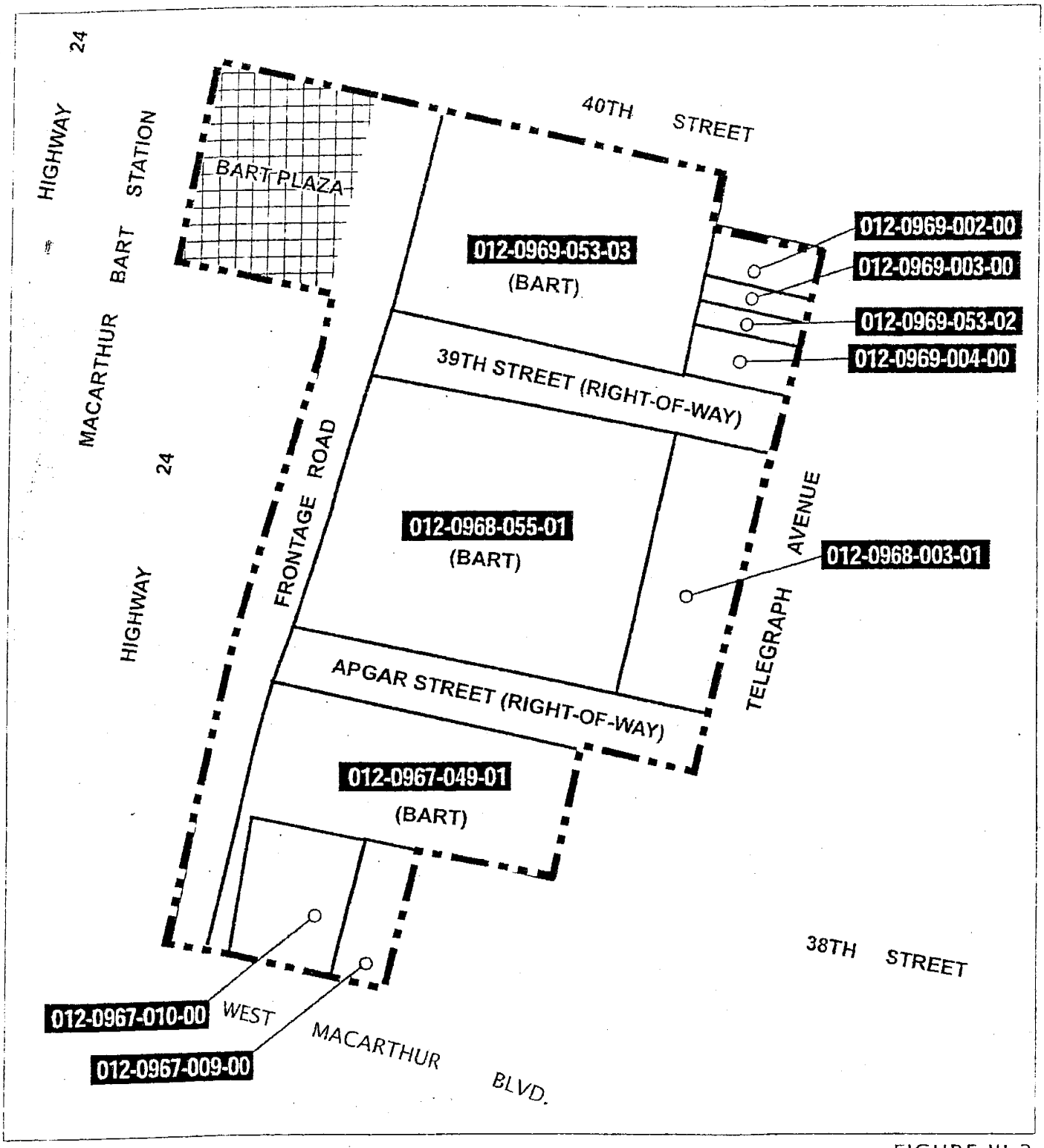


FIGURE III-2

Legend

- Project site
- BART Plaza
- Parcel lines

0 75 150 feet

MacArthur Transit Village Project EIR
Parcels within Project Site

SOURCE: CITY OF OAKLAND, 2006.

I:\MGB0701 macarthur bart\\figures\Fig_III2.ai (7/03/07)

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.

[1] 14 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			
No significant land use impacts would occur.			
B. PUBLIC POLICY			
No significant public policy impacts would occur.			
C. TRANSPORTATION, CIRCULATION AND PARKING			
No significant construction period transportation-related impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**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: • 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.	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
COA TRANS-1 *continued*		• 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. 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.	
TRANS-1: 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.	S	TRANS-1: 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.	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 *continued*		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	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. 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.	LTS
TRANS-3: The addition of project traffic would cause a significant impact at the Telegraph Avenue/52nd 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	TRANS-3: Implement the following measures: • 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 *continued*		To implement these measures, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval: • Signing plans to prohibit left-turns from northbound Telegraph Avenue into westbound 52nd Street. • Signal timing plans for the signals in the coordination group. The project sponsor shall fund the cost of preparing and implementing these plans. 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.	
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.	S	TRANS-4: Implement the following measures: • 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 *continued*		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. • 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. 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.	

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-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.	S	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. 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.	LTS
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.	S	TRANS-6: Implement the following measures: • 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. To implement these measures, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval: • 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. The project sponsor shall fund the cost of preparing and implementing these plans.	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-6 *continued*		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.	
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.	S	TRANS-7: The impact shall be mitigated by the following: • 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. To implement these measures, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval: • 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. The project sponsor shall fund the cost of preparing and implementing these plans. 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.	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-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.	S	TRANS-8: Implement the following measures: • 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. To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval: • 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. The project sponsor shall fund the cost of preparing and implementing the plan. 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.	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-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.	S	TRANS-9: Implement the following measures: • 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. 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.	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
D. AIR QUALITY			
No significant construction-related air quality impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**COA AIR-1: Dust Control.** *Prior to issuance of a demolition, grading, or building permit.* 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: **BASIC (Applies to ALL construction sites)** 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.	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
Air Quality *continued*		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.	

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
Air Quality *continued*		**COA AIR-2: Construction Emissions.** *Prior to issuance of a demolition, grading, or building permit.* To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to: 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.		**COA NOISE-1: Days/Hours of Construction Operation.** *Ongoing throughout demolition, grading, and/or construction.* The project applicant shall require construction contractors to limit standard construction activities as follows: 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 *continued*		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. c) Construction activity shall not occur on Saturdays, with the following possible exceptions: • 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. d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions. e) No construction activity shall take place on Sundays or Federal holidays. 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.	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 *continued*		**COA NOISE-2: Noise Control.** *Ongoing throughout demolition, grading, and/or construction.* 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: 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 *continued*		**COA NOISE-3: Noise Complaint Procedures.** *Ongoing throughout demolition, grading, and/or construction.* 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: 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
		COA NOISE-4: Interior Noise. *Prior to issuance of a building permit.* 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	

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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 *continued*		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: 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 widows can remain closed for prolonged periods of time to meet the interior noise standard and Uniform Building Code Requirements. 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.	
		COA NOISE-5: Pile Driving and Other Extreme Noise Generators. *Ongoing throughout demolition, grading, and/or construction.* 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	

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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 *continued*		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: 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
		COA NOISE-6: Vibrations Adjacent Historic Structures. *Prior to issuance of a demolition, grading or building permit.* 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.	

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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			
No significant hydrology and water quality impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**COA HYDRO-1 (same as COA GEO-1): Erosion and Sedimentation Control Plan.** *Prior to any grading activities.* 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. *Ongoing throughout grading and construction activities.* 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.	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 *continued*		**COA HYDRO-2: Stormwater Pollution Prevention Plan (SWPPP).** *Prior to and ongoing throughout demolition, grading, and/or construction activities.* 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 though the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.	LTS
		COA HYDRO-3: Post-Construction Stormwater Pollution Management Plan. *Prior to issuance of building permit (or other construction-related permit.* 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.	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 *continued*		a) The post-construction stormwater pollution management plan shall include and identify the following: • 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. b) The following additional information shall be submitted with the post-construction stormwater pollution management plan: • 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 or removing the range of pollutants typically removed by landscape-based treatment measures. 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.	

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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Hydrology & Water Quality *continued*		*Prior to final permit inspection.* The applicant shall implement the approved stormwater pollution management plan.	
		COA HYDRO-4: Maintenance Agreement for Stormwater Treatment Measures. *Prior to final zoning inspection.* 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: • 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			
No significant geology, soils and seismicity impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**COA GEO-1 (same as COA HYDRO-1): Erosion and Sedimentation Control Plan.** *Prior to any grading activities.* 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	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 *continued*		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. *Ongoing throughout grading and construction activities.* 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.	
		COA GEO-2: Soils Report. *Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.* A preliminary soils report for each construction site within the project area shall be required as part if 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: *A. Logs of borings and/or profiles of test pits and trenches:* 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. b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.	LTS

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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity *continued*		c) All boring logs shall be included in the soils report. *B. Test pits and trenches:* 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. b) Soils profiles of all test pits and trenches shall be included in the soils report. *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.* *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.* E. *Soils Report.* A written report shall be submitted which shall but is not limited to the following: a. Site description. b. Local and site geology. c. Review of previous field and laboratory investigations for the site. 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. 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. f. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required.	

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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity *continued*		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. h. All other items which a Soils Engineer deems necessary. i. The signature and registration number of the Civil Engineer preparing the report. 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.*	
		COA GEO-3: Geotechnical Report. *Required as part of the submittal of a tentative Tract Map or tentative Parcel Map.* 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: 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. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks). 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.	LTS

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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Geology, Soils and Seismicity *continued*		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. 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. 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. 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. b) Tentative Tract or Parcel Map approvals shall require, but not be limited to approval of the Geotechnical Report.	
H. PUBLIC HEALTH AND HAZARDS			
No significant public health and hazards impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**COA HAZ-1: Hazards Best Management Practices.** *Prior to issuance of a demolition, grading, or building permit.* 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: 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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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards *continued*		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. *Prior to issuance of a demolition permit.* 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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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards *continued*		**COA HAZ-3: Phase I and/or Phase II Reports.** *Prior to issuance of a demolition, grading, or building permit.* 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.	LTS
		COA HAZ-4: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. *Prior to issuance of a demolition, grading, or building permit.* 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.	LTS
		COA HAZ-5: Environmental Site Assessment Reports Remediation. *Prior to issuance of a demolition, grading, or building permit.* If the environmental site assessment reports recommend remedial action, the project applicant shall: 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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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards *continued*		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. 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. 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 x 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.	

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Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Public Health & Hazards *continued*		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. *Prior to issuance of a demolition, grading, or building permit.* 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. *Prior to issuance of a demolition, grading, or building permit.* 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. *Prior to issuance of a demolition, grading, or building permit.* 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

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
Public Health & Hazards *continued*		**COA HAZ-9: Health and Safety Plan per Assessment.** *Prior to issuance of a demolition, grading, or building permit.* 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.	LTS
		COA HAZ-10: Fire Safety Phasing Plan. *Prior to issuance of a demolition, grading, or building permit and concurrent with any p-job submittal permit.* 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
		COA HAZ-11: Fire Safety. *Prior to and ongoing throughout demolition, grading, and/or construction.*. 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.	LTS
I. PUBLIC SERVICES			
No significant public services impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**COA SERV-1: Conformance with other Requirements.** *Prior to issuance of a demolition, grading, P-job, or other construction related permit.* 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.	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 *continued*		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. *Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit,* 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			
No significant utilities and infrastructure impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**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. *Prior to issuance of demolition, grading, or building permit.* 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 *continued*		*Ongoing.* 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 in 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.	
		COA UTIL-2: Storm Water and Sewer. *Prior to completing the final design for the project's sewer service.* 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.	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			
No significant cultural and paleontological resources impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**COA CULT-1: Archaeological Resources.** *Ongoing throughout demolition, grading, and/or construction* 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. 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.	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 *continued*		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.	
		COA CULT-2: Human Remains. *Ongoing throughout demolition, grading, and/or construction* 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.	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 *continued*		**COA CULT-3: Paleontological Resources.** *Ongoing throughout demolition, grading, and/or construction* 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.	LTS
L. AESTHETIC RESOURCES			
No significant lighting impacts would occur with implementation of the City Standard Conditions of Approval listed in this table.		**COA AES-1: Lighting Plan.** *Prior to the issuance of an electrical or building permit* 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.	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 94612-2[illegible]

Community and Economic Development Agency
Planning & Zoning Service Division

(510) 23[illegible]
FAX (510) 238-[illegible]
TDD (510) 83[illegible]

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 39th 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
39th 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: 6.2
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 ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☒ Commercial: Sq.ft. 44,000 Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational ____
☐ Recreational ____

☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type ____
☐ Mining: Mineral ____
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ 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.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

continued

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

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

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

Authority cited: Section 21083 and 21087, Public Resources Code. Reference: Section 21161, Public Resources Code.

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:

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- 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.

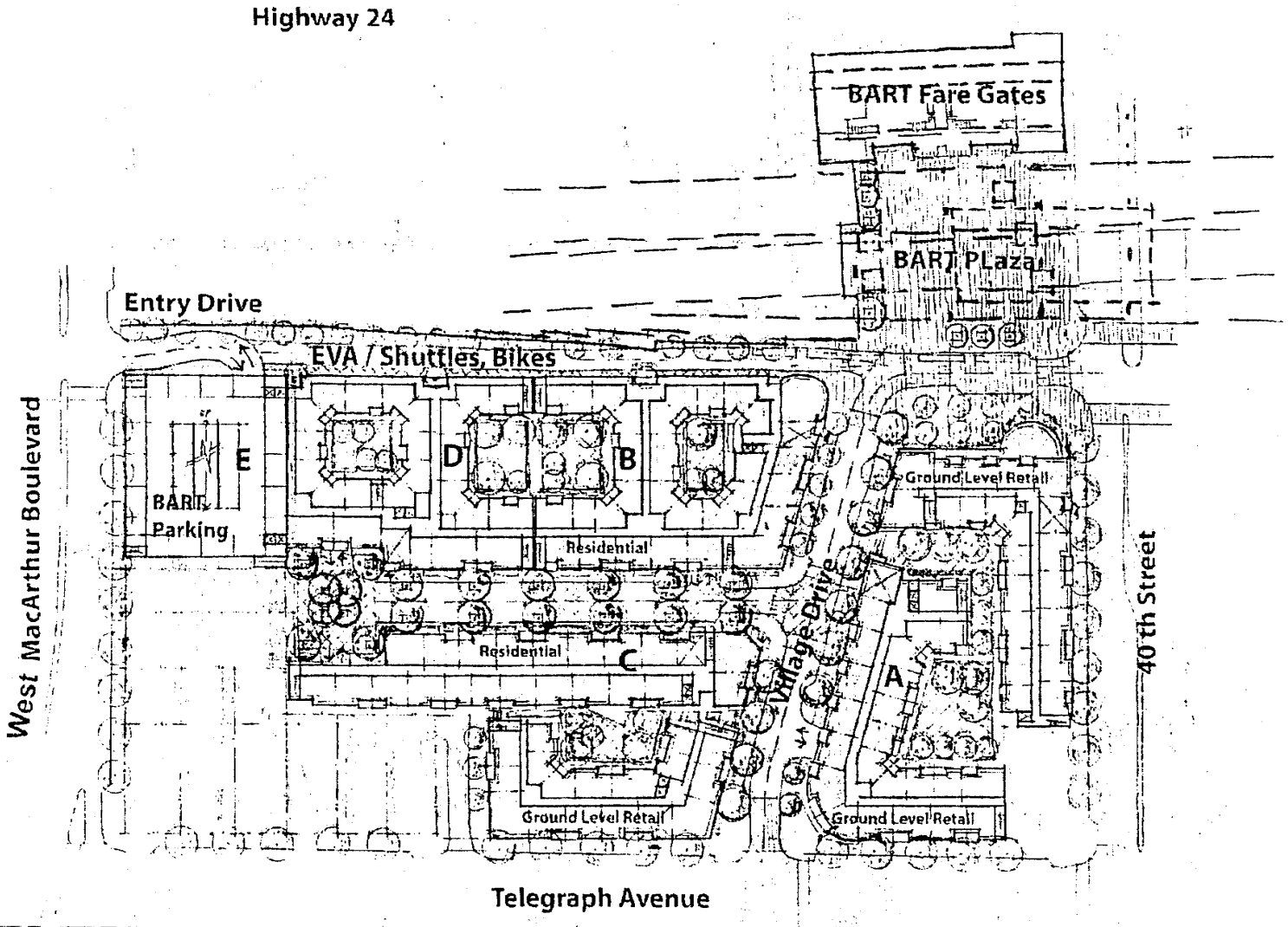


FIGURE III-3

0 90 180
feet

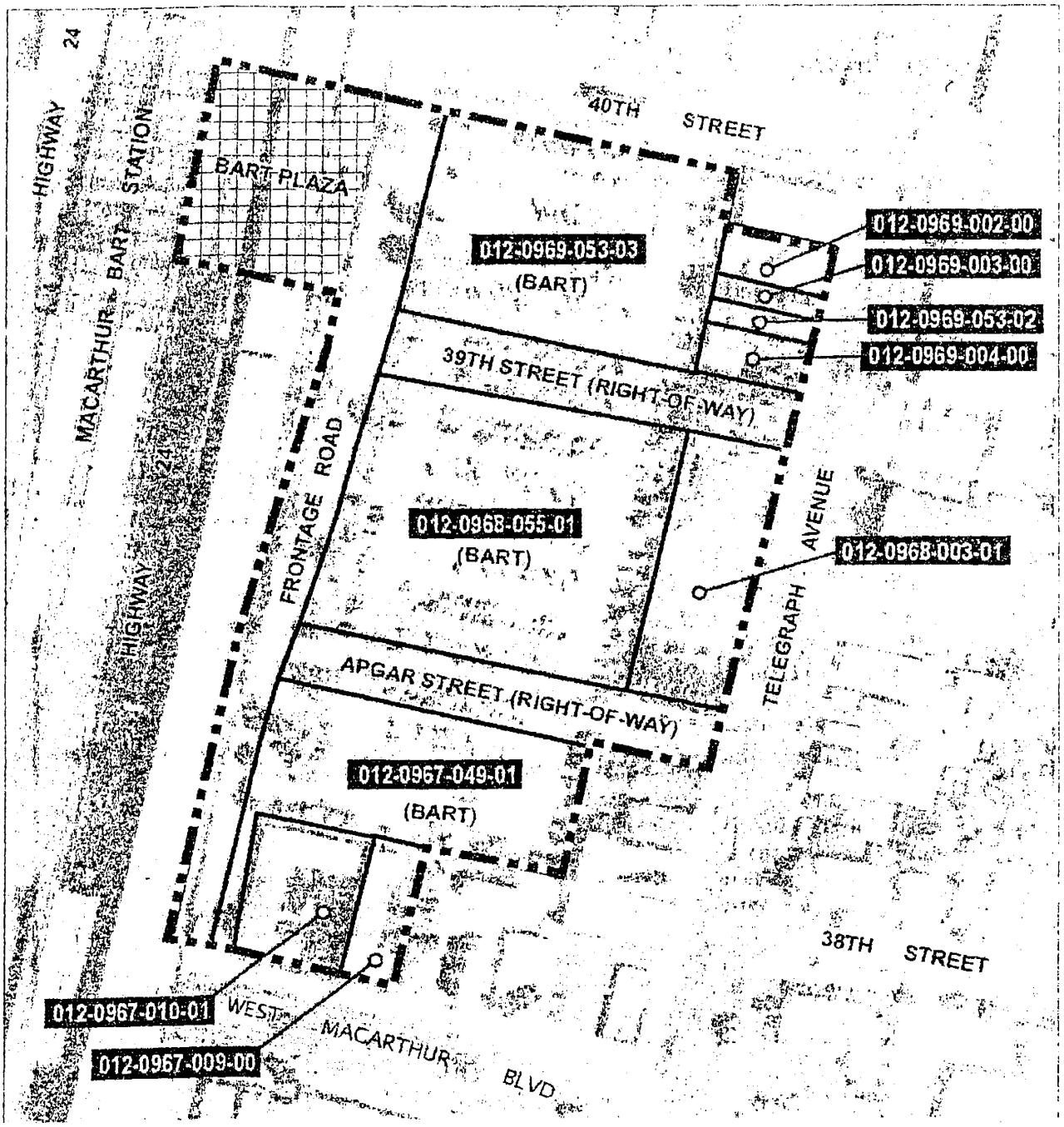
MacArthur Transit Village Project EIR
Conceptual Site Plan

SOURCE: MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC, 2007
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Oakland City Planning Commission STAFF REPORT

Case File Number: ER06-0004, RZ06-0059, PUD06-0058 April 30, 2008

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**


24
HIGHWAY
MACARTHUR BART STATION
BART PLAZA
40TH STREET
012-0969-053-03
(BART)
012-0969-002-00
012-0969-003-00
012-0969-053-02
012-0969-004-00
39TH STREET (RIGHT-OF-WAY)
FRONTAGE ROAD
012-0968-055-01
(BART)
012-0968-003-01
TELEGRAPH AVENUE
APGAR STREET (RIGHT-OF-WAY)
012-0967-049-01
(BART)
38TH STREET
012-0967-010-01
012-0967-009-00
WEST MACARTHUR BLVD

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 and 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 39th 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
39th 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**	**42,500[1]**	**5,000**	--	--	**980[2]**

[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 in 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 in 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 in 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-1.0H 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 Wide 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 news 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 loose 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 Al'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

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.

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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 Al'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: 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: clwagner@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

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@yahoogroups.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@oaklandnetcom ; 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
>familier 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!
>

Tease your brain--play Clink! Win cool prizes!
http://club.live.com/clink.aspx?icid=clink_hotmailtextlink2

<< OVPBadge.jpg >>

<< NOFLACLOGO.JPG >>

A new home for Mom, no cleanup required. All starts here.
http://www.reallivemoms.com?ocid=TXT_TAGHM&loc=us

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Your email settings: Individual Email|Traditional
Change settings via the Web (Yahoo! ID required)
Change settings via email: Switch delivery to Daily Digest | Switch to Fully Featured
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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; jquan@oaklandnet.com; pkernighan@oaklandnet.com; idelafuente@oaklandnet.com; cityochang@aol.com; officeofthemayor@oaklandnet.com; Nancy Nadel; lreid@oaklandnet.com; jbrunner@oaklandnet.com; amudge@coxcastle.com; mzayasmart@sf.wrtdesign.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

Greenbelt Alliance

PROTECTING OPEN SPACE AND PROMOTING LIVABLE COMMUNITIES

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
SONOMA/MARIN OFFICE • 555 5th Street, Suite 300B, Santa Rosa, CA 95401 • (707) 575-3661 • Fax (707) 575-4275
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.

rom: 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,
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> 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.
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> 1999: Closed escrow on the building at 505-40th Street; found out
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> and was told, "Your building will probably be torn down."
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> 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.
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> 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.
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> 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.
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> 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.
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> 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.
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> 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 imporatant 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
>
>
>
> _____
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> Sent: Monday, February 04, 2008 6:14 PM
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> MacArthur BART commuters
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> to attend the meetings about this development... I
> simply am asking for
> my word to be heard.
>
>
>
> Kindly,
>
> Amanda
>
>

Wagner, Charity L.

rom: 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.

rom: 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 gearedtoward pedestrian, bicycle, and mass transit.
That said, I recognize that many patrons are accustomed to plentiful andfree/low cost parking, no matter how much it increases costs of BART and thepublic generally who don't come there by car.
So I think retaining 300 spaces for BART parkers is a generouscompromise.

The parking should pay for itself. This may be impossible in the short term, butshould be kept in mind as a long-term principle. But minimally, the rates for parking shouldbe 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 publicpresentation of the draft EIR, the City of Oakland will contribute $32 million to theproject, 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 thatundercuts 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 andmaintenance.
Another key measure that should be implemented is the undbundling of parking from theresidential and commercial units. Giventhe ample public transit that will be available from this site, it is highlylikely that a large number of the new residents of the transit village will optnot to own a car, yet archaic zoning guidelines prescribe over 1000 spaces bededicated to the 600 residences. Thosespaces – if so many are indeed required - should be colocated and with generalBART and retail parking so that they may be available for use by BART or retailpatrons. They should be available toresidents for rental (or maybe purchase) by residents, but residents SHOULD NOTBE 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. If 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 imaging 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.

rom: 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.

rom: 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 willsoon be very few car drivers going through the station. I will definitely not miss the parkinglot 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 want, 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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Oakland City Planning Commission

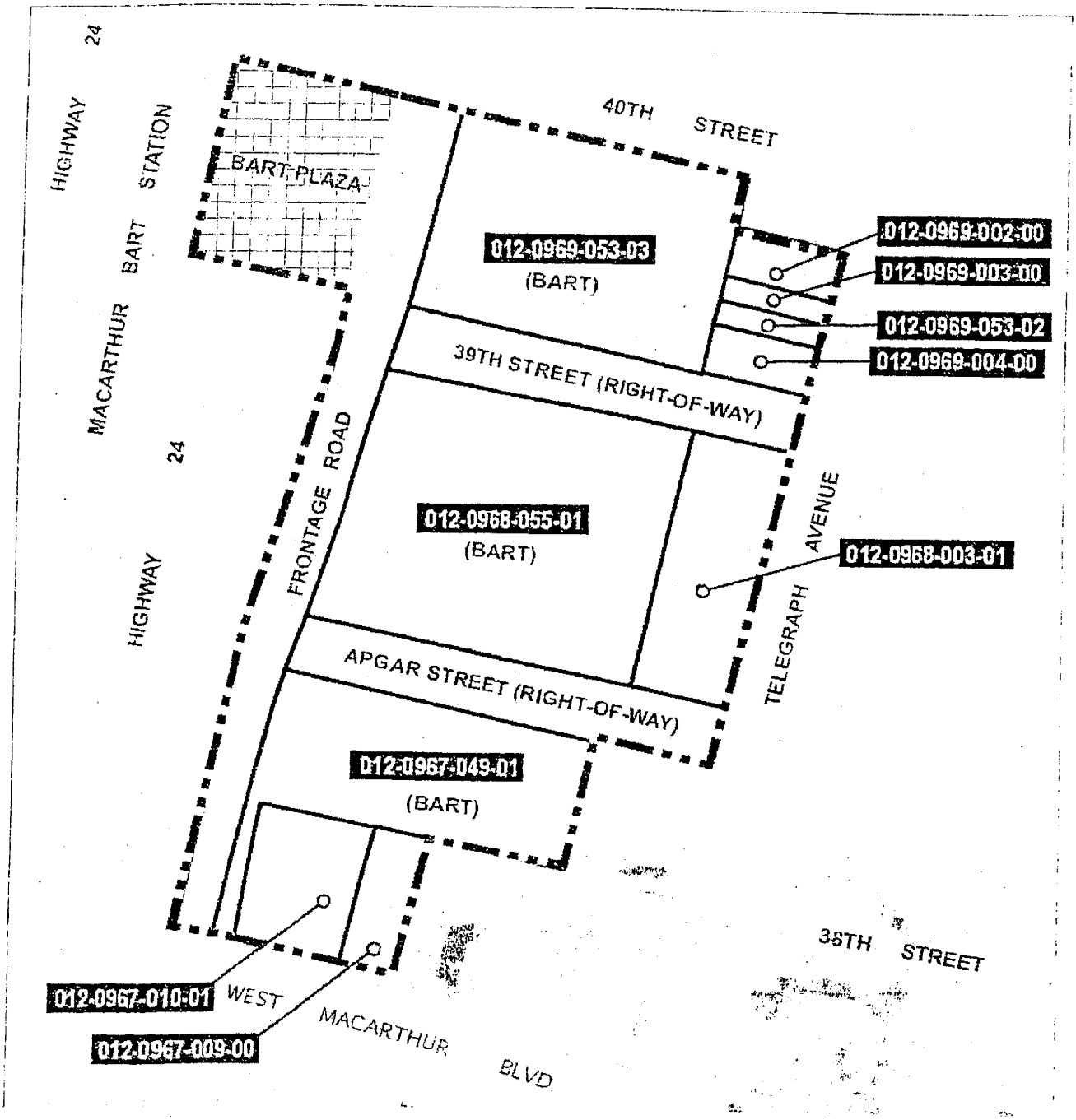
Design Review Committee

STAFF REPORT

Case File Number: PUD06-0058

December 12, 2007

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. *Note: Additional/alternative permits may be required as the project program is more fully defined.*
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**


HIGHWAY 24
BART STATION
BART PLAZA
40TH STREET
012-0969-053-03
(BART)
012-0969-002-00
012-0969-003-00
012-0969-053-02
012-0969-004-00
39TH STREET (RIGHT-OF-WAY)
MACARTHUR BART
HIGHWAY 24
FRONTAGE ROAD
012-0968-055-01
(BART)
TELEGRAPH AVENUE
012-0968-003-01
APGAR STREET (RIGHT-OF-WAY)
012-0967-049-01
(BART)
38TH STREET
012-0967-010-01
012-0967-009-00
WEST MACARTHUR BLVD

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 and 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 39th 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

39th 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**	**42,500[1]**	**5,000**	--	--	**980[2]**

[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 in 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 in 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 in 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)

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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

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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.

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.

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.

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.

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.

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.

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.

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			
Parking Spaces	715	Average Unit Size	867
Exclusive BART Parking Spaces (1)	300	Net Living Area	459,510
Total Parking Spaces	1,015	Efficiency	78%
		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.

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			
Parking Spaces	350	Average Unit Size	867
Exclusive BART Parking Spaces (1)	300	Net Living Area	173,400
Total Parking Spaces	650	Efficiency	78%
		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%	(3,436,200)
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%	(382,500)
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	(72,000)
Total Effective Gross Income (EGI)		$648,000
Less Operating Expenses	3.0% of EGI	(19,440)
Less Reserves	2.0% per year	(12,960)
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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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

350 FRANK OGAWA PLAZA
5TH FLOOR
OAKLAND, CA 94612
510.251.8210
WWW.UP-PARTNERS.COM

MEMORANDUM

DATE: OCTOBER 25, 2010

TO:
Catherine Payne
Planner III
CEDA Planning and Zoning Division

FROM:
Lynette Dias, AICP
Principal

RE: CEQA Compliance for MacArthur BART Transit Village Phase I FDP and Phase 1 Vesting Tentative Map

In accordance with the Conditions of Approval for the MacArthur Bart Transit Village Preliminary Planned Unit Development and the terms of the Development Agreement, the City is in receipt of an application for a Final Development Permit for Phase 1 (Phase 1 FDP), the parking structure, and a Vesting Tentative Map (VTM) for a portion of the site. The key purpose of this review is to determine whether the environmental effects of the Phase I FDP and VTM are adequately analyzed in the 2008 Certified Environmental Impact Report (EIR) prepared for the project. **As described below, each of these approvals were considered in the EIR and as proposed would not result in new or more severe environmental impacts beyond those identified in the EIR. As a result, the City does not need to prepare a Subsequent or Supplemental EIR to satisfy the environmental review requirements of CEQA. This memorandum comprises adequate environmental documentation of the proposed Phase I FDP and VTM.**

The discussion below summarizes the following items: (1) overview of project approvals and environmental review; (2) relationship of the proposed Phase 1 FDP and VTM with the approved Preliminary PUD/PDP and the project analyzed in the EIR; and (3) findings that the FDP and VTM fall within the scope of the EIR and do not trigger the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental environmental review.

Project Approvals and Environmental Review

The City has taken several actions to review and plan for the future development of the MacArthur BART Transit Village. These include, without limitation: (1) certified an EIR, (SCH No.

2006022075) on July 1, 2008; (2) approved Ordinance No. 12883 C.M.S. amending Section 17.97.170 of the Oakland Planning Code related to the minimum usable open space requirements in the S-15 zone and rezoning the Project Site to S-15 Transit-Oriented Development Zone on July 1, 2008; (3) adopted and approved a Preliminary Planned Unit Development (Preliminary PUD/PDP) permit on July 1, 2008 to allow development of 624 to 675 residential units, 42,500 square feet of neighborhood-serving retail and commercial uses (including 7,000 square feet of live/work units), a 5,000 square feet community center use, and parking garage for BART patrons ; (4) adopted and approved a major conditional use permit to exceed parking requirements and to allow off-street parking for non-residential uses on July 1, 2008; (5) approved preliminary design review for the Preliminary PUD/PDP on July 1, 2008; and (6) approved Ordinance No. 12959 C.M.S on July 21, 2009 enacting a Development Agreement.

The Development Agreement and Preliminary PUD/PDP, which were both considered in the EIR, anticipate that the City will timely consider and possibly grant additional future approvals, including, without limitation, Final PUD (FDP) permits for each of the Project Phases, a vesting tentative map, final design review, tree removal, and conditional use permits.

Relationship of Phase I FDP and VTM to approved Preliminary PUD/PDP and certified EIR

The Phase 1 FDP and VTM applications dated October 26, 2010 have been reviewed and found to be in substantial conformance with: (1) the project evaluated in the EIR, (2) the approved Preliminary PUD/PDP and its Conditions of Approval, and (3) the terms of the Development Agreement. A summary of the relationship of these approvals relative to the Preliminary PUD/PDP approval and the certified EIR is provided below.

Relationship to approved Preliminary PUD/PDP

The attached Substantial Conformance with the PDP Approval Memo, dated October 26, 2010, regarding the Phase I FDP 's and the VTM's substantial conformance with the existing Preliminary PUD/PDP approval, details the clarifying and implementing project refinements that have been incorporated into the Phase I FDP and VTM submittal.

The analysis concludes that in all fundamental respects the project approved in the Preliminary PUD/PDP remains the same. The memo finds that there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in community space; no change in the height or bulk controls; no change in the community benefits; no change in the project site; and no change in project phasing. The changes related to the BART garage and the site plan adjustments and refinements resulting from the larger garage (e.g., parcel adjustment, realignment of Internal Street) are related to implementation of the terms of the Draft TDMP included in the Preliminary PUD/PDP approval. The changes related to widening the streets and the resulting removal of the street parking on Internal Street are related to requirements imposed by City

departments. The realignment of Village Drive is not precluded by any specific COA or Design Guideline. Additionally, none of the changes would violate the Development Agreement. The memo further concludes that the facts described in the memo and summarized above support a finding by the City that the Phase I FDP and VTM, including the refinements summarized above and described in the attached memo, substantially conform to the Preliminary PUD/PDP and no Preliminary PUD/PDP amendment is required.

Relationship to EIR

The Phase I FDP and VTM are within the scope of the project evaluated in the EIR and would not trigger any new significant or significantly greater impacts. The MacArthur Transit Village project analyzed in the certified EIR consisted of a new BART parking garage; improvements to the BART Plaza; up to 675 residential units (both market-rate and affordable); up to 44,000 square feet of commercial space (including live/work units); 5,000 square feet of community center or childcare space; approximately 1,000 structured parking spaces, including the 300 space BART parking garage; approximately 30-45 on-street parking spaces, pedestrian and bicycle friendly internal streets and walkways; improvements to the Frontage Road; a new internal street, Village Drive, located between Frontage Road and Telegraph Avenue; two new traffic signals at the intersections of Village Drive/Telegraph Avenue and West MacArthur Boulevard/Frontage Road; a rezoning of the Project site to S-15, and a text amendment to the S-15 zone. Multiple FDPs and subdivision maps were contemplated in the EIR (See Draft EIR, pages 72-74) to implement the Preliminary PUD/PDP.

The currently proposed development would provide up to 675 multi-family residential units, 42,500 square feet of commercial space and a 483 space parking garage. Key project refinements that are reflected in the Phase I FDP and VTM and described in the Preliminary PUD/PDP conformance memo include:

- BART Garage - increasing the parking capacity of the BART garage and associated site plan changes
- Internal Street - shifting alignment 40 feet to west, widening to street from 20 feet to 26 feet, eliminating on-street parking, widening pedestrian walkway, and adding an EVA connection to West MacArthur Boulevard
- Realigning Village Drive to line up with 39th Street

Fehr & Peers evaluated each of these transportation related refinements and confirmed that the refinements would not cause new significant impacts or a substantial increase in the severity of previously identified impacts, and the mitigation measures proposed in the EIR would continue to be valid (see Fehr & Peers Memo date October 8, 2010). The proposed changes would also not trigger any impact changes within the other environmental topics evaluated in the EIR.

Conclusion

As discussed above, the proposed Phase I FDP and VTM applications were considered in the EIR as they are in conformance with the approved Preliminary PUD/PDP. The refinements incorporated into the applications represent no change in development intensity or significant physical changes on the MacArthur Transit Village site from the project analyzed in the EIR. Therefore, these changes would not result in new or more significant impacts (or require new or significantly altered mitigation measures) beyond those already identified in the EIR. The EIR is adequate and no subsequent or supplemental environmental review.

The following discussion summarizes the reasons why no supplemental or subsequent CEQA review is necessary pursuant to *CEQA Guidelines* Section 15162 and the City can rely on the previously certified EIR.

Substantial Changes to the Project. The refinements to the project are minor and necessary to implement the Conditions of Approval of the Preliminary PUD/PDP as discussed in the Preliminary PUD/PDP substantial conformance memo and Traffic Memo. These changes would **not** result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR. Therefore, the proposed changes to the project are considered *minor* refinements, not *substantial* changes.

Project Circumstances. Since certification of the EIR, conditions in and around the MacArthur Transit Village have not changed and thus implementation of the project (including the proposed refinements) would **not** result in new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the 2008 EIR. No substantial changes in noise levels, air quality, traffic, or other conditions have occurred within and around the project site since certification of the EIR.

New Information. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR was certified, has been identified which is expected to result in: 1) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or 2) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them.

As described previously, changes to the proposed project would not result in significant environmental effects (including effects that would be substantially more severe than impacts identified in the 2008 EIR). Existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the 2008 EIR would be

adequate to reduce the impacts resulting from implementation of changes to the proposed project to less-than-significant levels.

350 FRANK OGAWA PLAZA
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MEMORANDUM

DATE: MARCH 18, 2011

TO:
Eric Angstadt and Catherine Payne
CEDA, City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

FROM:
Lynette Dias, AICP

RE: Response to Letters Received Regarding the MacArthur Transit Village Stage One Final Development Plan Permit and Vesting Tentative Track Map 8047.

A. EXECUTIVE SUMMARY AND OVERVIEW

1. The Surgery Center Letters

The City has received two letters (dated December 17 and December 21, 2010) from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Center, a Sutter Health affiliate (the Surgery Center). The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is in Phase 5 of the MacArthur Transit Village Project (MTV Project). (See, MTV Project Site Location and Illustrative Plans, Exhibit A.) The Surgery Center letters mistakenly state that: the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City Council should defer its approval of the MTV Project's Phase 1 Final Development Permit (FDP), Vesting Tentative Track Map (VTTM), and other entitlements until these impacts on the Surgery Center are studied in a subsequent EIR.

2. Summary Conclusion: No Additional Environmental Review Is Required

The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Phase 1 FDP and VTTM for the following reasons:

- **No Project Changes:** The MTV Project has not been changed or modified to exclude the Surgery Center parcel. The MTV Project analyzed in the 2008 EIR and approved by the City is a phased development. The mixed-use building proposed for the Surgery Center parcel has always been in Phase 5, the final phase of development, for which a final development permit application is not required to be submitted until 2019. Thus, the Surgery Center parcel has not been expected or required to be included in the Phase 1 FDP application or approval. The VTTM covers those portions of the MTV Project site controlled by the project sponsor. Although the Surgery Center parcel and one other MTV Project parcel (3901 Telegraph Avenue) are not included in the VTTM, the development of these parcels are in later Project phases and, if subdivision maps are required for the development of these parcels, the necessary subdivision maps will be submitted with (or before) the FDP applications for these later phases are filed. Additionally, future development of the Surgery Center parcel could occur within its existing boundaries and no additional subdivision map may be necessary. Consequently, neither the Phase 1 FDP nor the VTTM change the MTV Project to exclude the Surgery Center and thus no project change has occurred that would require additional environmental review under CEQA.

- **No New Information:** The EIR, which analyzed a phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until in the final phase of development, could be operating during and subsequent to construction of the initial MTV Project phases. The Surgery Center's construction concerns could have been raised in 2008 and 2009 during the public review of the MTV Project EIR and the City's consideration of the initial Project approvals. Thus, these concerns do not constitute new information that could not have been known when the EIR was certified. Consequently, the Surgery Center has not provided new information that would require additional environmental review under CEQA.

- **Project Conditions/Mitigations Sufficient:** The MTV Project conditions of approval and mitigation measures address construction related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel. The City's Standard Conditions of Approval (SCA) for dust control (COA-AIR 1) and construction emissions

(COA-AIR 2) will reduce the potential air quality impacts on uses adjacent to the construction site (see Exhibit B, Referenced Conditions of Approval). Additionally, in response to the Surgery Center's air quality health risk concerns, LSA Associates prepared a health risk assessment to evaluate the construction related dust and emissions on the Surgery Center (see Exhibit C, Health Risk Assessment). The health risk assessment determined that the potential dust and diesel emissions impacts on the Surgery Center would be below the thresholds of significance. A site specific construction noise plan has been prepared pursuant to COA-NOISE 5 (see Exhibit D, Noise Reduction Plan). The analysis conducted for this plan confirms the EIR's conclusion that, with implementation of the City's SCAs and the noise control strategies provided for in the plan, construction noise impacts on the Surgery Center will be less than significant. In accordance with COA-NOISE-6, Wilson Ihrig and Associates, a vibration expert has evaluated the construction plan for areas near the Surgery Center and has confirmed that the vibration impacts will be less than significant based on the use of certain construction techniques and timing restrictions (see Exhibit E, Vibration Memorandum).

Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166[1] and CEQA Guidelines section 15162[2], no further environmental review is required. Thus, in considering approval of the Phase 1 FDP and VTTM, the City should rely on the previously certified 2008 EIR.

---

[1] CEQA section 21166 provides that when an environmental impact report has been prepared for a project, no subsequent or supplemental environmental impact report shall be required by the lead agency unless one or more of the following events occurs: (a) substantial changes are proposed in the project which will require major revisions of the EIR; (b) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR; (c) new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

[2] CEQA Guideline section 15162 provides that the only substantial changes in a project or the project circumstances that would result in new or more severe significant environmental impacts triggers preparation of a subsequent or supplemental EIR. Additionally, new information only triggers preparation of a subsequent or supplement EIR if it could not have been known with the exercise of reasonable diligence when the original EIR was certified and would result in new or more severe significant effects or new information about mitigation measures or alternatives that are rejected.

3. MacArthur Transit Village Project Approvals and Current Applications

In July of 2008, the City Council approved the MTV Project. The MTV Project is the phased buildout of a new mixed-use transit village development located at the existing MacArthur BART station. The MTV Project consists of up to 675 residential units (market-rate and affordable), 42,500 square feet of retail and commercial uses, a 5,000 square foot community center use, a 480 space BART parking garage, and a number of infrastructure improvements. The MTV Project site includes the existing BART surface parking lots and several private lots on West MacArthur Boulevard and Telegraph Avenue, including 3875 Telegraph Avenue, which is the location of the Surgery Center. The City prepared and certified an EIR (the 2008 EIR) that evaluated the potential impacts of the phased buildout of the MTV Project. The 2008 MTV Project approvals include a rezoning of the MTV Project site; a planned unit development permit (PUD), which includes a preliminary development plan (PDP); design review; a major conditional use permit; and the associated conditions of approval that include, design guidelines, a draft traffic demand management program, and a mitigation monitoring and reporting program (collectively, "the MTV Project approvals").

In July of 2009, the City Council approved a Development Agreement for the MTV Project, which included a phasing plan generally consistent with the 2008 approvals (see Exhibit F, Development Agreement, Section 3.3.3). The phasing plan provided for five separate development phases each having its own schedule for submission of a final development plan (FDP) and target approval date: (1) Phase 1 consisting of the new BART garage on block E, site remediation, BART plaza improvements, Internal Drive, Frontage Road improvements, and a portion of Village Drive; (2) Phase 2 consisting of the affordable rental development on block D; (3) Phase 3 consisting of the mixed-use market rate development on block A; (4) Phase 4 consisting of the mixed-use market rate development on block B; and (5) Phase 5 consisting of the mixed use market rate development on block C, which includes the Surgery Center parcel. The FDP and other necessary applications for Phase 5 may be submitted up to ten years from July 7, 2009 (i.e., July 2019), the date of the Owner Participation Agreement approval, per Development Agreement, Section 3.3.3.

In accordance with the MTV Project approvals and the Development Agreement phasing provisions, the Phase/Stage 1[3] FDP includes the new BART parking garage and the project site infrastructure improvements required to be included in Phase 1. The project sponsor also has submitted a VTTM for those parcels in the MTV Project site controlled by the project sponsor.

[3] The City also refers to the application as the "Stage 1" applications. "Stage" and "Phase" have the same meaning in reference to the MTV Project phasing.

The MTV Project parcels not included in the VTTM, the Surgery Center parcel and the 3901 Telegraph Avenue parcel, will be included in future phases and if any subdivision maps are required in connection with development on these parcels, the appropriate maps will be filed with the final development permit applications as required by Condition of Approval No. 26 (see Exhibit B, Referenced Conditions of Approval). The project sponsor has filed the FDP application for the Phase/Stage 2 development on parcel D and that application is under review by the City staff.

B. RESPONSES TO COMMENTS

The following analysis provides responses to each comment raised in the Surgery Center's December 21, 2010 letter.[4] The responses are keyed to each comment included in the Surgery Center letter (see Exhibit G, letter with enumerated comments).

Comment 1 – MTV Project

The Surgery Center asserts that the MTV Project has been changed to delete the Surgery Center site. Additionally, the Surgery Center asserts that the Staff Report contains inconsistent project descriptions.

Response 1. The MTV Project has not changed to exclude the Surgery Center parcel. The MTV Project has always been proposed, analyzed in the 2008 EIR, and approved as a phased project. The Phase/Stage 1 FDP under consideration by the City Council simply represents the first phase of the MTV Project. The 2008 EIR, the MTV PUD, and the MTV Development Agreement all describe a phased project and establish requirements related to the phased final applications. The Surgery Center parcel is located in block C of the MTV Project site (see Exhibit A). The development on block C is designated as Phase 5 and the final applications for block C are not expected to be pursued for several years. Consequently, there is no reason or requirement to include the development proposed for the Surgery Center parcel in the Phase/Stage 1 FDP application.

The MTV Project phasing description in the EIR and the phasing requirements in the Conditions of Approval and Development Agreement are summarized below.

[4] All of the points raised in the Surgery Center December 17, 2010 letter are covered in greater detail in the December 20, 2010 letter.

2008 EIR

The 2008 EIR states the following:

> The project would be constructed over approximately seven years (see Table III-3)[5]. The phasing program discussed below is conceptual in that phasing is expected to occur sequentially; however, some phases could occur concurrently, or phasing may occur out of sequence depending on market conditions. (p.68)

Table III-3 Phasing Schedule

Phase	Schedule
BART Plaza Improvements	2009
Site Remediation and Demolition	2009
BART Parking Structure (Building E)	2009
Affordable Development (Building D)	2009
Building B	2010
Building A	2012
Building C [Surgery Center]	2014

Source: MTCP, 2007.

The 2008 EIR described the buildout of the MTV Project as occurring in five phases. (Draft EIR, p.70.) Phase I included the BART garage (block/building E), site remediation, and certain site infrastructure improvements. The Phase 1 FDP application is consistent with the Phase I description in the 2008 EIR. The phasing schedule included the development proposed for the Surgery Center parcel (block/building C) in the final phase. Thus, the 2008 EIR did not anticipate that the Surgery Center parcel development would be included in the Phase/Stage 1 FDP. The Phase 1 FDP is consistent with the 2008 EIR MTV Project and phasing description.

[5] This buildout estimate was later extended to ten years in the Development Agreement.

Conditions of Approval for the MTV Project

The City Council adopted final Conditions of Approval in connection with its July 1, 2008 approval of the MTV Project. Condition No. 2 (Effective Date, Expiration, Extensions and Extinguishment) addresses phasing/staging of the MTV Project (see Exhibit B, Referenced Conditions of Approval). This condition states that the submittal of "Final Development Plans (FDPs) shall be permitted in five (5) stages over a 10 year time period." The description of the Phase/Stage 1 FDP includes the new BART parking garage, site remediation, Internal Drive, the Frontage Road improvements, and a portion of Village Drive. (Condition 2.(a)(i).) The Phase/Stage 1 FDP meets the requirements of this condition.

Under Condition of Approval No. 2, the development approved for block C, which includes the Surgery Center parcel, is designated Phase/Stage 5. The FDP for Phase/Stage 5 is required to be submitted to the Planning Department for review and processing within 10 years from the date of the PUD approval. (Condition No. 2.(a)(v).) Thus, the development on the Surgery Center parcel is not required to be a part of the Phase/Stage 1 FDP. Condition No. 2 confirms that: (a) the MTV Project was approved as a phased development; (b) the MTV Project approvals do not require development of the Surgery Center parcel to be included in the Phase/Stage 1 FDP; and (c) development on, and the submittal of the FDP for, the Surgery Center parcel is not expected or required for a number of years.

Although Condition of Approval No. 2 allows the project sponsor discretion to substitute different blocks/buildings in the Phase/Stage 3, 4, and 5 applications, the Phase/Stage 1 and 2 applications must be processed in accordance with the terms of the condition. (Condition No. 2(c).) This provision reflects the City's policy determination regarding the importance of proceeding with the Phase/Stage 1 and 2 improvements early in the development phasing. Additionally, Condition No. 2 provides that the phasing timeframes prescribed in the Development Agreement would supersede this condition. (Condition No. 2(e).) The Development Agreement phasing provisions are discussed below.

Condition of Approval No. 26 (Subdivision Maps) states that the FDP for each development phase must be accompanied by the required subdivision map necessary to subdivide the property (see, Exhibit B, Referenced Conditions of Approval). The VTTM under consideration by the City Council covers all of the MTV Project parcels that are under the project sponsor's control. At the time the FDP for the Surgery Center parcel is pursued, a determination will be made as to whether a subdivision map is required. Development on the Surgery Center parcel, however, may not require a new subdivision map or an amendment of the VTTM. The project sponsor's current MTV Project site plan shows that the existing Surgery Center parcel

configuration would accommodate the planned development (see Exhibit A, MTV Project Illustrative Plans).

Development Agreement

Section 3.3.3 of the Development Agreement adopted by the City Council details the requirements for the MTV Project phasing (see, Exhibit A, MTV Project Illustrative Plans). Consistent with the 2008 EIR and the Conditions of Approval, Section 3.3.3 provides for a five-phase development plan. Pursuant to Section 3.3.3, the Phase/Stage 1 FDP includes the BART parking garage, site remediation, BART plaza improvements, Internal Drive, the Frontage Road improvements and a portion of Village Drive. In compliance with the Development Agreement, the project sponsor timely submitted the FDP for Phase/Stage 1 together with the necessary VTTM. The FDP applications for the remaining four project phases are required to be submitted over approximately ten years. The Phase/Stage 5 Surgery Center parcel FDP application is not required until 2019. Thus, the Phase/Stage 1 FDP and the VTTM are consistent with the phasing requirements of the Development Agreement. The submittal of the FDP application for, and development of, the Surgery Center parcel are not required for many years.

Phase/Stage 1 FDP and VTTM

The Phase/Stage 1 FDP does not include the development planned for the Surgery Center parcel because it is not part of the Phase/Stage 1 development. It is neither necessary nor required by any of the MTV Project approvals for the development of Phase 1 to include the development on the Surgery Center parcel. The VTTM does not include the Surgery Center parcel because the project sponsor does not yet control the Surgery Center parcel. These circumstances are not project changes. As anticipated by the 2008 EIR, the MTV Project Conditions of Approval, and the Development Agreement, it is expected that the project sponsor will proceed with the FDPs for future phases and, if necessary, subdivision maps or VTTM amendments, in accordance with the Project phasing schedule and following any necessary acquisition of the parcels included in these future phases.

Consistent Project Description

The Surgery Center letter states that the City Staff Report contains an inconsistent Project description. This comment misinterprets the Staff Report. The Surgery Center's assessor parcel number is listed as part of the overall MTV Project site approved in the PUD (and other MTV Project approvals) and the parcel is shown as part of the MTV Project site on the zoning map included in the Staff Report. This information confirms that the Surgery Center parcel remains a part of the MTV Project, even though it is not included in the Phase/Stage 1 FDP and the VTTM.

The Surgery Center letter also characterizes one of the Project modifications as "not requiring

acquisition of 3875 Telegraph Avenue (the Surgery Center property)." Again, this comment misinterprets the Staff Report. The Staff Report lists the Phase/Stage 1 refinements that have occurred between the PUD/preliminary development plan approval and the FDP in the context of demonstrating that the FDP substantially conforms to the PUD/preliminary development plan. One of the changes listed is the minor shift in the location of a portion of Village Drive in order to align Village Drive with the existing 39th Street. The City Council Staff Report, dated December 14, 2010, states (p.5):

- **Village Drive**, has been shifted to line up with the 39th Street right-of-way and to allow the Stage One VTTM to move forward prior to the acquisition of the Surgery Center property.

Although it was originally anticipated that a portion of Village Drive would require use of a portion of the Surgery Center parking area, the original alignment of Village Drive did not require demolition of the Surgery Center building. Moreover, the realignment of Village Drive to avoid the Surgery Center parking area does not preclude acquisition of the Surgery Center parcel and its development in Phase/Stage 5 consistent with Project described in the 2008 EIR, the MTV Project approvals, and the Development Agreement. The Staff Report analysis confirms that the Phase/Stage 1 project refinements reflected in the FDP and VTTM are in substantial conformance with the PUD/preliminary development plan and do not constitute substantial changes or substantial new information that would require revisions to the 2008 EIR. Shifting Village Drive allows acquisition of the Surgery Center parcel after the Phase/Stage 1 approvals; it does not remove Phase/Stage 5 and the development of the Surgery Center parcel from the MTV Project. As shown in the discussion above, Phase/Stage 5 is not anticipated to be developed for quite a few years and there is no reason or obligation to include the development of Phase/Stage 5 or the Surgery Center parcel in the Phase/Stage 1 final approvals.

In summary, the MTV Project has not been changed to exclude the development of the Surgery Center parcel. The development of this parcel is just not part of the Phase/Stage 1 FDP or the VTTM.

Comment 2 – Analysis of Impacts on the Surgery Center

The comment states that, because the project has been changed to exclude the Surgery Center, the EIR did not evaluate project's impacts on the continued operation of the Surgery Center.

Response 2. The 2008 EIR described the MTV Project as a phased development and described the proposed five development phases. (See, Response 1.). The 2008 EIR assumed demolition of the Surgery Center at the time the Surgery Center parcel would be developed, which was

projected to occur in the final, fifth phase of the MTV Project. The illustrative phasing schedule included in the 2008 EIR showed development of the Surgery Center property in 2014. The 2008 EIR fully considered the construction and operational environmental impacts of the MTV Project on the surrounding area, which, during the first phases of buildout, would include the Surgery Center parcel.

The MTV Project phasing has remained consistent: this is a five phase project and the development on the Surgery Center is part of Phase/Stage 5, which is not expected or required to be initiated for a number of years. No provision in any of the MTV Project approvals requires the Phase/Stage 1 FDP or the initial VTTM to include the Phase/Stage 5 development proposed for the Surgery Center parcel. Abiding by the approved phasing plan does not mean that the Surgery Center parcel has been excluded from the MTV Project. The facts do not support the Surgery Center's assertion that the project has changed. Consequently, there is no substantial project change that would trigger the potential for new environmental review.

Additionally, the concerns now raised by the Surgery Center about its ongoing operations is not new information of substantial importance that could not have been known at the time the 2008 EIR was certified. The 2008 EIR plainly analyzed a phased project with development on the Surgery Center parcel in the final phase. The construction and operational impacts of the MTV Project on surrounding uses were fully assessed in the 2008 EIR. Additionally, the EIR included an alternative (Alternative 3, "Mitigated Reduced Building/Site Alternative") that examined the construction and operational impacts of a project without the Surgery Center site. Thus, the Surgery Center was aware that the first phases of the MTV Project or the implementation of Alternative 3 would involve construction activities adjacent to its site. All of the concerns raised in the Surgery Center letter were known and could have been raised in 2008. The Surgery Center could have, but did not, raise its concerns at the time the City certified the 2008 EIR. The Surgery Center's December 2010 comments on the 2008 EIR do not meet the CEQA definition of new information of substantial importance that was not known, or could not have been known with the exercise of due diligence, at the time the EIR was certified. (*CEQA Guidelines* section 15162.)

In light of these facts, the 2008 EIR remains valid and no longer subject to challenge. The City filed the following Notices of Determination for the MTV Project: (1) July 16, 2008 – NOD for the MTV Project approvals; (2) July 10, 2009 – NOD for the Owner Participation Agreement; (3) July 23, 2009 – NOD for Development Agreement. No legal challenge to the 2008 EIR was filed. The time to do so has long expired.

Moreover, as part of the City staff review of the Phase/Stage 1 FDP and the VTTM, the staff considered the differences between the approved PUD/preliminary development plan and the Phase/Stage 1 FDP and the VTTM to determine whether any additional environmental review

would be required pursuant to *CEQA and the CEQA Guidelines*. The staff found that no subsequent or supplemental environmental review was necessary, because the minor refinements to the site plan, some of which implemented Conditions of Approval, did not constitute substantial changes in the project, substantial changes to the project circumstances, or new information of substantial importance that would result in any new significant impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR. See Approved November 3, 2010 Planning Commission Report (revised on 11/13/10).

Comment 3 – Notice to the Surgery Center

The comment states that the project sponsor has "unilaterally, and without prior notice" to the Surgery Center changed the project and additional environmental review should be required to consider noise, vibration, dust and diesel particulate matter.

Response 3. The MTV Project has not been changed to exclude the Surgery Center (see discussion above pp 1-10). The Surgery Center owners have known about the MTV Project for several years and were informed that the project sponsor was proceeding with the first phase of development. The project sponsor has provided documentation that since 2008 the project sponsor and the Surgery Center owners have met and corresponded a number of times to discuss the project sponsor's acquisition of the Surgery Center parcel (see Exhibit H, Summary of Negotiations with the Surgery Center).

With respect to the Phase/Stage 1 FDP and the VTTM, the documentation provided by the project sponsor shows that a representative of the Surgery Center attended the April 21, 2010 community presentation by the project sponsor at which the Phase/Stage 1 FDP and construction schedule were reviewed. On June 2, 2010, the project sponsor sent a letter to the Surgery Center to provide an update on the Phase/Stage 1 FDP and the anticipated dates for City hearings on the plan. This letter specifically described the realignment of Village Drive to allow Phase/Stage 1 to proceed without acquiring the right to use a portion of the Surgery Center parcel. The letter also reiterated that the Surgery Center parcel continued to be included as part of the MTV Project and is shown on block C-3 in the current MTV Project Illustrative Plan, which reflects the FDP plans for Phases 1 and 2 (see Exhibit A). Representatives of the project sponsor also met with the Surgery Center owners on December 1, 2010 to discuss the MTV Project status and the continued interest in the acquisition.

See responses to the Surgery Center Letter Attachments A and B below regarding noise, vibration, and dust and diesel particulate matter.

Comment 4 – Surgery Center Operations

This comment provides information regarding the Surgery Center's operations, services, and patient care, which it characterizes as "uniquely sensitive receptors."

Response 4. The 2008 EIR noise and air quality analyses considered the category of sensitive receptors, which includes residences and hospitals among other uses. To the extent that a surgery center also could be considered a sensitive receptor, it would be covered by the requirements in the City's standard conditions of approval and imposed on the MTV Project to reduce construction noise, vibration, and air quality impacts on these uses.[6] See responses to the Surgery Center Letter Attachments A and B below regarding noise, vibration, and dust and diesel particulate matter.

Comment 5 – Surgery Center Parcel and the Phase/Stage 1 Applications

This comment states that the project sponsor has acknowledged that the Surgery Center has been removed from the Project and dismisses the Project's impacts on the Surgery Center.

Response 5. This comment misinterprets the information it quotes from the October 26, 2010 memorandum from Art May to Catherine Payne. First, as discussed above (Response 1), the MTV Project has not been changed to remove the Surgery Center parcel. In fact, the memorandum quoted in the Surgery Center letter states the project sponsor expects to include the Surgery Center parcel in an amended VTTM when the project sponsor gains control of the Surgery Center parcel. Nothing is this statement "acknowledges" or implies that the project sponsor has amended the MTV Project to delete Phase/Stage 5 and the development of the Surgery Center parcel. This memorandum merely acknowledges that the Surgery Center parcel is not necessary for the Phase/Stage 1 FDP and the initial VTTM. Second, the memorandum does not dismiss the MTV Project impacts on the Surgery Center. Instead, the quoted sentence from the memorandum means that the Phase/Stage 1 development will not require the use of any portion of the Surgery Center parcel and in this sense will not affect the Surgery Center. The main point of the quoted statement is that the construction of the Phase/Stage 1 development is not dependent on acquisition of the Surgery Center site.

[6] The standard conditions of approval were formally adopted by the Oakland City Council in November 2008 to reduce potential impacts of projects, Ordinance No. 12899 C.M.S., November 3, 2008. However, the standard conditions of approval were used by the City prior to formal adoption and those related to noise were approved by the Council several years prior to the adoption of the standard conditions of approval.

Comment 6 – Construction Impacts

This comment states that because the Surgery Center has been removed from the MTV Project it will be affected by the construction impacts on its patients, employees, operations, and equipment from noise, vibration, dust and diesel particulate, and fumes.

Response 6. As discussed above, the Surgery Center has not been removed from the MTV Project and no additional CEQA analysis is warranted on this basis. (See, Responses 1 and 2 above.) The 2008 EIR covered the construction impacts of the MTV Project. The 2008 EIR analyzed the MTV Project as a phased project, with the Surgery Center site development in the final phase. Consequently, the construction impacts from the early development phases on sites included in later development phases were considered in the construction impact analysis. Additionally, the EIR included Alternative 3, a project without the Surgery Center site. This alternative included an evaluation of construction impacts.

To respond to the concerns raised by the Surgery Center, the project sponsor retained LSA Associates and Wilson Ihrig and Associates to (1) prepare a health risk assessment to evaluate the air quality (dust and diesel emission) concerns; (2) prepare the construction noise plan required by the COA-NOISE-5 and evaluate whether the measures included in this plan would ensure that the construction noise would meet City requirements; and (3) evaluate the vibration concerns and recommend any necessary vibration reduction strategies pursuant to COA-NOISE-6. These analyses confirm the EIR's determination that project construction activities undertaken pursuant to the City's Standard Conditions of Approval would not result in significant adverse air quality, noise, or vibration impacts. The LSA Associates and Wilson Ihrig and Associates analyses are discussed in detail below in Responses to the Attachment A and B of the December 21, Surgery Center letter.

In order to provide the City Council with additional information about the potential impacts of construction projects adjacent to medical facilities, we reviewed two EIRs recently certified by the City for new hospitals/medical centers, both of which involve construction activities adjacent to existing hospitals: the Alta Bates Summit Medical Center, Summit Campus Seismic Upgrade and Master Plan EIR (ABSMC EIR) and the Kaiser Permanente Oakland Medical Center Master Plan Project EIR (Kaiser EIR). These hospitals are significantly larger than the Surgery Center, provide more medical services and have more equipment than the Surgery Center, and, unlike the Surgery Center, operate 24 hours a day and accommodate short-term and long-term patient stays.

Construction Air Quality Comparison: Both the ABSMC EIR and the Kaiser EIR relied solely on the City's SCAs to mitigate potential construction air quality impacts. The air quality SCAs included in

the MTV 2008 EIR require more stringent mitigation of dust and equipment emissions than the SCAs included in the ABSMC EIR and the Kaiser Medical Center EIR.

Construction Noise Comparison: The less-than-significant noise finding in the MTV 2008 EIR is consistent with the findings included in the ABSMC EIR and the Kaiser EIR. Both of the ABSMC and Kaiser projects proposed the use of heavy construction equipment immediately adjacent to existing hospital uses. The Kaiser EIR considers the use of pile drivers and the ABSMC EIR considers the use of drilled piles, which would be installed (for both projects) immediately adjacent to existing hospital facilities. The noise SCAs included in the MTV EIR are identical to those included in the ABSMC EIR and slightly more restrictive than those included in the Kaiser EIR, which Charles M. Salter Associates (noise consultant for Kaiser EIR) found to be adequate to reduce the construction noise impacts to a less-than-significant level. The Surgery Center has not identified any unique circumstances of the Surgery Center or the MTV Project would necessitate mitigation beyond what is required by the SCAs and was found to adequately mitigate the construction noise impacts for the ABMSC or the Kaiser projects.

Construction Vibration Comparison: The less-than-significant vibration impact finding in the MTV 2008 EIR is consistent with the findings in the ABSMC EIR and the Kaiser EIR. Neither the ABSMC EIR nor the Kaiser EIR identified any vibration impacts and both projects include construction activities that are significantly more intense than the MTV Project. The ABSMC EIR states: "since the proposed project would not include any vibration-causing activity aside from that associated with construction and motor vehicles, it can be assumed that no impact would occur with regard to criterion 6) [vibration]. (Draft EIR page 4.5-12). The Kaiser EIR noise and vibration analysis is silent on the topic.

Comment 7 – Environmental Review for the Stage One FDP and VTTM

The comment asserts that a subsequent EIR must be prepared to analyze the impact of the "modified" project on the Surgery Center, the new circumstance of the continued operation of the Surgery Center, and the new information regarding the removal of the Surgery Center from the project.

Response 7. See Responses 1 and 2 above. The Surgery Center is not being removed from the MTV project. Thus, this is not a substantial change to the MTV Project. The continued operation of the Surgery Center until Phase 5 is proposed for development was assumed in the 2008 EIR. Thus, this is not a substantial change with respect to the circumstances under which the project is undertaken. Because the Surgery Center is not being removed from the MTV Project, this is

not new information. Therefore, none of the CEQA Guidelines 15162 criteria for subsequent environmental review are triggered and no subsequent EIR is required.

Comment 8 – Substantial Conformance with Preliminary Development Plan Approval

The comment asserts that because the Surgery Center has been removed from the MTV Project, the Phase/Stage 1 FDP is not in substantial conformance with the approved preliminary development plan. Additionally, the comment asserts that the City cannot make the required findings for a PUD approval.

Response 8. As explained above, the Surgery Center has not been removed from the MTV Project. City staff evaluated the Phase/Stage 1 FDP application and found it substantially conforms to the approved PUD/preliminary development plan (see Approved November 3, 2010 Planning Commission Report (revised on 11/3/10). The PUD for the MTV Project was approved in 2008. This approval and its findings are no longer subject to challenge.

Comment 9 – Approval the Stage One VTTM

The comment asserts that the City cannot approve the VTTM because the Project is likely to cause serious public health and safety problems related to significant impacts on patients at the Surgery Center and the City's SCAs are not adequate.

Response 9. Please refer to Air Quality Master Response to Attachment A, Illingworth & Rodkin, letter dated December 21, 2010, below, which demonstrate that the approval of the VTTM will not cause any public health or safety problems for the Surgery Center patients.

Attachment A: Illingworth & Rodkin, letter dated December 21, 2010

This letter details the Surgery Center's specific air quality concerns. The letter presents concerns regarding acute impacts from increased dust and increased exposure to diesel particulate matter that would result based on the assertion that the MTV Project has been changed to eliminate the Surgery Center site and construction will occur immediately adjacent to the Surgery Center.

The following analysis provides a Master Response to the air quality issues raised.

Air Quality Master Response

As discussed above, the MTV Project has not been changed to eliminate the Surgery Center site. This comment also incorrectly states that the 2008 EIR did not identify any sensitive receptors adjacent to the Project and did not address localized impacts from construction equipment exhaust. The 2008 EIR air quality analysis identifies sensitive receptors and provides an analysis of construction-related air quality impacts.

The 2008 EIR states that the MTV Project would contribute to regional ozone emissions in the form of emissions from construction vehicles and would contribute to particulate matter emissions through construction vehicle emissions and the disturbance of soil within the project site during the construction period (p. 245). Additionally, an estimate of the construction emissions was prepared based on preliminary construction plans using the URBEMIS 2007 model. Table IV.D-6 (Draft EIR, p. 247) shows the construction emission model results.[7] The temporary construction-period air quality impacts (for all pollutants) were found to be less-than-significant with the implementation of both the City's air quality SCAs, including the standard and enhanced measures for dust control and the construction equipment measures (listed as listed as COA AIR-1 and AIR-2 in the 2008 EIR).

The MTV Project's potential effects on sensitive receptors are addressed on page 246 of the Draft EIR under subsection (5) "Exposure of sensitive receptors to substantial pollutant concentrations." The section describes sensitive receptors as facilities that house or attract children, the elderly, and people with illnesses or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are cited as examples of sensitive receptors. The 2008 EIR finds that construction of the project would temporarily increase localized emissions and that construction-period air quality impacts (for all pollutants), including impacts to sensitive resources, would be less-than-significant with implementation of the SCAs for dust control and construction equipment measures. (Draft EIR page 246.)

Although no new analysis is warranted under CEQA, a health risk assessment was undertaken to address the Surgery Center's concerns and confirm the EIR's finding that no significant impacts related to construction air quality concerns would occur (see, Health Risk Assessment, Exhibit C). The analysis considered a detailed construction equipment schedule for Phases 1 and 2 that was

[7] Since the certification of the 2008 EIR, the Bay Area Air Quality Management District (BAAQMD) has adopted new CEQA thresholds for construction emissions. None of the results listed in Table IV.D-6 exceed the new BAAQMD thresholds for construction emissions. BAAQMD CEQA Guidelines (June 2010), p.2-6. However, those guidelines do not apply here because the City commenced review of the Phase 1 FDP and the VTTM applications, including a review under CEQA to determine if any of the factors under CEQA Guidelines sections 15162 or 15163 were implicated CEQA review of Phase 1 commenced prior to February 2010.

provided by the project sponsor (see Exhibit I, Construction Equipment Schedule, dated January 28, 2011). The findings from this health risk assessment are summarized below.

A health risk assessment (HRA) was conducted to assess health related air quality impacts from construction on patients and workers at the Surgery Center. The HRA assessed the impacts from the Phase/Stage 1 FDP and the Phase/Stage 2 FDP construction activities, because the project sponsor has submitted to the City the Phase/Stage 2 FDP application. Using the detailed construction schedule and equipment list provided by the Keystone Development Group and a combination of the California Air Resources Board's URBEMIS 2007 and HARP models, a detailed HRA was developed. The URBEMIS 2007 model was used to translate the construction details into pollutant emissions rates. These emissions were then assigned locations on the MTV Project site corresponding with the construction phasing plan and within those areas, placed closer to the Surgery Center to maximize the predicted impact. The HARP model was then used to combine these emissions and local meteorological conditions into an air dispersion model to predict pollutant concentrations and corresponding health risk levels. To insure completeness, the health risk levels were determined not only for the patients and workers at the Surgery Center, but also for the residences adjacent to the project site. It is standard HRA methodology to assess only the outdoor risk levels, since the amount of protection afforded by buildings varies substantially. It is probable that the Surgery Center provides above average protection to patients and workers inside the building, however, this HRA does not attempt to quantify that protection.

The primary health concern is the short-term acute affects from the exhaust of the heavy-duty construction equipment operating in close proximity to the Surgery Center. However, there is also a longer term exposure to the workers at the Surgery Center, and possibly to patients of the Surgery Center. Although the Surgery Center does not have inpatient accommodations, this HRA includes the expected carcinogenic and chronic health risks to a patient staying not only overnight but doing so for the entire construction period. It is assumed that the workers stay 8 hours per day on average and continue to work at the Surgery Center for the entire construction period. The HRA conservatively assumes that doctors, nurses, and patients spend all day outside on the side of the Surgery Center building nearest to the construction activities. Based on these conservative assumptions, Table 1 shows the HRA results. The BAAQMD additionally requires that the long-term carcinogenic health risk results have age factors applied to account for the range of age groups in the general population. Table 2 shows the age groups, their adjustment factors, and the adjusted carcinogenic health risk level for someone staying at the Surgery Center for the full construction period, 24 hours a day or for residents of the nearby homes.

Table 1: Inhalation Health Risks from Construction Operations

Risk Category	Carcinogenic Inhalation Health Risk	Chronic Inhalation Health Index	Acute Inhalation Health Index	Threshold Exceeded
2-Year Patient Risks	0.24 in 1 million	0.0061	0.04	No
Worker Risks	0.047 in 1 million	0.0061	0.04	No
Residential Risks	0.24 in 1 million	0.0061	0.04	No
BAAQMD Threshold	10 in 1 million	1	1	

Source: LSA Associates, Inc., January 2011

Table 2: 70-Year Carcinogenic Age Group Adjustment

Risk Group	ASF	Duration	Carcinogenic Inhalation Health Risk
3rd Trimester to age 2 years	10	2.25/70	0.077 in a million
age 2 years to age 16 years	3	14/70	0.14 in a million
age 16 to 70 years	1	54/70	0.20 in a million
Adjusted 70 year lifetime risk			**0.41 in a million**
BAAQMD Threshold			**10 in a million**
Threshold Exceeded			**No**

Source: LSA Associates, Inc., January 2011

As shown on Tables 1 and 2 for both patients and workers at the Surgery Center, as well as nearby residents, construction operations would result in a maximum health risk level that is below the BAAQMD's criterion of significance (10 in 1 million) for cancer health effects and for chronic or acute health risks. While the Surgery Center patients may be uniquely sensitive to air pollution, these health risk levels are substantially below the BAAQMD's thresholds of significance, making it unlikely that anyone, even uniquely sensitive individuals, would experience a negative health effect.

Historically, the BAAQMD has used the criterion of 10 in 1 million to determine the risk for point sources such as emissions from industrial facilities. This threshold was developed for these kinds of emissions sources that operate continuously for decades. Applying this threshold to a relatively brief event, such as the construction of this project, is very conservative. Additionally, the BAAQMD has documented that the best management approach to fugitive dust emissions from construction activities is an effective approach that reduces fugitive dust from 30 percent to more than 90 percent. Through the City's SCA, which are listed as COA AIR-1 and AIR-2 in the

2008 EIR, the MTV Project must implement best management practices to reduce fugitive dust emissions.

Attachment B: Charles M Salter Associates, letter dated December 21, 2010

This letter details the Surgery Center's specific construction noise and vibration concerns and asserts that the project would result in potentially significant noise and vibration impacts. The concerns presented are based on the incorrect assertion that the MTV Project has been changed to eliminate the Surgery Center site.

Noise Master Response

The 2008 EIR, Section IV.E-7, Noise, includes a discussion of potential effects associated with sensitive receptors during both construction and operation periods and assumes that pile driving may be necessary. The analysis assumes that the MTV Project will be built in five phases, over a seven-year period (page 299) and that the Surgery Center property would be the last phase (page 70). Page 299 of Section IV.E-7, Noise, states:

> *Construction of the project is to occur over a seven-year period, beginning in 2009. During this period, a wide variety of construction remediation and demolition equipment would be used and materials would be transported to and from the site during each development phase.*

The 2008 EIR evaluated the increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site. The 2008 EIR found that the increase in traffic flow on the surrounding roads due to construction traffic would be minimal, but there would be short-term intermittent high noise levels associated with trucks arriving to and departing from the project site.

The 2008 EIR also evaluated noise generated by heavy equipment operating on the project site, including the potential for pile driving. The 2008 EIR found that construction-related noise associated with typical construction equipment would be 91 dBA Lmax at a distance of 50 feet and that sensitive land uses (or sensitive receptors) would be located within 50 feet of construction. For pile driving on the MTV Project site, the 2008 EIR found that sensitive receptors located within 50 feet of the MTV Project site could be exposed to maximum noise levels of up to 93 dBA Lmax. (Draft EIR p. 299)

The analysis found that the MTV Project construction-related noise effects would be reduced to less than significant with implementation of the City's SCAs for construction noise which are included in the 2008 EIR as: COA NOISE-1: Days/Hours of Construction Operation; COA NOISE-2:

Noise Control; COA NOISE-3: Noise Complaint Procedures; and COA NOISE-5: Pile Driving and Other Extreme Noise Generators.

As part of the process of preparing for construction of Phase/Stage 1 and Phase/Stage 2 and in compliance with COA NOISE-5, the project applicant retained an acoustical consultant to prepare a final noise plan based on the FDP submittal that details a set of site specific noise attenuation measures to ensure that maximum feasible noise attenuation will be achieved.[8] The plan (see Exhibit D) considers both Phase/Stage 1 and Phase/Stage 2 of the MTV Project and the associated construction equipment schedules provided by the project sponsor (see Exhibit I, Construction Equipment Schedule, dated January 28, 2011). The plan confirms that noise levels from construction activities would be reduced consistent with the requirements of COA-NOISE-5 with implementation of the noise conditions, including the best management practices outlined in COA NOISE 2 and the use of temporary sound walls in certain areas, consistent with the types of measures listed in the COA-NOISE-5, which states:

> *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:*
>
> *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.*

The noise reduction plan includes the following requirements, which will reduce the projected worst case hourly average construction noise levels at the closest receptor sites:

(1) Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue.

[8] Consistent with the requirements of COA-NOISE-5, which requires a noise plan that includes a set of site-specific noise attenuation measures based on the project's final design plans be submitted to the City for review and approval prior to the commencement of construction, the project sponsor will prepare and submit subsequent noise reduction plans for future phases once final design plans are available and construction is planned to commence.

(2) Prior to initiation of on-site construction-related earthwork activities, a minimum 6 foot high temporary sound barrier shall be erected along the project property line abutting the outpatient Surgery Center.

(3) These sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical and horizontal gaps are eliminated. These temporary barriers shall remain in place through the construction phase in which heavy equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks are operating within 150 feet of the edge of the construction site and the adjacent sensitive land uses.

These noise reduction strategies will ensure that construction noise during the loudest periods of construction for the Phase/Stage 1 and Phase/Stage 2 FDPs will be reduced as required by COA-NOISE-5. In addition, the Project contractor must also comply with all of the other noise reduction strategies in the COA-NOISE-1,-2,-3, and -4, which will further reduce construction noise impacts in the Project vicinity. The noise reduction plan also includes requirements for monitoring construction noise through measurements and for adjusting equipment use if the monitoring identifies construction noise that exceeds the City's thresholds.

Construction Vibration Master Response

The 2008 EIR acknowledged that construction activities could cause ground-borne vibration in the Project vicinity (see Draft EIR p. 300). Under the City's significance criteria, temporary vibration from construction work is not considered significant. The City's Standard Condition of Approval for vibration (listed as COA-NOISE-6, Vibration Adjacent Historic Structures, in the 2008 EIR) requires the project applicant to retain an appropriate professional to determine threshold levels of vibration that could damage nearby buildings and design means and methods of construction that would not exceed the thresholds.

Pursuant to the SCA, to respond to the Surgery Concerns, and to confirm that no significant impacts related to vibration would result from the MTV Project construction using the FTA criteria referenced by the Surgery Center, the project sponsor retained Wilson, Ihrig and Associates (WIA), experts in vibration analysis, to analyze the Construction Equipment Schedule (see Exhibit I) for Phases 1 and 2 (see Exhibit E, Vibration Memorandum). As part of the Construction Equipment Schedule, the Project Sponsor has committed to the use of reduced-vibratory construction methods, which would reduce the vibration generated by the construction activities to below the FTA thresholds proposed by the Surgery Center.

The WIA analysis confirms that anticipated vibration from construction activities for Phase 1 and 2 of the MTV Project would not exceed the FTA Category 1 criterion, which applies to buildings where vibration would interfere with interior operations, at the Surgery Center.

Pursuant to the SCA (see COA NOISE-6 in 2008 EIR), WIA recommends that (1) the contractors implement the Construction Equipment Schedule elements detailed in Exhibit I; and (2) vibration monitoring be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and to monitor the vibration at the facilities during the key periods of construction that are subject to vibration to verify that construction-related vibration is not exceeding the FTA category 1 criterion. The key periods of construction would occur when the equipment discussed above are in operation (e.g., vibratory roller compactor, vibrating plate compactors, and/or jumping jack). As part of compliance with COA NOISE-6, the project sponsor will be required to comply with these recommendations which will ensure the impact remains less than significant.

Conclusion

The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Phase 1 FDP and VTTM as described in the Executive Summary above.

Exhibits

Exhibit A, MTV Project Site Location and Illustrative Plans
Exhibit B, Referenced Conditions of Approval
Exhibit C, Health Risk Assessment
Exhibit D, Noise Reduction Plan
Exhibit E, Vibration Memorandum
Exhibit F, Development Agreement, Section 3.3.3
Exhibit G, December 21 Letter from Surgery Center with comments enumerated
Exhibit H, Summary of Negotiations with the Surgery Center
Exhibit I, Construction Equipment Schedule

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MEMORANDUM

DATE: MARCH 29, 2011

TO:
Catherine Payne
Planner III
CEDA Planning and Zoning Division

FROM:
Lynette Dias, AICP
Principal

RE: CEQA Compliance for MacArthur BART Transit Village Stage[1] 2 FDP

In accordance with the Conditions of Approval for the MacArthur Bart Transit Village Preliminary Planned Unit Development and the terms of the Development Agreement, the City is in receipt of an application for a Final Development Permit for Stage Two (Stage Two FDP) proposed on Parcel D of the MacArthur Transit Village project site. The key purpose of this review is to determine whether the environmental effects of the Stage Two FDP are adequately analyzed in the 2008 Certified Environmental Impact Report (EIR) prepared for the project. **As described below, this approval was considered in the EIR and as proposed would not result in new or more severe environmental impacts beyond those identified in the EIR. As a result, the City does not need to prepare a Subsequent or Supplemental EIR to satisfy the environmental review requirements of CEQA. This EIR remains adequate for the proposed Stage Two FDP.**

The discussion below summarizes the following items: (1) overview of project approvals and environmental review; (2) relationship of the proposed Stage Two FDP with the approved Preliminary PUD/PDP and the project analyzed in the EIR; and (3) findings that the Stage Two FDP falls within the scope of the EIR and does not trigger the conditions described in CEQA Guidelines Section 15162 and Section 15163 calling for preparation of subsequent or supplemental environmental review.

Project Approvals and Environmental Review

The City has taken several actions to review and plan for the future development of the MacArthur BART Transit Village. These include, without limitation: (1) certified an EIR, (SCH No.

[1] The EIR and other project related materials also refers to the application as the "Phase 2" applications. "Stage" and "Phase" have the same meaning in reference to the MTV Project phasing.

2006022075) on July 1, 2008; (2) approved Ordinance No. 12883 C.M.S. amending Section 17.97.170 of the Oakland Planning Code related to the minimum usable open space requirements in the S-15 zone and rezoning the Project Site to S-15 Transit-Oriented Development Zone on July 1, 2008; (3) adopted and approved a Preliminary Planned Unit Development (Preliminary PUD/PDP) permit on July 1, 2008 to allow development of 624 to 675 residential units, 42,500 square feet of neighborhood-serving retail and commercial uses (including 7,000 square feet of live/work units), a 5,000 square feet community center use, and parking garage for BART patrons ; (4) adopted and approved a major conditional use permit to exceed parking requirements and to allow off-street parking for non-residential uses on July 1, 2008; (5) approved preliminary design review for the Preliminary PUD/PDP on July 1, 2008; and (6) approved Ordinance No. 12959 C.M.S on July 21, 2009 enacting a Development Agreement. The Planning Commission has also reviewed the Stage One FDP and Vesting Tentative Tract Map (VTTM) on November 3, 2010 and March 16, 2011 and recommended approval to the City Council. The City Council will consider approval of the Stage One FDP and VTTM on April 5, 2011.

The Development Agreement and PUD, which were both considered in the EIR, anticipate that the City will timely consider additional future approvals, including, without limitation, Final PUD (FDP) permits for each of the Project Stages, a vesting tentative map, final design review, tree removal, and conditional use permits.

The phasing plan included in the Development Agreement provided for five separate development phases each having its own schedule for submission of a final development plan (FDP) and target approval date: (1) Phase 1 consisting of the new BART garage on block E, site remediation, BART plaza improvements, Internal Drive, Frontage Road improvements, and a portion of Village Drive; (2) Phase 2 consisting of the affordable rental development on block D; (3) Phase 3 consisting of the mixed-use market rate development on block A; (4) Phase 4 consisting of the mixed-use market rate development on block B; and (5) Phase 5 consisting of the mixed use market rate development on block C, which includes the Surgery Center parcel.

The Stage Two FDP project plans, dated March 16, 2011, were submitted by the project applicant in accordance with the MTV project approvals and the Development Agreement phasing provisions. The Stage Two FDP includes 90 affordable rental residential units, 90 parking spaces, and usable open space. City staff reviewed the Stage Two plans and found the proposal to be in substantial conformance with the approved PUD and its Conditions of Approval and the terms of the Development Agreement.

Urban Planning Partners reviewed the Stage Two plans and found that there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the certified 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified

significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, no further environmental review is required.

A summary of the relationship of these approvals relative to the Preliminary PUD/PDP approval and the certified EIR is provided below.

Relationship to approved Preliminary PUD/PDP

City staff evaluated the proposed Stage Two FDP and found that in all fundamental respects the Stage Two FDP is in substantial compliance with the project approved in the PUD. The April 2, 2011 Planning Commission Staff Report finds that there are no new or changed uses; no new facilities; no change in the overall residential unit count; no change in the amount of retail/commercial space; no change in community space; no change in the height or bulk controls; no change in the community benefits; and no change in project staging. The changes in the location of Parcel D are a result of minor changes to the garage (e.g., parcel adjustment, realignment of Internal Street) required to implement the terms of the Draft Traffic Demand Management Plan (TDMP) included in the Preliminary PUD/PDP approval. Additionally, none of the changes would violate the Development Agreement. The April 2, 2011 Staff Report also concludes that the facts described in the report support a finding by the City that the Stage Two FDP, including the refinements summarized above and described in the Staff Report, substantially conforms to the Preliminary PUD/PDP.

Relationship to EIR

The Stage Two FDP is within the scope of the project evaluated in the EIR and would not trigger any new significant impacts or a substantial increase in the severity of previously identified impacts. The MacArthur Transit Village project analyzed in the certified EIR consisted of a new BART parking garage; improvements to the BART Plaza; up to 675 residential units (both market-rate and affordable); up to 44,000 square feet of commercial space (including live/work units); 5,000 square feet of community center or childcare space; approximately 1,000 structured parking spaces, including the 300 space BART parking garage (which was increased to 480 spaces pursuant to the Conditions of Approval); approximately 30-45 on-street parking spaces, pedestrian and bicycle friendly internal streets and walkways; improvements to the Frontage Road; a new internal street, Village Drive, located between Frontage Road and Telegraph Avenue; two new traffic signals at the intersections of Village Drive/Telegraph Avenue and West MacArthur Boulevard/Frontage Road; a rezoning of the Project site to S-15, and a text amendment to the S-15 zone. Multiple FDPs were contemplated in the EIR (See Draft EIR, pages 72-74) to implement the Preliminary PUD/PDP.

For Building D, the project considered in the EIR included a 5-story building located immediately north of the parking structure and west of Internal Street. The building was 124,300 square feet and would accommodate 90 affordable units and include a below-grade podium parking structure. The Stage Two FDP building is also 5 stories with a below-grade parking structure. It is

a 134,868 square feet which is approximately 10,000 square feet larger than the building considered in the 2008 EIR. This slight increase in the building size would not result in any new or substantially greater impacts than what was considered in the 2008 EIR particularly as the there is no increase in the number of units and the overall development will be limited to a maximum of 675 residential units.

The conceptual plan included in the 2008 EIR showed Building D west of Internal Street. The shift in the location of Building D is necessary to accommodate refinements to the parking structure that were necessary to implement TDMP. The proposed shift would not change any of the 2008 EIR findings as development of a very similar density and scale has always been contemplated on this portion of the MTV project site. Figure III-3, Conceptual site Plan, in the 2008 EIR shows the subject portion of the site (Parcel D), being developed with Building C which included a 6-story building with a below-grade podium parking structure. The Stage Two proposal would result in less intense development on this portion of the site as the proposed structure is only 5 stories. The 2008 EIR also specifically recognized and considered that the phasing was conceptual and that parcels may be developed out of sequence.

The MTV Project conditions of approval and mitigation measures detailed in the 2008 EIR and the adopted Mitigation Monitoring and Reporting Program will adequately address significant impacts identified for the MTV project in the 2008 EIR. No new significant impacts or a substantial increase in the severity of previously identified impacts would occur with the development of Building D as the proposal substantially conforms to the project considered and analyzed in the 2008 EIR. Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance that would require major revisions of the certified 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166 and CEQA Guidelines sections 15162 and 15163, no further environmental review is required. Thus, in considering approval of the Stage Two FDP, the City should rely on the previously certified 2008 EIR.

During the City's review of the Stage One FDP and VTTM, Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC(the Surgery Center) submitted three letters to the City expressing concerns about the adequacy of CEQA review.

The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is in Stage Five of the MTV Project. Although the letters were specific to the previously approved Stage One FDP and TTM8047, it is anticipated that similar issues may be raised for Stage Two FDP. The Surgery Center letters mistakenly state that the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City should defer its approval of the MTV Project until these impacts

on the Surgery Center are studied in a subsequent EIR. The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project for the reasons summarized in the staff report and detailed in the Memorandum from Urban Planning Partners to Eric Angstadt and Catherine Payne, dated March 18, 2011, regarding Response to Letters Received Regarding the MacArthur Transit Village Stage One Final Development Plan Permit and Vesting Tentative Track Map 8047. (Attached as Exhibit A)

Conclusion

As discussed above, the development proposed in the Stage Two FDP application was considered in the EIR as it is in conformance with the approved PUD. The refinements incorporated into the application represent no change in development intensity or significant physical changes on the MacArthur Transit Village site from the project analyzed in the EIR. Therefore, these changes would not result in new or more severe impacts (or require new or significantly altered mitigation measures) beyond those already identified in the EIR. The EIR is adequate and no subsequent or supplemental environmental review.

The following discussion summarizes the reasons why no supplemental or subsequent CEQA review is necessary pursuant to *CEQA Guidelines* Section 15162 and the City can rely on the previously certified EIR.

Substantial Changes to the Project. The refinements to the project are minor and necessary to accommodate the reconfiguration of the garage and the shift of Internal Street which were considered as part of the Stage One FDP and VTTM and such refinements were necessary to implement the Conditions of Approval of the Preliminary PUD/PDP as discussed in the Preliminary PUD/PDP and Phase 1 and VTTM Substantial Conformance Memo, dated October 26, 2010. The shift in the location of Building D and other minor refinements would **not** result in new significant environmental impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR. Therefore, the proposed changes to the project are considered *minor* refinements, not *substantial* changes.

Project Circumstances. Since certification of the EIR, conditions in and around the MacArthur Transit Village have not changed and thus implementation of the project (including the proposed refinements) would **not** result in new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the 2008 EIR. No substantial changes in noise levels, air quality, traffic, or other conditions have occurred within and around the project site since certification of the EIR.

New Information. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2008 EIR

was certified, has been identified which is expected to result in: 1) new significant environmental effects or a substantial increase in the severity of environmental effects already identified in the EIR; or 2) mitigation measures or alternatives which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the 2008 EIR, and which would substantially reduce significant effects of the project, but the project applicant declines to adopt them.

As described previously, changes to the proposed project would not result in significant environmental effects (including effects that would be substantially more severe than impacts identified in the 2008 EIR). Existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the 2008 EIR would be adequate to reduce the impacts resulting from implementation of changes to the proposed project to less-than-significant levels.

Attachment

Exhibit A: Response to Letters Received Regarding the MacArthur Transit Village Stage One Final Development Plan Permit and Vesting Tentative Track Map 8047.

EXHIBIT A

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MEMORANDUM

DATE: MARCH 18, 2011

TO:
Eric Angstadt and Catherine Payne
CEDA, City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

FROM:
Lynette Dias, AICP

RE: Response to Letters Received Regarding the MacArthur Transit Village Stage One Final Development Plan Permit and Vesting Tentative Track Map 8047.

A. EXECUTIVE SUMMARY AND OVERVIEW

1. The Surgery Center Letters

The City has received two letters (dated December 17 and December 21, 2010) from Holland & Knight, who represent Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Center, a Sutter Health affiliate (the Surgery Center). The Surgery Center is located at 3875 Telegraph Avenue on a parcel that is in Phase 5 of the MacArthur Transit Village Project (MTV Project). (See, MTV Project Site Location and Illustrative Plans, Exhibit A.) The Surgery Center letters mistakenly state that: the MTV Project has been changed to exclude the Surgery Center parcel; based on this change: (1) construction of the MTV Project will have significant noise, vibration, and air quality impacts on the operations, services, and patient care at the Surgery Center; and (2) the City Council should defer its approval of the MTV Project's Phase 1 Final Development Permit (FDP), Vesting Tentative Track Map (VTTM), and other entitlements until these impacts on the Surgery Center are studied in a subsequent EIR.

2. Summary Conclusion: No Additional Environmental Review Is Required

The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Phase 1 FDP and VTTM for the following reasons:

- **No Project Changes:** The MTV Project has not been changed or modified to exclude the Surgery Center parcel. The MTV Project analyzed in the 2008 EIR and approved by the City is a phased development. The mixed-use building proposed for the Surgery Center parcel has always been in Phase 5, the final phase of development, for which a final development permit application is not required to be submitted until 2019. Thus, the Surgery Center parcel has not been expected or required to be included in the Phase 1 FDP application or approval. The VTTM covers those portions of the MTV Project site controlled by the project sponsor. Although the Surgery Center parcel and one other MTV Project parcel (3901 Telegraph Avenue) are not included in the VTTM, the development of these parcels are in later Project phases and, if subdivision maps are required for the development of these parcels, the necessary subdivision maps will be submitted with (or before) the FDP applications for these later phases are filed. Additionally, future development of the Surgery Center parcel could occur within its existing boundaries and no additional subdivision map may be necessary. Consequently, neither the Phase 1 FDP nor the VTTM change the MTV Project to exclude the Surgery Center and thus no project change has occurred that would require additional environmental review under CEQA.

- **No New Information:** The EIR, which analyzed a phased buildout of the MTV Project, including the noise, vibration, and air quality impacts associated with construction activities, contemplated that the Surgery Center, which would not be removed until in the final phase of development, could be operating during and subsequent to construction of the initial MTV Project phases. The Surgery Center's construction concerns could have been raised in 2008 and 2009 during the public review of the MTV Project EIR and the City's consideration of the initial Project approvals. Thus, these concerns do not constitute new information that could not have been known when the EIR was certified. Consequently, the Surgery Center has not provided new information that would require additional environmental review under CEQA.

- **Project Conditions/Mitigations Sufficient**: The MTV Project conditions of approval and mitigation measures address construction related air, noise, and vibration impacts on the surrounding area, including the Surgery Center parcel. The City's Standard Conditions of Approval (SCA) for dust control (COA-AIR 1) and construction emissions

(COA-AIR 2) will reduce the potential air quality impacts on uses adjacent to the construction site (see Exhibit B, Referenced Conditions of Approval). Additionally, in response to the Surgery Center's air quality health risk concerns, LSA Associates prepared a health risk assessment to evaluate the construction related dust and emissions on the Surgery Center (see Exhibit C, Health Risk Assessment). The health risk assessment determined that the potential dust and diesel emissions impacts on the Surgery Center would be below the thresholds of significance. A site specific construction noise plan has been prepared pursuant to COA-NOISE 5 (see Exhibit D, Noise Reduction Plan). The analysis conducted for this plan confirms the EIR's conclusion that, with implementation of the City's SCAs and the noise control strategies provided for in the plan, construction noise impacts on the Surgery Center will be less than significant. In accordance with COA-NOISE-6, Wilson Ihrig and Associates, a vibration expert has evaluated the construction plan for areas near the Surgery Center and has confirmed that the vibration impacts will be less than significant based on the use of certain construction techniques and timing restrictions (see Exhibit E, Vibration Memorandum).

Consequently, there are no substantial project changes, no substantial changes in the project circumstances, and no new information of substantial importance, which could not have been known with the exercise of reasonable diligence when the EIR was certified, that would require major revisions of the 2008 EIR, because of a new significant effect or an increase in the severity of a previously identified significant effect. Under CEQA section 21166[1] and CEQA Guidelines section 15162[2], no further environmental review is required. Thus, in considering approval of the Phase 1 FDP and VTTM, the City should rely on the previously certified 2008 EIR.

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[1] CEQA section 21166 provides that when an environmental impact report has been prepared for a project, no subsequent or supplemental environmental impact report shall be required by the lead agency unless one or more of the following events occurs: (a) substantial changes are proposed in the project which will require major revisions of the EIR; (b) substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions of the EIR; (c) new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

[2] CEQA Guideline section 15162 provides that the only substantial changes in a project or the project circumstances that would result in new or more severe significant environmental impacts triggers preparation of a subsequent or supplemental EIR. Additionally, new information only triggers preparation of a subsequent or supplement EIR if it could not have been known with the exercise of reasonable diligence when the original EIR was certified and would result in new or more severe significant effects or new information about mitigation measures or alternatives that are rejected.

3. MacArthur Transit Village Project Approvals and Current Applications

In July of 2008, the City Council approved the MTV Project. The MTV Project is the phased buildout of a new mixed-use transit village development located at the existing MacArthur BART station. The MTV Project consists of up to 675 residential units (market-rate and affordable), 42,500 square feet of retail and commercial uses, a 5,000 square foot community center use, a 480 space BART parking garage, and a number of infrastructure improvements. The MTV Project site includes the existing BART surface parking lots and several private lots on West MacArthur Boulevard and Telegraph Avenue, including 3875 Telegraph Avenue, which is the location of the Surgery Center. The City prepared and certified an EIR (the 2008 EIR) that evaluated the potential impacts of the phased buildout of the MTV Project. The 2008 MTV Project approvals include a rezoning of the MTV Project site; a planned unit development permit (PUD), which includes a preliminary development plan (PDP); design review; a major conditional use permit; and the associated conditions of approval that include, design guidelines, a draft traffic demand management program, and a mitigation monitoring and reporting program (collectively, "the MTV Project approvals").

In July of 2009, the City Council approved a Development Agreement for the MTV Project, which included a phasing plan generally consistent with the 2008 approvals (see Exhibit F, Development Agreement, Section 3.3.3). The phasing plan provided for five separate development phases each having its own schedule for submission of a final development plan (FDP) and target approval date: (1) Phase 1 consisting of the new BART garage on block E, site remediation, BART plaza improvements, Internal Drive, Frontage Road improvements, and a portion of Village Drive; (2) Phase 2 consisting of the affordable rental development on block D; (3) Phase 3 consisting of the mixed-use market rate development on block A; (4) Phase 4 consisting of the mixed-use market rate development on block B; and (5) Phase 5 consisting of the mixed use market rate development on block C, which includes the Surgery Center parcel. The FDP and other necessary applications for Phase 5 may be submitted up to ten years from July 7, 2009 (i.e., July 2019), the date of the Owner Participation Agreement approval, per Development Agreement, Section 3.3.3.

In accordance with the MTV Project approvals and the Development Agreement phasing provisions, the Phase/Stage 1[3] FDP includes the new BART parking garage and the project site infrastructure improvements required to be included in Phase 1. The project sponsor also has submitted a VTTM for those parcels in the MTV Project site controlled by the project sponsor.

[3] The City also refers to the application as the "Stage 1" applications. "Stage" and "Phase" have the same meaning in reference to the MTV Project phasing.

The MTV Project parcels not included in the VTTM, the Surgery Center parcel and the 3901 Telegraph Avenue parcel, will be included in future phases and if any subdivision maps are required in connection with development on these parcels, the appropriate maps will be filed with the final development permit applications as required by Condition of Approval No. 26 (see Exhibit B, Referenced Conditions of Approval). The project sponsor has filed the FDP application for the Phase/Stage 2 development on parcel D and that application is under review by the City staff.

B. RESPONSES TO COMMENTS

The following analysis provides responses to each comment raised in the Surgery Center's December 21, 2010 letter.[4] The responses are keyed to each comment included in the Surgery Center letter (see Exhibit G, letter with enumerated comments).

Comment 1 – MTV Project

The Surgery Center asserts that the MTV Project has been changed to delete the Surgery Center site. Additionally, the Surgery Center asserts that the Staff Report contains inconsistent project descriptions.

Response 1. The MTV Project has not changed to exclude the Surgery Center parcel. The MTV Project has always been proposed, analyzed in the 2008 EIR, and approved as a phased project. The Phase/Stage 1 FDP under consideration by the City Council simply represents the first phase of the MTV Project. The 2008 EIR, the MTV PUD, and the MTV Development Agreement all describe a phased project and establish requirements related to the phased final applications. The Surgery Center parcel is located in block C of the MTV Project site (see Exhibit A). The development on block C is designated as Phase 5 and the final applications for block C are not expected to be pursued for several years. Consequently, there is no reason or requirement to include the development proposed for the Surgery Center parcel in the Phase/Stage 1 FDP application.

The MTV Project phasing description in the EIR and the phasing requirements in the Conditions of Approval and Development Agreement are summarized below.

[4] All of the points raised in the Surgery Center December 17, 2010 letter are covered in greater detail in the December 20, 2010 letter.

2008 EIR

The 2008 EIR states the following:

> The project would be constructed over approximately seven years (see Table III-3)[5]. The phasing program discussed below is conceptual in that phasing is expected to occur sequentially; however, some phases could occur concurrently, or phasing may occur out of sequence depending on market conditions. (p.68)

Table III-3 Phasing Schedule

Phase	Schedule
BART Plaza Improvements	2009
Site Remediation and Demolition	2009
BART Parking Structure (Building E)	2009
Affordable Development (Building D)	2009
Building B	2010
Building A	2012
Building C [Surgery Center]	2014

Source: MTCP, 2007.

The 2008 EIR described the buildout of the MTV Project as occurring in five phases. (Draft EIR, p.70.) Phase I included the BART garage (block/building E), site remediation, and certain site infrastructure improvements. The Phase 1 FDP application is consistent with the Phase I description in the 2008 EIR. The phasing schedule included the development proposed for the Surgery Center parcel (block/building C) in the final phase. Thus, the 2008 EIR did not anticipate that the Surgery Center parcel development would be included in the Phase/Stage 1 FDP. The Phase 1 FDP is consistent with the 2008 EIR MTV Project and phasing description.

[5] This buildout estimate was later extended to ten years in the Development Agreement.

Conditions of Approval for the MTV Project

The City Council adopted final Conditions of Approval in connection with its July 1, 2008 approval of the MTV Project. Condition No. 2 (Effective Date, Expiration, Extensions and Extinguishment) addresses phasing/staging of the MTV Project (see Exhibit B, Referenced Conditions of Approval). This condition states that the submittal of "Final Development Plans (FDPs) shall be permitted in five (5) stages over a 10 year time period." The description of the Phase/Stage 1 FDP includes the new BART parking garage, site remediation, Internal Drive, the Frontage Road improvements, and a portion of Village Drive. (Condition 2.(a)(i).) The Phase/Stage 1 FDP meets the requirements of this condition.

Under Condition of Approval No. 2, the development approved for block C, which includes the Surgery Center parcel, is designated Phase/Stage 5. The FDP for Phase/Stage 5 is required to be submitted to the Planning Department for review and processing within 10 years from the date of the PUD approval. (Condition No. 2.(a)(v).) Thus, the development on the Surgery Center parcel is not required to be a part of the Phase/Stage 1 FDP. Condition No. 2 confirms that: (a) the MTV Project was approved as a phased development; (b) the MTV Project approvals do not require development of the Surgery Center parcel to be included in the Phase/Stage 1 FDP; and (c) development on, and the submittal of the FDP for, the Surgery Center parcel is not expected or required for a number of years.

Although Condition of Approval No. 2 allows the project sponsor discretion to substitute different blocks/buildings in the Phase/Stage 3, 4, and 5 applications, the Phase/Stage 1 and 2 applications must be processed in accordance with the terms of the condition. (Condition No. 2(c).) This provision reflects the City's policy determination regarding the importance of proceeding with the Phase/Stage 1 and 2 improvements early in the development phasing. Additionally, Condition No. 2 provides that the phasing timeframes prescribed in the Development Agreement would supersede this condition. (Condition No. 2(e).) The Development Agreement phasing provisions are discussed below.

Condition of Approval No. 26 (Subdivision Maps) states that the FDP for each development phase must be accompanied by the required subdivision map necessary to subdivide the property (see, Exhibit B, Referenced Conditions of Approval). The VTTM under consideration by the City Council covers all of the MTV Project parcels that are under the project sponsor's control. At the time the FDP for the Surgery Center parcel is pursued, a determination will be made as to whether a subdivision map is required. Development on the Surgery Center parcel, however, may not require a new subdivision map or an amendment of the VTTM. The project sponsor's current MTV Project site plan shows that the existing Surgery Center parcel

configuration would accommodate the planned development (see Exhibit A, MTV Project Illustrative Plans).

Development Agreement

Section 3.3.3 of the Development Agreement adopted by the City Council details the requirements for the MTV Project phasing (see, Exhibit A, MTV Project Illustrative Plans). Consistent with the 2008 EIR and the Conditions of Approval, Section 3.3.3 provides for a five-phase development plan. Pursuant to Section 3.3.3, the Phase/Stage 1 FDP includes the BART parking garage, site remediation, BART plaza improvements, Internal Drive, the Frontage Road improvements and a portion of Village Drive. In compliance with the Development Agreement, the project sponsor timely submitted the FDP for Phase/Stage 1 together with the necessary VTTM. The FDP applications for the remaining four project phases are required to be submitted over approximately ten years. The Phase/Stage 5 Surgery Center parcel FDP application is not required until 2019. Thus, the Phase/Stage 1 FDP and the VTTM are consistent with the phasing requirements of the Development Agreement. The submittal of the FDP application for, and development of, the Surgery Center parcel are not required for many years.

Phase/Stage 1 FDP and VTTM

The Phase/Stage 1 FDP does not include the development planned for the Surgery Center parcel because it is not part of the Phase/Stage 1 development. It is neither necessary nor required by any of the MTV Project approvals for the development of Phase 1 to include the development on the Surgery Center parcel. The VTTM does not include the Surgery Center parcel because the project sponsor does not yet control the Surgery Center parcel. These circumstances are not project changes. As anticipated by the 2008 EIR, the MTV Project Conditions of Approval, and the Development Agreement, it is expected that the project sponsor will proceed with the FDPs for future phases and, if necessary, subdivision maps or VTTM amendments, in accordance with the Project phasing schedule and following any necessary acquisition of the parcels included in these future phases.

Consistent Project Description

The Surgery Center letter states that the City Staff Report contains an inconsistent Project description. This comment misinterprets the Staff Report. The Surgery Center's assessor parcel number is listed as part of the overall MTV Project site approved in the PUD (and other MTV Project approvals) and the parcel is shown as part of the MTV Project site on the zoning map included in the Staff Report. This information confirms that the Surgery Center parcel remains a part of the MTV Project, even though it is not included in the Phase/Stage 1 FDP and the VTTM.

The Surgery Center letter also characterizes one of the Project modifications as "not requiring

acquisition of 3875 Telegraph Avenue (the Surgery Center property)." Again, this comment misinterprets the Staff Report. The Staff Report lists the Phase/Stage 1 refinements that have occurred between the PUD/preliminary development plan approval and the FDP in the context of demonstrating that the FDP substantially conforms to the PUD/preliminary development plan. One of the changes listed is the minor shift in the location of a portion of Village Drive in order to align Village Drive with the existing 39th Street. The City Council Staff Report, dated December 14, 2010, states (p.5):

- **Village Drive**, has been shifted to line up with the 39th Street right-of-way and to allow the Stage One VTTM to move forward prior to the acquisition of the Surgery Center property.

Although it was originally anticipated that a portion of Village Drive would require use of a portion of the Surgery Center parking area, the original alignment of Village Drive did not require demolition of the Surgery Center building. Moreover, the realignment of Village Drive to avoid the Surgery Center parking area does not preclude acquisition of the Surgery Center parcel and its development in Phase/Stage 5 consistent with Project described in the 2008 EIR, the MTV Project approvals, and the Development Agreement. The Staff Report analysis confirms that the Phase/Stage 1 project refinements reflected in the FDP and VTTM are in substantial conformance with the PUD/preliminary development plan and do not constitute substantial changes or substantial new information that would require revisions to the 2008 EIR. Shifting Village Drive allows acquisition of the Surgery Center parcel after the Phase/Stage 1 approvals; it does not remove Phase/Stage 5 and the development of the Surgery Center parcel from the MTV Project. As shown in the discussion above, Phase/Stage 5 is not anticipated to be developed for quite a few years and there is no reason or obligation to include the development of Phase/Stage 5 or the Surgery Center parcel in the Phase/Stage 1 final approvals.

In summary, the MTV Project has not been changed to exclude the development of the Surgery Center parcel. The development of this parcel is just not part of the Phase/Stage 1 FDP or the VTTM.

Comment 2 – Analysis of Impacts on the Surgery Center

The comment states that, because the project has been changed to exclude the Surgery Center, the EIR did not evaluate project's impacts on the continued operation of the Surgery Center.

Response 2. The 2008 EIR described the MTV Project as a phased development and described the proposed five development phases. (See, Response 1.). The 2008 EIR assumed demolition of the Surgery Center at the time the Surgery Center parcel would be developed, which was

projected to occur in the final, fifth phase of the MTV Project. The illustrative phasing schedule included in the 2008 EIR showed development of the Surgery Center property in 2014. The 2008 EIR fully considered the construction and operational environmental impacts of the MTV Project on the surrounding area, which, during the first phases of buildout, would include the Surgery Center parcel.

The MTV Project phasing has remained consistent: this is a five phase project and the development on the Surgery Center is part of Phase/Stage 5, which is not expected or required to be initiated for a number of years. No provision in any of the MTV Project approvals requires the Phase/Stage 1 FDP or the initial VTTM to include the Phase/Stage 5 development proposed for the Surgery Center parcel. Abiding by the approved phasing plan does not mean that the Surgery Center parcel has been excluded from the MTV Project. The facts do not support the Surgery Center's assertion that the project has changed. Consequently, there is no substantial project change that would trigger the potential for new environmental review.

Additionally, the concerns now raised by the Surgery Center about its ongoing operations is not new information of substantial importance that could not have been known at the time the 2008 EIR was certified. The 2008 EIR plainly analyzed a phased project with development on the Surgery Center parcel in the final phase. The construction and operational impacts of the MTV Project on surrounding uses were fully assessed in the 2008 EIR. Additionally, the EIR included an alternative (Alternative 3, "Mitigated Reduced Building/Site Alternative") that examined the construction and operational impacts of a project without the Surgery Center site. Thus, the Surgery Center was aware that the first phases of the MTV Project or the implementation of Alternative 3 would involve construction activities adjacent to its site. All of the concerns raised in the Surgery Center letter were known and could have been raised in 2008. The Surgery Center could have, but did not, raise its concerns at the time the City certified the 2008 EIR. The Surgery Center's December 2010 comments on the 2008 EIR do not meet the CEQA definition of new information of substantial importance that was not known, or could not have been known with the exercise of due diligence, at the time the EIR was certified. (*CEQA Guidelines* section 15162.)

In light of these facts, the 2008 EIR remains valid and no longer subject to challenge. The City filed the following Notices of Determination for the MTV Project: (1) July 16, 2008 – NOD for the MTV Project approvals; (2) July 10, 2009 – NOD for the Owner Participation Agreement; (3) July 23, 2009 – NOD for Development Agreement. No legal challenge to the 2008 EIR was filed. The time to do so has long expired.

Moreover, as part of the City staff review of the Phase/Stage 1 FDP and the VTTM, the staff considered the differences between the approved PUD/preliminary development plan and the Phase/Stage 1 FDP and the VTTM to determine whether any additional environmental review

would be required pursuant to *CEQA and the CEQA Guidelines*. The staff found that no subsequent or supplemental environmental review was necessary, because the minor refinements to the site plan, some of which implemented Conditions of Approval, did not constitute substantial changes in the project, substantial changes to the project circumstances, or new information of substantial importance that would result in any new significant impacts or a substantial increase in the severity of impacts already identified in the 2008 EIR. See Approved November 3, 2010 Planning Commission Report (revised on 11/13/10).

Comment 3 – Notice to the Surgery Center

The comment states that the project sponsor has "unilaterally, and without prior notice" to the Surgery Center changed the project and additional environmental review should be required to consider noise, vibration, dust and diesel particulate matter.

Response 3. The MTV Project has not been changed to exclude the Surgery Center (see discussion above pp 1-10). The Surgery Center owners have known about the MTV Project for several years and were informed that the project sponsor was proceeding with the first phase of development. The project sponsor has provided documentation that since 2008 the project sponsor and the Surgery Center owners have met and corresponded a number of times to discuss the project sponsor's acquisition of the Surgery Center parcel (see Exhibit H, Summary of Negotiations with the Surgery Center).

With respect to the Phase/Stage 1 FDP and the VTTM, the documentation provided by the project sponsor shows that a representative of the Surgery Center attended the April 21, 2010 community presentation by the project sponsor at which the Phase/Stage 1 FDP and construction schedule were reviewed. On June 2, 2010, the project sponsor sent a letter to the Surgery Center to provide an update on the Phase/Stage 1 FDP and the anticipated dates for City hearings on the plan. This letter specifically described the realignment of Village Drive to allow Phase/Stage 1 to proceed without acquiring the right to use a portion of the Surgery Center parcel. The letter also reiterated that the Surgery Center parcel continued to be included as part of the MTV Project and is shown on block C-3 in the current MTV Project Illustrative Plan, which reflects the FDP plans for Phases 1 and 2 (see Exhibit A). Representatives of the project sponsor also met with the Surgery Center owners on December 1, 2010 to discuss the MTV Project status and the continued interest in the acquisition.

See responses to the Surgery Center Letter Attachments A and B below regarding noise, vibration, and dust and diesel particulate matter.

Comment 4 – Surgery Center Operations

This comment provides information regarding the Surgery Center's operations, services, and patient care, which it characterizes as "uniquely sensitive receptors."

Response 4. The 2008 EIR noise and air quality analyses considered the category of sensitive receptors, which includes residences and hospitals among other uses. To the extent that a surgery center also could be considered a sensitive receptor, it would be covered by the requirements in the City's standard conditions of approval and imposed on the MTV Project to reduce construction noise, vibration, and air quality impacts on these uses.[6] See responses to the Surgery Center Letter Attachments A and B below regarding noise, vibration, and dust and diesel particulate matter.

Comment 5 – Surgery Center Parcel and the Phase/Stage 1 Applications

This comment states that the project sponsor has acknowledged that the Surgery Center has been removed from the Project and dismisses the Project's impacts on the Surgery Center.

Response 5. This comment misinterprets the information it quotes from the October 26, 2010 memorandum from Art May to Catherine Payne. First, as discussed above (Response 1), the MTV Project has not been changed to remove the Surgery Center parcel. In fact, the memorandum quoted in the Surgery Center letter states the project sponsor expects to include the Surgery Center parcel in an amended VTTM when the project sponsor gains control of the Surgery Center parcel. Nothing is this statement "acknowledges" or implies that the project sponsor has amended the MTV Project to delete Phase/Stage 5 and the development of the Surgery Center parcel. This memorandum merely acknowledges that the Surgery Center parcel is not necessary for the Phase/Stage 1 FDP and the initial VTTM. Second, the memorandum does not dismiss the MTV Project impacts on the Surgery Center. Instead, the quoted sentence from the memorandum means that the Phase/Stage 1 development will not require the use of any portion of the Surgery Center parcel and in this sense will not affect the Surgery Center. The main point of the quoted statement is that the construction of the Phase/Stage 1 development is not dependent on acquisition of the Surgery Center site.

[6] The standard conditions of approval were formally adopted by the Oakland City Council in November 2008 to reduce potential impacts of projects, Ordinance No. 12899 C.M.S., November 3, 2008. However, the standard conditions of approval were used by the City prior to formal adoption and those related to noise were approved by the Council several years prior to the adoption of the standard conditions of approval.

Comment 6 – Construction Impacts

This comment states that because the Surgery Center has been removed from the MTV Project it will be affected by the construction impacts on its patients, employees, operations, and equipment from noise, vibration, dust and diesel particulate, and fumes.

Response 6. As discussed above, the Surgery Center has not been removed from the MTV Project and no additional CEQA analysis is warranted on this basis. (See, Responses 1 and 2 above.) The 2008 EIR covered the construction impacts of the MTV Project. The 2008 EIR analyzed the MTV Project as a phased project, with the Surgery Center site development in the final phase. Consequently, the construction impacts from the early development phases on sites included in later development phases were considered in the construction impact analysis. Additionally, the EIR included Alternative 3, a project without the Surgery Center site. This alternative included an evaluation of construction impacts.

To respond to the concerns raised by the Surgery Center, the project sponsor retained LSA Associates and Wilson Ihrig and Associates to (1) prepare a health risk assessment to evaluate the air quality (dust and diesel emission) concerns; (2) prepare the construction noise plan required by the COA-NOISE-5 and evaluate whether the measures included in this plan would ensure that the construction noise would meet City requirements; and (3) evaluate the vibration concerns and recommend any necessary vibration reduction strategies pursuant to COA-NOISE-6. These analyses confirm the EIR's determination that project construction activities undertaken pursuant to the City's Standard Conditions of Approval would not result in significant adverse air quality, noise, or vibration impacts. The LSA Associates and Wilson Ihrig and Associates analyses are discussed in detail below in Responses to the Attachment A and B of the December 21, Surgery Center letter.

In order to provide the City Council with additional information about the potential impacts of construction projects adjacent to medical facilities, we reviewed two EIRs recently certified by the City for new hospitals/medical centers, both of which involve construction activities adjacent to existing hospitals: the Alta Bates Summit Medical Center, Summit Campus Seismic Upgrade and Master Plan EIR (ABSMC EIR) and the Kaiser Permanente Oakland Medical Center Master Plan Project EIR (Kaiser EIR). These hospitals are significantly larger than the Surgery Center, provide more medical services and have more equipment than the Surgery Center, and, unlike the Surgery Center, operate 24 hours a day and accommodate short-term and long-term patient stays.

Construction Air Quality Comparison: Both the ABSMC EIR and the Kaiser EIR relied solely on the City's SCAs to mitigate potential construction air quality impacts. The air quality SCAs included in

the MTV 2008 EIR require more stringent mitigation of dust and equipment emissions than the SCAs included in the ABSMC EIR and the Kaiser Medical Center EIR.

Construction Noise Comparison: The less-than-significant noise finding in the MTV 2008 EIR is consistent with the findings included in the ABSMC EIR and the Kaiser EIR. Both of the ABSMC and Kaiser projects proposed the use of heavy construction equipment immediately adjacent to existing hospital uses. The Kaiser EIR considers the use of pile drivers and the ABSMC EIR considers the use of drilled piles, which would be installed (for both projects) immediately adjacent to existing hospital facilities. The noise SCAs included in the MTV EIR are identical to those included in the ABSMC EIR and slightly more restrictive than those included in the Kaiser EIR, which Charles M. Salter Associates (noise consultant for Kaiser EIR) found to be adequate to reduce the construction noise impacts to a less-than-significant level. The Surgery Center has not identified any unique circumstances of the Surgery Center or the MTV Project would necessitate mitigation beyond what is required by the SCAs and was found to adequately mitigate the construction noise impacts for the ABMSC or the Kaiser projects.

Construction Vibration Comparison: The less-than-significant vibration impact finding in the MTV 2008 EIR is consistent with the findings in the ABSMC EIR and the Kaiser EIR. Neither the ABSMC EIR nor the Kaiser EIR identified any vibration impacts and both projects include construction activities that are significantly more intense than the MTV Project. The ABSMC EIR states: "since the proposed project would not include any vibration-causing activity aside from that associated with construction and motor vehicles, it can be assumed that no impact would occur with regard to criterion 6) [vibration]. (Draft EIR page 4.5-12). The Kaiser EIR noise and vibration analysis is silent on the topic.

Comment 7 – Environmental Review for the Stage One FDP and VTTM

The comment asserts that a subsequent EIR must be prepared to analyze the impact of the "modified" project on the Surgery Center, the new circumstance of the continued operation of the Surgery Center, and the new information regarding the removal of the Surgery Center from the project.

Response 7. See Responses 1 and 2 above. The Surgery Center is not being removed from the MTV project. Thus, this is not a substantial change to the MTV Project. The continued operation of the Surgery Center until Phase 5 is proposed for development was assumed in the 2008 EIR. Thus, this is not a substantial change with respect to the circumstances under which the project is undertaken. Because the Surgery Center is not being removed from the MTV Project, this is

not new information. Therefore, none of the CEQA Guidelines 15162 criteria for subsequent environmental review are triggered and no subsequent EIR is required.

Comment 8 – Substantial Conformance with Preliminary Development Plan Approval

The comment asserts that because the Surgery Center has been removed from the MTV Project, the Phase/Stage 1 FDP is not in substantial conformance with the approved preliminary development plan. Additionally, the comment asserts that the City cannot make the required findings for a PUD approval.

Response 8. As explained above, the Surgery Center has not been removed from the MTV Project. City staff evaluated the Phase/Stage 1 FDP application and found it substantially conforms to the approved PUD/preliminary development plan (see Approved November 3, 2010 Planning Commission Report (revised on 11/3/10). The PUD for the MTV Project was approved in 2008. This approval and its findings are no longer subject to challenge.

Comment 9 – Approval the Stage One VTTM

The comment asserts that the City cannot approve the VTTM because the Project is likely to cause serious public health and safety problems related to significant impacts on patients at the Surgery Center and the City's SCAs are not adequate.

Response 9. Please refer to Air Quality Master Response to Attachment A, Illingworth & Rodkin, letter dated December 21, 2010, below, which demonstrate that the approval of the VTTM will not cause any public health or safety problems for the Surgery Center patients.

Attachment A: Illingworth & Rodkin, letter dated December 21, 2010

This letter details the Surgery Center's specific air quality concerns. The letter presents concerns regarding acute impacts from increased dust and increased exposure to diesel particulate matter that would result based on the assertion that the MTV Project has been changed to eliminate the Surgery Center site and construction will occur immediately adjacent to the Surgery Center.

The following analysis provides a Master Response to the air quality issues raised.

Air Quality Master Response

As discussed above, the MTV Project has not been changed to eliminate the Surgery Center site. This comment also incorrectly states that the 2008 EIR did not identify any sensitive receptors adjacent to the Project and did not address localized impacts from construction equipment exhaust. The 2008 EIR air quality analysis identifies sensitive receptors and provides an analysis of construction-related air quality impacts.

The 2008 EIR states that the MTV Project would contribute to regional ozone emissions in the form of emissions from construction vehicles and would contribute to particulate matter emissions through construction vehicle emissions and the disturbance of soil within the project site during the construction period (p. 245). Additionally, an estimate of the construction emissions was prepared based on preliminary construction plans using the URBEMIS 2007 model. Table IV.D-6 (Draft EIR, p. 247) shows the construction emission model results.[7] The temporary construction-period air quality impacts (for all pollutants) were found to be less-than-significant with the implementation of both the City's air quality SCAs, including the standard and enhanced measures for dust control and the construction equipment measures (listed as listed as COA AIR-1 and AIR-2 in the 2008 EIR).

The MTV Project's potential effects on sensitive receptors are addressed on page 246 of the Draft EIR under subsection (5) "Exposure of sensitive receptors to substantial pollutant concentrations." The section describes sensitive receptors as facilities that house or attract children, the elderly, and people with illnesses or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are cited as examples of sensitive receptors. The 2008 EIR finds that construction of the project would temporarily increase localized emissions and that construction-period air quality impacts (for all pollutants), including impacts to sensitive resources, would be less-than-significant with implementation of the SCAs for dust control and construction equipment measures. (Draft EIR page 246.)

Although no new analysis is warranted under CEQA, a health risk assessment was undertaken to address the Surgery Center's concerns and confirm the EIR's finding that no significant impacts related to construction air quality concerns would occur (see, Health Risk Assessment, Exhibit C). The analysis considered a detailed construction equipment schedule for Phases 1 and 2 that was

[7] Since the certification of the 2008 EIR, the Bay Area Air Quality Management District (BAAQMD) has adopted new CEQA thresholds for construction emissions. None of the results listed in Table IV.D-6 exceed the new BAAQMD thresholds for construction emissions. BAAQMD CEQA Guidelines (June 2010), p.2-6. However, those guidelines do not apply here because the City commenced review of the Phase 1 FDP and the VTTM applications, including a review under CEQA to determine if any of the factors under CEQA Guidelines sections 15162 or 15163 were implicated CEQA review of Phase 1 commenced prior to February 2010.

provided by the project sponsor (see Exhibit I, Construction Equipment Schedule, dated January 28, 2011). The findings from this health risk assessment are summarized below.

A health risk assessment (HRA) was conducted to assess health related air quality impacts from construction on patients and workers at the Surgery Center. The HRA assessed the impacts from the Phase/Stage 1 FDP and the Phase/Stage 2 FDP construction activities, because the project sponsor has submitted to the City the Phase/Stage 2 FDP application. Using the detailed construction schedule and equipment list provided by the Keystone Development Group and a combination of the California Air Resources Board's URBEMIS 2007 and HARP models, a detailed HRA was developed. The URBEMIS 2007 model was used to translate the construction details into pollutant emissions rates. These emissions were then assigned locations on the MTV Project site corresponding with the construction phasing plan and within those areas, placed closer to the Surgery Center to maximize the predicted impact. The HARP model was then used to combine these emissions and local meteorological conditions into an air dispersion model to predict pollutant concentrations and corresponding health risk levels. To insure completeness, the health risk levels were determined not only for the patients and workers at the Surgery Center, but also for the residences adjacent to the project site. It is standard HRA methodology to assess only the outdoor risk levels, since the amount of protection afforded by buildings varies substantially. It is probable that the Surgery Center provides above average protection to patients and workers inside the building, however, this HRA does not attempt to quantify that protection.

The primary health concern is the short-term acute affects from the exhaust of the heavy-duty construction equipment operating in close proximity to the Surgery Center. However, there is also a longer term exposure to the workers at the Surgery Center, and possibly to patients of the Surgery Center. Although the Surgery Center does not have inpatient accommodations, this HRA includes the expected carcinogenic and chronic health risks to a patient staying not only overnight but doing so for the entire construction period. It is assumed that the workers stay 8 hours per day on average and continue to work at the Surgery Center for the entire construction period. The HRA conservatively assumes that doctors, nurses, and patients spend all day outside on the side of the Surgery Center building nearest to the construction activities. Based on these conservative assumptions, Table 1 shows the HRA results. The BAAQMD additionally requires that the long-term carcinogenic health risk results have age factors applied to account for the range of age groups in the general population. Table 2 shows the age groups, their adjustment factors, and the adjusted carcinogenic health risk level for someone staying at the Surgery Center for the full construction period, 24 hours a day or for residents of the nearby homes.

Table 1: Inhalation Health Risks from Construction Operations

Risk Category	Carcinogenic Inhalation Health Risk	Chronic Inhalation Health Index	Acute Inhalation Health Index	Threshold Exceeded
2-Year Patient Risks	0.24 in 1 million	0.0061	0.04	No
Worker Risks	0.047 in 1 million	0.0061	0.04	No
Residential Risks	0.24 in 1 million	0.0061	0.04	No
BAAQMD Threshold	10 in 1 million	1	1	

Source: LSA Associates, Inc., January 2011

Table 2: 70-Year Carcinogenic Age Group Adjustment

Risk Group	ASF	Duration	Carcinogenic Inhalation Health Risk
3rd Trimester to age 2 years	10	2.25/70	0.077 in a million
age 2 years to age 16 years	3	14/70	0.14 in a million
age 16 to 70 years	1	54/70	0.20 in a million
Adjusted 70 year lifetime risk			**0.41 in a million**
BAAQMD Threshold			**10 in a million**
Threshold Exceeded			**No**

Source: LSA Associates, Inc., January 2011

As shown on Tables 1 and 2 for both patients and workers at the Surgery Center, as well as nearby residents, construction operations would result in a maximum health risk level that is below the BAAQMD's criterion of significance (10 in 1 million) for cancer health effects and for chronic or acute health risks. While the Surgery Center patients may be uniquely sensitive to air pollution, these health risk levels are substantially below the BAAQMD's thresholds of significance, making it unlikely that anyone, even uniquely sensitive individuals, would experience a negative health effect.

Historically, the BAAQMD has used the criterion of 10 in 1 million to determine the risk for point sources such as emissions from industrial facilities. This threshold was developed for these kinds of emissions sources that operate continuously for decades. Applying this threshold to a relatively brief event, such as the construction of this project, is very conservative. Additionally, the BAAQMD has documented that the best management approach to fugitive dust emissions from construction activities is an effective approach that reduces fugitive dust from 30 percent to more than 90 percent. Through the City's SCA, which are listed as COA AIR-1 and AIR-2 in the

2008 EIR, the MTV Project must implement best management practices to reduce fugitive dust emissions.

Attachment B: Charles M Salter Associates, letter dated December 21, 2010

This letter details the Surgery Center's specific construction noise and vibration concerns and asserts that the project would result in potentially significant noise and vibration impacts. The concerns presented are based on the incorrect assertion that the MTV Project has been changed to eliminate the Surgery Center site.

Noise Master Response

The 2008 EIR, Section IV.E-7, Noise, includes a discussion of potential effects associated with sensitive receptors during both construction and operation periods and assumes that pile driving may be necessary. The analysis assumes that the MTV Project will be built in five phases, over a seven-year period (page 299) and that the Surgery Center property would be the last phase (page 70). Page 299 of Section IV.E-7, Noise, states:

> *Construction of the project is to occur over a seven-year period, beginning in 2009. During this period, a wide variety of construction remediation and demolition equipment would be used and materials would be transported to and from the site during each development phase.*

The 2008 EIR evaluated the increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site. The 2008 EIR found that the increase in traffic flow on the surrounding roads due to construction traffic would be minimal, but there would be short-term intermittent high noise levels associated with trucks arriving to and departing from the project site.

The 2008 EIR also evaluated noise generated by heavy equipment operating on the project site, including the potential for pile driving. The 2008 EIR found that construction-related noise associated with typical construction equipment would be 91 dBA Lmax at a distance of 50 feet and that sensitive land uses (or sensitive receptors) would be located within 50 feet of construction. For pile driving on the MTV Project site, the 2008 EIR found that sensitive receptors located within 50 feet of the MTV Project site could be exposed to maximum noise levels of up to 93 dBA Lmax. (Draft EIR p. 299)

The analysis found that the MTV Project construction-related noise effects would be reduced to less than significant with implementation of the City's SCAs for construction noise which are included in the 2008 EIR as: COA NOISE-1: Days/Hours of Construction Operation; COA NOISE-2:

Noise Control; COA NOISE-3: Noise Complaint Procedures; and COA NOISE-5: Pile Driving and Other Extreme Noise Generators.

As part of the process of preparing for construction of Phase/Stage 1 and Phase/Stage 2 and in compliance with COA NOISE-5, the project applicant retained an acoustical consultant to prepare a final noise plan based on the FDP submittal that details a set of site specific noise attenuation measures to ensure that maximum feasible noise attenuation will be achieved.[8] The plan (see Exhibit D) considers both Phase/Stage 1 and Phase/Stage 2 of the MTV Project and the associated construction equipment schedules provided by the project sponsor (see Exhibit I, Construction Equipment Schedule, dated January 28, 2011). The plan confirms that noise levels from construction activities would be reduced consistent with the requirements of COA-NOISE-5 with implementation of the noise conditions, including the best management practices outlined in COA NOISE 2 and the use of temporary sound walls in certain areas, consistent with the types of measures listed in the COA-NOISE-5, which states:

> *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:*
>
> *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.*

The noise reduction plan includes the following requirements, which will reduce the projected worst case hourly average construction noise levels at the closest receptor sites:

(1) Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue.

[8] Consistent with the requirements of COA-NOISE-5, which requires a noise plan that includes a set of site-specific noise attenuation measures based on the project's final design plans be submitted to the City for review and approval prior to the commencement of construction, the project sponsor will prepare and submit subsequent noise reduction plans for future phases once final design plans are available and construction is planned to commence.

(2) Prior to initiation of on-site construction-related earthwork activities, a minimum 6 foot high temporary sound barrier shall be erected along the project property line abutting the outpatient Surgery Center.

(3) These sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical and horizontal gaps are eliminated. These temporary barriers shall remain in place through the construction phase in which heavy equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks are operating within 150 feet of the edge of the construction site and the adjacent sensitive land uses.

These noise reduction strategies will ensure that construction noise during the loudest periods of construction for the Phase/Stage 1 and Phase/Stage 2 FDPs will be reduced as required by COA-NOISE-5. In addition, the Project contractor must also comply with all of the other noise reduction strategies in the COA-NOISE-1,-2,-3, and -4, which will further reduce construction noise impacts in the Project vicinity. The noise reduction plan also includes requirements for monitoring construction noise through measurements and for adjusting equipment use if the monitoring identifies construction noise that exceeds the City's thresholds.

Construction Vibration Master Response

The 2008 EIR acknowledged that construction activities could cause ground-borne vibration in the Project vicinity (see Draft EIR p. 300). Under the City's significance criteria, temporary vibration from construction work is not considered significant. The City's Standard Condition of Approval for vibration (listed as COA-NOISE-6, Vibration Adjacent Historic Structures, in the 2008 EIR) requires the project applicant to retain an appropriate professional to determine threshold levels of vibration that could damage nearby buildings and design means and methods of construction that would not exceed the thresholds.

Pursuant to the SCA, to respond to the Surgery Concerns, and to confirm that no significant impacts related to vibration would result from the MTV Project construction using the FTA criteria referenced by the Surgery Center, the project sponsor retained Wilson, Ihrig and Associates (WIA), experts in vibration analysis, to analyze the Construction Equipment Schedule (see Exhibit I) for Phases 1 and 2 (see Exhibit E, Vibration Memorandum). As part of the Construction Equipment Schedule, the Project Sponsor has committed to the use of reduced-vibratory construction methods, which would reduce the vibration generated by the construction activities to below the FTA thresholds proposed by the Surgery Center.

The WIA analysis confirms that anticipated vibration from construction activities for Phase 1 and 2 of the MTV Project would not exceed the FTA Category 1 criterion, which applies to buildings where vibration would interfere with interior operations, at the Surgery Center.

Pursuant to the SCA (see COA NOISE-6 in 2008 EIR), WIA recommends that (1) the contractors implement the Construction Equipment Schedule elements detailed in Exhibit I; and (2) vibration monitoring be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and to monitor the vibration at the facilities during the key periods of construction that are subject to vibration to verify that construction-related vibration is not exceeding the FTA category 1 criterion. The key periods of construction would occur when the equipment discussed above are in operation (e.g., vibratory roller compactor, vibrating plate compactors, and/or jumping jack). As part of compliance with COA NOISE-6, the project sponsor will be required to comply with these recommendations which will ensure the impact remains less than significant.

Conclusion

The Surgery Center letters do not raise any issues or contain any new information requiring the City to prepare a supplemental or subsequent EIR for the MTV Project Phase 1 FDP and VTTM as described in the Executive Summary above.

Exhibits

Exhibit A, MTV Project Site Location and Illustrative Plans
Exhibit B, Referenced Conditions of Approval
Exhibit C, Health Risk Assessment
Exhibit D, Noise Reduction Plan
Exhibit E, Vibration Memorandum
Exhibit F, Development Agreement, Section 3.3.3
Exhibit G, December 21 Letter from Surgery Center with comments enumerated
Exhibit H, Summary of Negotiations with the Surgery Center
Exhibit I, Construction Equipment Schedule

Exhibit A- Project Site Area and Surgery Center Location

EXHIBIT A

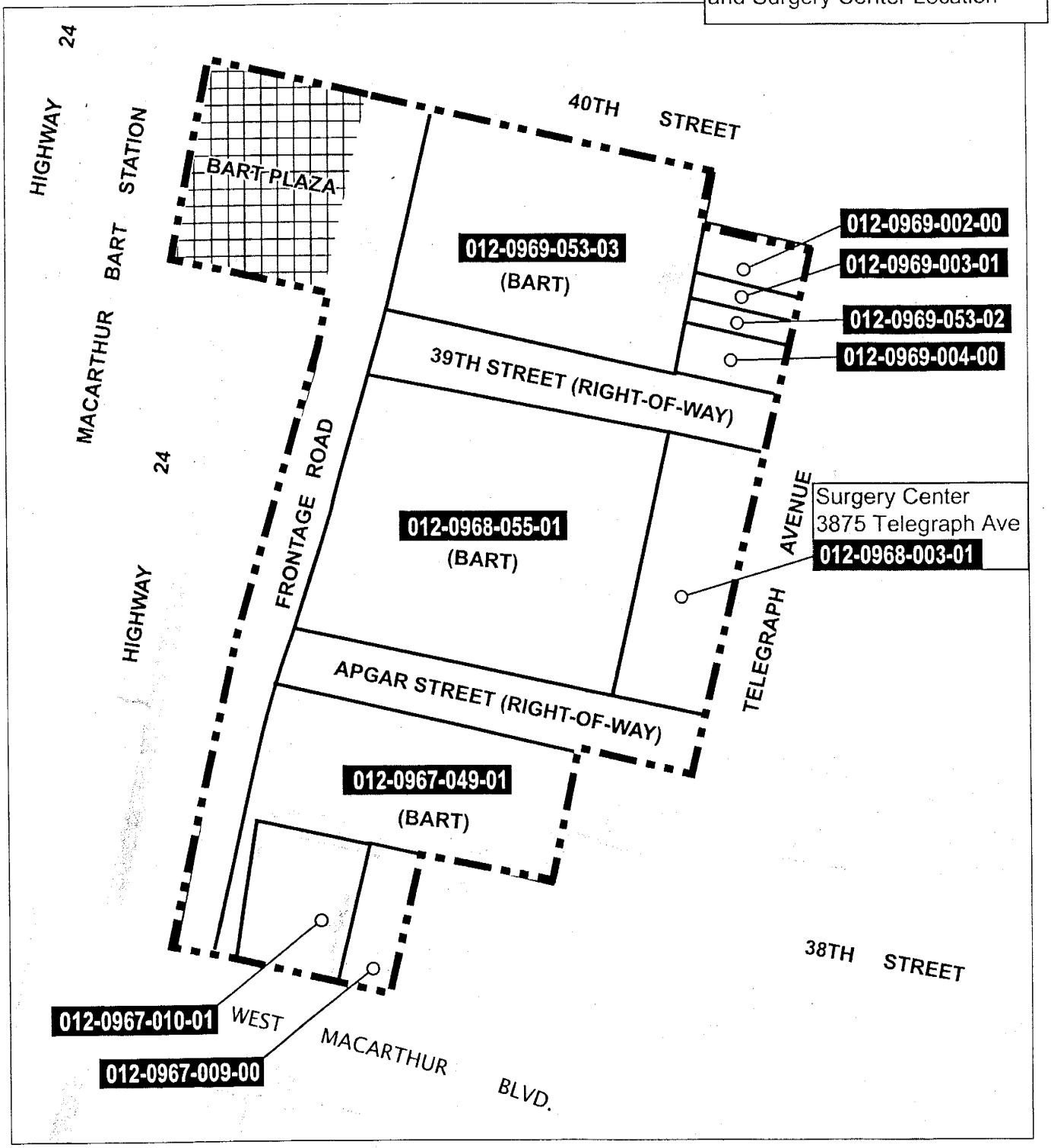


EXHIBIT A1

Legend

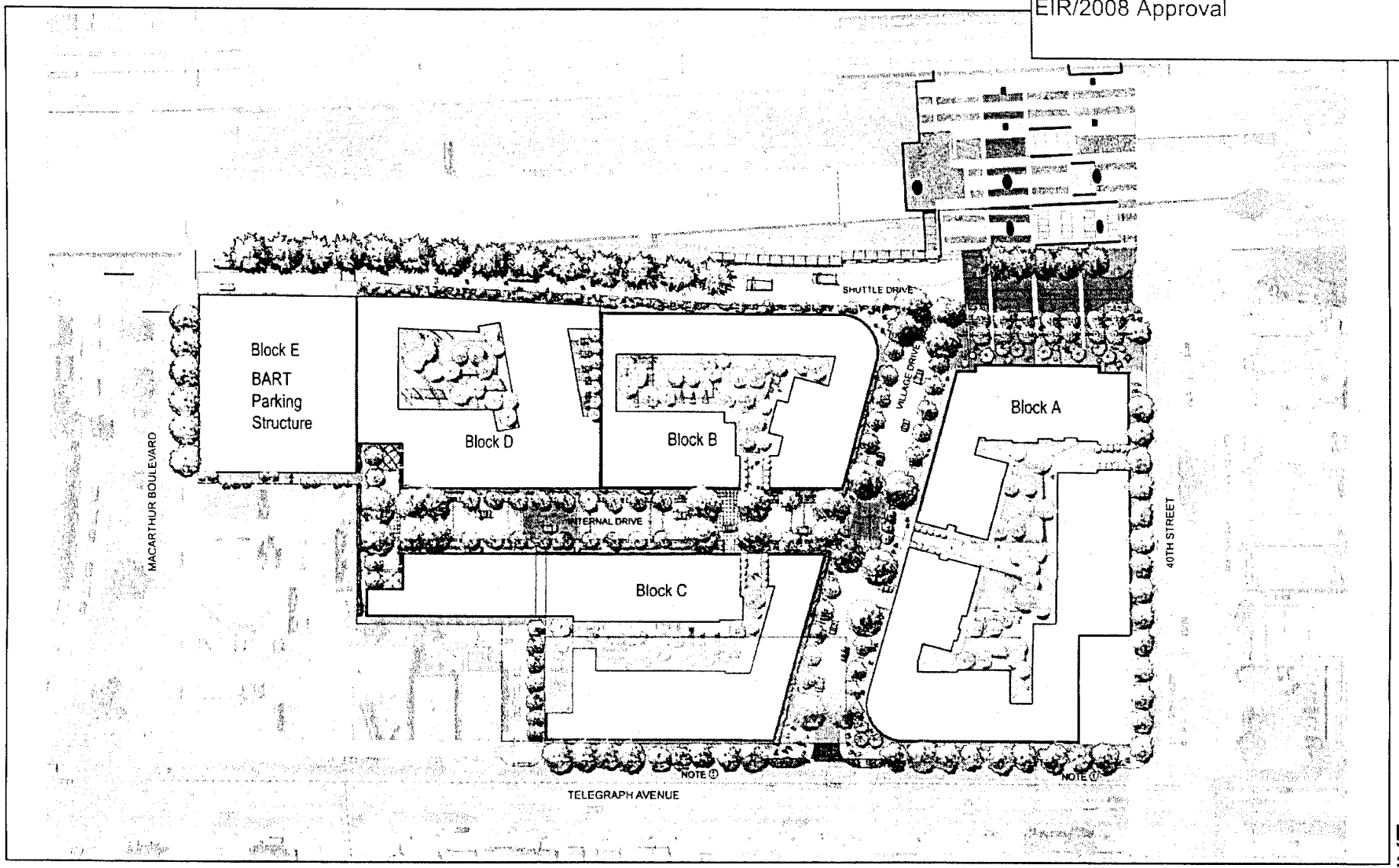
- Project site
- BART Plaza
- Parcel lines

0 75 150 feet

MacArthur Transit Village Project Site

SOURCE: CITY OF OAKLAND, 2006.

Exhibit A-2: Illustrative Plan from EIR/2008 Approval



Surgery Center Parcel

MacArthur Village Project EIR
Illustrative Site Plan 2008

EXHIBIT A

SOURCE: MACARTHUR TRANSIT COMMUNITY PARTNERS,LLC, 2007.

Exhibit A-3: Illustrative Plan
(updated to include Phase 1 and 2
FDPs, March 2011)

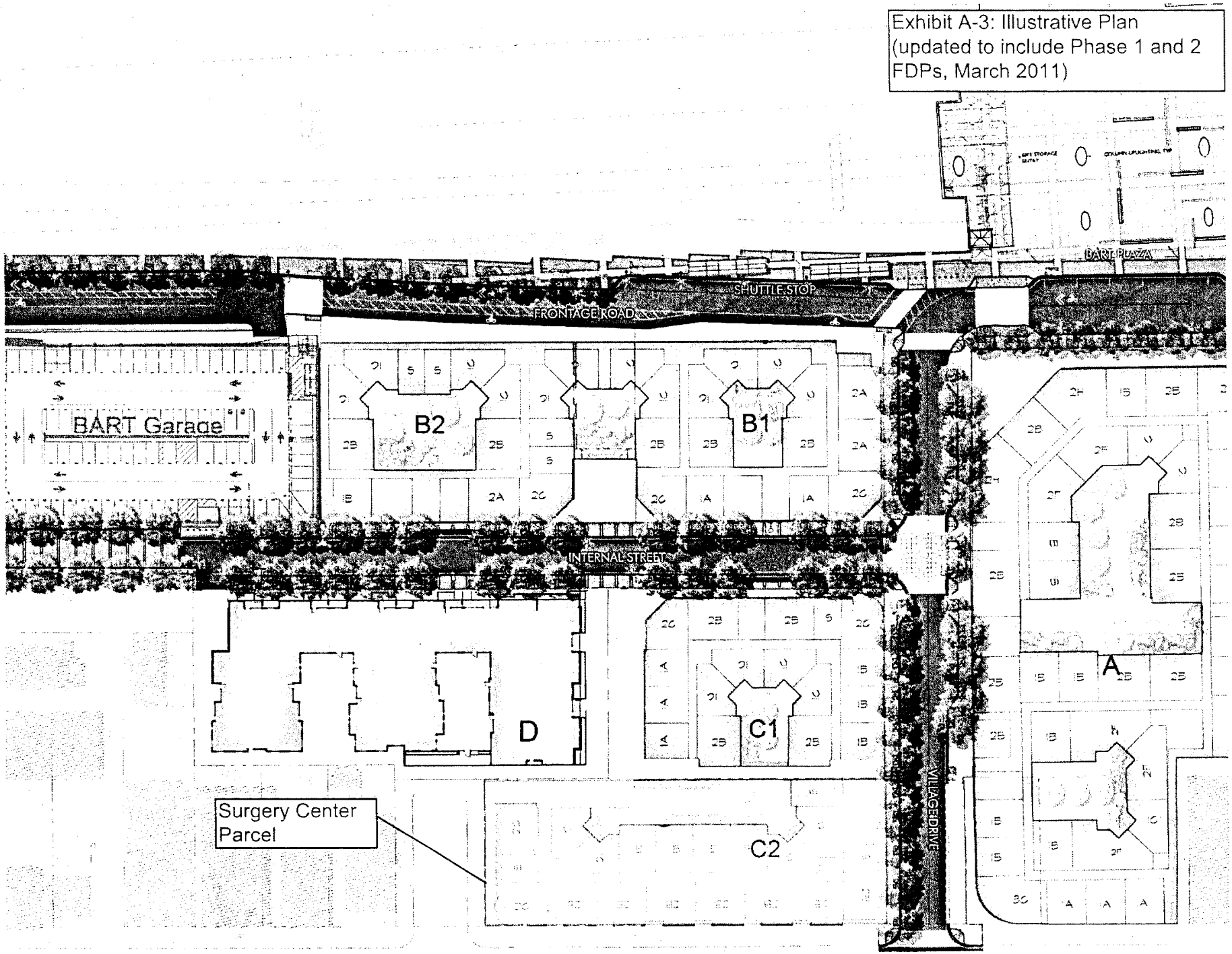


EXHIBIT A

Note: This exhibit only includes pages with conditions of approval referenced in the Surgery Center Letters Response Memorandum. See November 3, Planning Commission Report, dated November 3, 2010 (as amended and approved by the Planning Commission on 11/13/10)

EXHIBIT B

CONDITIONS OF APPROVAL FOR THE MACARTHUR TRANSIT VILLAGE PROJECT

Part 1: General Conditions of Approval

1. **Approved Use**

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans submitted on **May 28, 2008**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee. The project may however increase the number of permitted residential dwelling units up to a maximum of 675 dwelling units, as analyzed in the MacArthur Transit Village Project EIR provided that a) the ratio of affordable units (20% of market rate units) is maintained; and the resulting project design with the additional units shall conform in all major respects with the approved Preliminary Development Plan.

b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:

i. **Planned Unit Development (PUD), under Oakland Planning Code Chapters 17.122 and 17.140;**

ii. **Major Conditional Use Permit (CUP), under Oakland Planning Code Chapter 17.134; and**

iii. **Design Review, under Oakland Planning Code Chapter 17.136**

c) **This Approval shall not become effective unless the proposed legislative actions (rezoning and text amendment) occur as stated in Condition of Approval 20.**

2. **Effective Date, Expiration, Extensions and Extinguishment**

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two years** from the approval date, unless within such period all necessary permits for construction of Stage 1 (the BART Parking Garage) have been issued. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant two one-year extensions of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired. These time periods are "tolled" due to litigation challenging this approval and thus such time shall not be counted toward expiration of this approval. The Preliminary Development Plan Approval for the Planned Unit Development Permit shall expire June 4, 2018 and all Final Development Plan phases shall be reviewed and approved by that date (see below for details on FDP Staging).

Notwithstanding, the timeframes provided for in this Condition no. 2 the project sponsor shall, if feasible, make reasonable effort to proceed with all phases of the project as expeditiously as possible, and have the full build out of the project be completed as early as possible.

FDP Staging
Submittal of Final Development Plans (FDPs) shall be permitted in five (5) stages over a 10 year time period from the date of this approval, as detailed below.

(a) Each stage of FDP is described below:

i. Stage 1. Stage 1 FDP for the project will include the construction of Building E, the replacement BART parking garage, site remediation, Internal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Internal Drive. Stage 1 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 1 FDP within 1 year from the date of this approval. If approved, construction associated with Stage 1 FDP shall commence in earnest by not later than 2 years from the date of Stage 1 FDP approval.

ii. Stage 2. Stage 2 FDP for the project will include construction of Building D, consisting of a minimum of 90 below market rate rental units. Stage 2 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 2 FDP within 3 years from the date of this approval. If approved, construction associated with Stage 2 FDP shall commence in earnest by not later than 2 years from the date of Stage 2 FDP approval.

iii. Stage 3. Stage 3 FDP for the project will include construction of Building A, consisting of up to 240 ownership residential units and 26,000 square feet of commercial space. All street improvements, including the completion of Village Drive and any new traffic signals required by the project, will be completed in this phase. This phase will also include the completion of a public plaza directly across Frontage Road from the existing BART Plaza. Stage 3 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 3 FDP within 3 years from the date of this approval. If not feasible, Stage 3 FDP approval may be delayed up to a year. If approved, construction associated with Stage 3 FDP shall commence in earnest not later than 2 years from the date of Stage 3 FDP approval.

iv. Stage 4. Stage 4 FDP for the project will include the construction of Building B, consisting of up to 150 ownership residential units and 5,500 square feet of commercial space. Stage 4 FDP shall be submitted to the Planning Department for review and processing and the project applicant shall make regular and consistent progress toward approval of Stage 4 FDP within 8 years from the date of this approval. If approved, construction

associated with Stage 4 FDP shall commence in earnest not later than 2 years from the date of Stage 4 FDP approval.

v. Stage 5. Stage 5 FDP for the will include the construction of Building C, consisting of up to 195 ownership residential units and 12,500 square feet of commercial space. This phase will also include the construction of a community center use on the ground floor of Building C. Stage 5 FDP shall be submitted to the Planning Department for review and processing 10 years from the date of this approval. If approved, construction associated with Stage 5 FDP shall commence in earnest not later than 2 years from the date of Stage 5 FDP approval.

(b) For purposes of this conditions, the term "commence in earnest" shall mean to initiate activities based on a City-issued building permit and other necessary permit (s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward the completion of construction and the issuance of final certificate of occupancy, including successful completion of building inspections to keep the building permit and other permits active without the benefit of extension.

(c) Provided that Stage 1 and 2 FDPs are approved in accordance with the above time frames, the Developer shall have the discretion to change which buildings (A, B, or C) are constructed in which Stages (3, 4 or 5) provided that the FDP submittal dates for these stages remain the same. All other modifications to FDP staging shall be subject to review and approval by the Planning Commission.

(d) FDP Stages may be combined and reviewed prior to the outlined time frames. If each stage of FDP is not submitted/completed within the time frames outlined above, the PDP shall be considered null and void.

(e) If, subsequent to this approval, a Development Agreement for this project is adopted by the City, the phasing and construction timeframes prescribed within the Development Agreement shall supersede this condition of approval and govern construction phasing for the project.

3. **Scope of This Approval; Major and Minor Changes**
Ongoing
The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance to Approved Plans; Modification of Conditions or Revocation**
Ongoing
a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of the project sponsor obtaining site control, unless an earlier date is specified elsewhere.

b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved

accordance with the California Air Resources Board and the Office of Environmental Health and Hazard Assessment for exposure to vehicular exhaust from roadways, the project sponsor has agreed to incorporate into the project a mechanical ventilation system that meets the efficiency standard of the MERV 13 for those units with windows fronting the freeway or Frontage Road. The ventilations shall be subject to review and approval by the City's Building Services Division. Appropriate maintenance, operation and repair materials will be furnished to project residents.

25. **Components of Final Development Plans.**

Prior to approval of Any Final Development Plans

In accordance with the Planning Code Chapter 17.140, each stage of FDP shall:

(a) Conform to all major respects with the approved Preliminary Development Plan received by the Planning Division on May 28, 2008, and included as Exhibit F;

(b) Comply with development standards of the S-15 Zone, except and modified for building height as bonus for the Planned Unit Development and shown in the Preliminary Development Plan;

(c) Be consistent with the MacArthur Transit Village Design Guidelines included in these conditions as Exhibit C-3;

(d) Include all information included in the preliminary development plan plus the following:

i. the location of water, sewerage, and drainage facilities;
ii. detailed building floor plans, elevations and landscaping plans;
iii. the character and location of signs;
iv. plans for street improvements; and
v. grading or earth-moving plans.

(e) Be sufficiently detailed to indicate fully the ultimate operation and appearance of the development stage including the quality of exterior materials and windows; and

(f) Include copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall be submitted with each Final Development Plan.

26. **Subdivision Maps**

Prior to final approval of Each Final Development Plan

Final Development Plans shall be accompanied by subdivision maps as required to subdivide the property. The subdivision maps shall be reviewed and processed in accordance with Title 17, Subdivisions, of the City of Oakland Municipal Code and the Subdivision Map Act.

27. **Final Development Review and Approval by City Council.**

Prior to final approval of Any Final Development Plan

All Final Development Plan(s) shall be subject to review and recommendation by the Planning Commission's Design Review Committee and Planning Commission, with final approval by the City Council.

28. **Minimum Setback to Buildings Adjacent to Project Site.**

Prior to issuance of a building permit

All buildings within the project shall maintain a minimum 5 foot setback, except at the ground level, to existing buildings adjacent to the project site. The 5 foot minimum setback will ensure a minimum setback of 9 feet from the south windows located in the building light

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
D. AIR QUALITY					
COA AIR-1: Dust Control. *Prior to issuance of a demolition, grading, or building permit.* 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: **BASIC (Applies to ALL construction sites)** 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.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	• Make regular visits to the project site to ensure that all dust-control mitigation measures are being implemented. • Verify that a designated dust control coordinator is on-call during construction periods.		

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Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
g) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. 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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Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
COA AIR-2: Construction Emissions. *Prior to issuance of a demolition, grading, or building permit.* To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to: 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.	Prior to issuance of a demolition, grading, or building permit; and ongoing throughout construction	City of Oakland, CEDA, Building Services Division	Verify that all construction equipment meets mitigation measures.		
E. NOISE AND VIBRATION					
COA NOISE-1: Days/Hours of Construction Operation. *Ongoing throughout demolition, grading, and/or construction.* The project applicant shall require construction contractors to limit standard construction activities as follows: 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.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	Make regular visits to the construction site to ensure that construction activities are restricted the hours designated in COA NOISE-1.		

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Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
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.					
c) Construction activity shall not occur on Saturdays, with the following possible exceptions: • 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.					
d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.					

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Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
e) No construction activity shall take place on Sundays or Federal holidays. 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.					
COA NOISE-2: Noise Control. *Ongoing throughout demolition, grading, and/or construction.* 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: 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.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	• Verify that a site-specific noise reduction program has been prepared and implemented. • Make regular visits to the construction site to ensure that noise from construction activities is appropriately controlled.		

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Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
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.					
COA NOISE-3: Noise Complaint Procedures. *Ongoing throughout demolition, grading, and/or construction.* 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: 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;	Submit list prior to the issuance of a building permit; Ongoing throughout demolition, grading, and/or construction	City of Oakland, CEDA, Building Services Division	Verify the implementation of the list of measures to respond to and track complaints pertaining to construction noise.		

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Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
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.					
COA NOISE-4: Interior Noise. *Prior to issuance of a building permit.* If necessary to comply with the interior noise requirements of the City of Oakland 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 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: 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 widows can remain closed for prolonged periods of time to meet the interior noise standard and Uniform Building Code Requirements.	Submit noise recommend-ations prior to the issuance of a building permit for each phase of construction containing residential units Implement recommend ations according to timeframes outlined in plan	City of Oakland, CEDA, Building Services Division	Verify that appropriate sound-rated assemblies to reduce noise levels have been incorporated into the project building design.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
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.					
COA NOISE-5: Pile Driving and Other Extreme Noise Generators. *Ongoing throughout demolition, grading, and/or construction.* 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 determined by the Building Official and the deposit shall be submitted by the project applicant concurrent	Submit plan prior commencing construction activities involving pile driving or other extreme noise generators; Implement measures according to timeframes outlined in the plan	City of Oakland, CEDA, Building Services Division	• Verify that a plan for reducing extreme noise generating construction impacts has been prepared. • Verify that the plan will achieve the maximum feasible noise attenuation. • Verify that a special inspection deposit has been submitted.		

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
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: 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.					

EXHIBIT A

Mitigation Monitoring and Reporting Program

Standard COA/MM	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/ Initials
COA NOISE-6: Demolition/Construction Adjacent to Historic Structures. The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the buildings adjacent to the project site and design means and methods of construction that shall be utilized to not exceed the thresholds. Additionally, the project applicant shall submit a demolition plan for review and approval so as not to unduly impact neighboring property improvements particularly 505 40th Street. Neighboring property improvements within 10 of the project boundary shall be indicated on the demolition plan. The method of protection for any improvements within 5 feet of the project boundary shall be specifically addressed in the demolition plan. The applicant shall submit such engineering report and demolition plan and means of compliance with the engineering recommendations to the City (CEDA Building Services) for review and approval and implement the approved plan. f)	Prior to the issuance of a demolition, grading, or building permit for building A	City of Oakland, CEDA, Building Services Division	Verify that a structural engineer or other appropriate professional has determined the means and methods of construction will not exceed threshold levels of vibration that may damage buildings adjacent to the project site.		

EXHIBIT A

EXHIBIT A

LSA

LSA ASSOCIATES, INC.
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BERKELEY · CARLSBAD · FORT COLLINS · FRESNO · PALM SPRINGS · POINT RICHMOND · RIVERSIDE · ROCKLIN · SAN LUIS OBISPO · SOUTH SAN FRANCISCO

MEMORANDUM

DATE: March 11, 2011

TO: Joe McCarthy, Project Manager, and Art May, Development Director, MacArthur Transit Community Partners

FROM: Tony Chung and Ronald Brugger, LSA Associates, Inc.

SUBJECT: Response to Holland & Knight Comment Letter on the EIR for the MacArthur Transit Village Project in the City of Oakland, California.

LSA Associates, Inc. (LSA) has reviewed the comment letter provided by Holland & Knight dated December 21, 2010 on the MacArthur Transit Village Project. Although none of the criteria have been met or circumstances have occurred under CEQA Guidelines section 15162 that would require any additional environmental review with respect to the Project, we have prepared an analysis, including a health risk assessment, responding to the contentions in this letter. The scope of this analysis was to evaluate the air quality impacts associated with construction of the Phase 1 and Phase 2 Final Development Plans of the MacArthur Transit Village project (Phase 1 and 2 FDPs)[1] based on the Construction Equipment Schedule, dated January 28, 2011.

In summary our analysis demonstrates (1) as stated in the Project EIR, the City's Standard Conditions of Approval with respect to dust and diesel emissions will mitigate potential impacts on the Surgery Center; and (2) the project construction would not create a health risk for patients and employees of the Surgery Center. Our responses are provided below.

Comment: The Surgery Center states that the following impacts will occur from Project construction:

- Dust and diesel particulate matter impacts on respiratory and cardiovascular patients uniquely sensitive to air pollution.
- Dust contamination of sterile medical devices, and
- Diesel particulate matter and fume impacts on patients and employees at the Surgery Center, including headaches and nausea.

LSA Response: The MacArthur Transit Village EIR correctly analyzed the dust and diesel particulate matter emissions associated with Project construction. The Project is subject to the City's Standard Conditions of Approval for dust (SCA-AIR-1) and construction equipment (SCA-AIR2), which are designed to reduce any potential impacts to a less-than-significant level. The requirements of these Standard Conditions of Approval are consistent with the Bay Area Air Quality Management District's (BAAQMD) basic and enhanced construction mitigation measures that were in effect when the EIR was published and remain generally consistent with the BAAQMD's basic and additional construction

[1] These are the two FDPs applications currently on file with the City and the two construction phases of the MacArthur Transit Village Project that are anticipated to overlap to some extent and occur within the next two years. Consequently the effects of both of these construction phases are considered in this analysis.

mitigation measures in the 2010 BAAQMD CEQA Guidelines (page 2-6). Additionally, the Project EIR quantified the estimated construction emissions based on the phased construction schedule in Table IV.D-6 (EIR p.247). This Table confirms that the Project's unmitigated construction emissions are below the BAAQMD's 2010 CEQA Guidelines threshold's of significance for construction emissions. Consequently, there is no evidence to suggest that the Surgery Center would experience any significant adverse impacts related to dust and diesel emissions from the Project construction. The potential dust and diesel particulate matter emissions from the Project construction will be significantly reduced and controlled through implementation of SCA-AIR-1 and SCA-AIR-2. These conditions of approval protect the Surgery Center.

A health risk assessment (HRA) was conducted to more precisely assess the air quality impacts from construction on the project site to patients and workers at the Surgery Center. Using the detailed Construction Equipment Schedule, dated January 28, 2011, provided by the MacArthur Transit Community Partners (MTCP) and a combination of the California Air Resources Board's URBEMIS 2007 and HARP models, a very detailed HRA was developed. The URBEMIS 2007 model was used to translate the construction details into pollutant emissions rates. These emissions were then assigned locations on the project site corresponding with the construction phasing plan and within those areas, placed closer to the Surgery Center to maximize the predicted impact. The HARP model was then used to combine these emissions and local meteorological conditions into an air dispersion model to predict pollutant concentrations and corresponding health risk levels. It is standard HRA methodology to assess only the outdoor risk levels, since the amount of protection afforded by buildings vary substantially. It is probable that the Surgery Center provides above average protection to patients and workers within, however, this HRA does not attempt to quantify that protection. Thus, this HRA assumes that the exposure occurs for the standard California-recommended 24 hours per day, 7 days per week, 240 days per year.

The primary health concern is the short-term acute affects from the exhaust of the heavy-duty construction equipment operating in close proximity to the Surgery Center. However, there is also the potential for a longer term exposure to the workers at the Surgery Center, and possibly to patients of the Surgery Center. The Surgery Center currently provides ambulatory care, performing outpatient surgeries and nursing care. It does not have inpatient accommodations. However, since this project has no control over how the Surgery Center operates, this HRA also includes the predicted carcinogenic and chronic health risks to a patient staying not only overnight, but doing so for the entire construction period. It is assumed that the Surgery Center workers stay 8 hours per day on average and continue to work at the Surgery Center for the entire construction period. To insure completeness, the health risk levels were determined not only for the patients and workers at the Surgery Center, but also for the homes surrounding the project site. Again, the HRA assumes the doctors, nurses and patients all spend all day outside on the side of the Surgery Center building nearer to the construction activities. Table 1 shows the HRA results.

Table 1: Inhalation Health Risks from Construction Operations

Risk Category	Carcinogenic Inhalation Health Risk	Chronic Inhalation Health Index	Acute Inhalation Health Index	Threshold Exceeded ?
2-Year Patient Risks	0.24 in 1 million	0.0061	0.040	No
Worker Risks	0.047 in 1 million	0.0061	0.040	No
Residential Risks	0.24 in 1 million	0.0061	0.040	No
BAAQMD Threshold	10 in 1 million	1	1	

Source: LSA Associates, Inc., February 2011

The BAAQMD additionally requires that the long-term carcinogenic health risk results have age factors applied to account for the range of age groups in the general population. Table 2 shows the age groups, their adjustment factors, and the adjusted carcinogenic health risk level for someone staying at the Surgery Center for the full construction period 24 hours a day or for residents of the nearby homes.

Table 2: 70-Year Carcinogenic Age Group Adjustment

Risk Group	ASF	Duration	Carcinogenic Inhalation Health Risk
3rd Trimester to age 2 years	10	2.25/70	0.077 in a million
age 2 years to age 16 years	3	14/70	0.14 in a million
age 16 to 70 years	1	54/70	0.20 in a million
Adjusted 70 year lifetime risk			**0.41 in a million**
BAAQMD Threshold			**10 in a million**
Threshold Exceeded ?			**No**

Source: LSA Associates, Inc., February 2011

This HRA completely assessed health risk levels; however, there is no quantitative method to predict fume impacts. Since there is a correlation between pollutant concentrations and the resulting odor, it is logical to conclude that since the HRA shows very low concentrations of pollutants there will not be a odor impact.

CONCLUSIONS

As shown in Tables 1 and 2 for both patients and workers at the Surgery Center, as well as to nearby residents, construction operations would result in a maximum health risk level that is below the BAAQMD's criterion of significance for cancer health effects (10 in 1 million), and for chronic or acute health risks. While the Surgery Center patients may be uniquely sensitive to air pollution, these health risk levels are substantially below the BAAQMD thresholds of significance, making it unlikely that anyone, even uniquely sensitive individuals, would experience a negative health effect.

Historically, the BAAQMD has used the criterion of 10 in 1 million to determine the risk for point sources such as emissions from industrial facilities. This threshold was developed for these kinds of emissions sources that operate continuously for decades. Applying this threshold to a relatively brief event, such as the construction of this project, is very conservative. Additionally, the BAAQMD has documented that the average ambient air in the San Francisco Bay area has pollutant levels such that everyone living there has a carcinogenic health risk of 602 in 1 million.[2] The increase in health risk to the patients and workers at the Surgery Center is so small that no real difference would be detectable.

[2] Bay Area Air Quality Management District. 2004. *Toxic Air Contaminant Control Program, Annual Report 2002*. June.

Dust control is a major concern of the BAAQMD for all construction operations. As described on page D-47 of the BAAQMD CEQA Guidelines: "For fugitive dust emissions, the BAAQMD recommends following the current best management practices approach which has been a pragmatic and effective approach to the control of fugitive dust emissions. Studies have demonstrated (Western Regional Air Partnership, U.S.EPA) that the application of best management practices at construction sites have significantly controlled fugitive dust emissions. Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. In the aggregate best management practices will substantially reduce fugitive dust emissions from construction sites. These studies support staff's recommendation that projects implementing construction best management practices will reduce fugitive dust emissions to a less than significant level." This project is committed to follow all best management practices to minimize fugitive dust impacts.

Whether a particular odor is objectionable can be very subjective. Odors rarely have direct health impacts, but they can be very unpleasant and can lead to anger and concern over possible health effects among the public. The current BAAQMD odor impact threshold is five confirmed complaints per year over a three year period. This project will be sensitive to odor complaints and make all efforts to minimize odor impacts.

Attachment: HRA Worksheets and modeling files

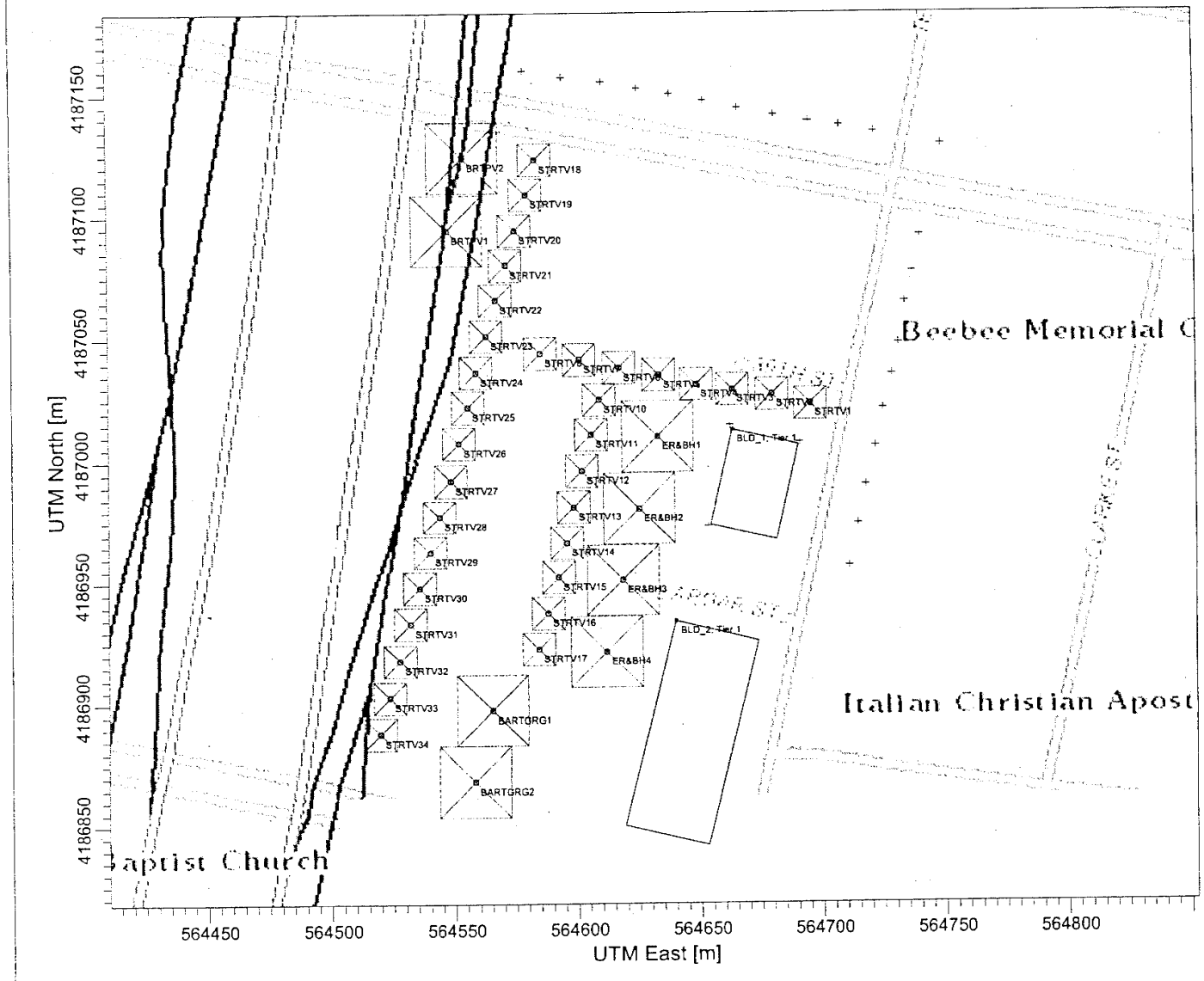
EXHIBIT A

HRA Worksheets and Modeling Files

EXHIBIT C

PROJECT TITLE:

MacArthur BART HEALTH RISK ASSESSMENT
Construction Emissions



COMMENTS:

Green pluses represent receptors, large blue rectangles represent buildings, squares with cross inside represent volume sources

SOURCES:

41

RECEPTORS:

25

COMPANY NAME:

LSA Associates, Inc.

MODELER:

Ronald Brugger

DATE:

2/11/2011

SCALE: 1:2,492

0 0.05 km

LSA

PROJECT NO.:

MTC1101

P:\MTC1101\Modeling\MacBExh.isc

AERMOD View - Lakes Environmental Software

EXHIBIT A

EXHIBIT C

```
**
**************************************
**
** ISCST3 Input Produced by:
** AERMOD View Ver. 6.7.1
** Lakes Environmental Software Inc.
** Date: 1/31/2011
** File: P:\MTC1101\Modeling\MacBExh.INP
**
**************************************
**
**
**************************************
** ISCST3 Control Pathway
**************************************
**
**
CO STARTING
   TITLEONE MacArthur BART HEALTH RISK ASSESSMENT
   TITLETWO Construction Emissions
   MODELOPT DFAULT CONC  URBAN
   AVERTIME 1 PERIOD
   POLLUTID OTHER
   TERRHGTS ELEV
   RUNORNOT RUN
   ERRORFIL P:\MTC1101\Modeling\MacBExh.err
CO FINISHED
**
**************************************
** ISCST3 Source Pathway
**************************************
**
**
SO STARTING
** Source Location **
** Source ID - Type - X Coord. - Y Coord. **
   LOCATION STRTV1 VOLUME 564695.209 4187022.782 24.000
** DESCRSRC Street Volume 1
   LOCATION STRTV2 VOLUME 564679.514 4187026.655 24.020
** DESCRSRC Street Volume 2
   LOCATION STRTV3 VOLUME 564663.360 4187028.711 24.000
** DESCRSRC Street Volume 3
   LOCATION STRTV4 VOLUME 564648.616 4187030.784 24.000
** DESCRSRC Street Volume 4
   LOCATION STRTV5 VOLUME 564633.397 4187034.742 24.000
** DESCRSRC Street Volume 5
   LOCATION STRTV6 VOLUME 564617.260 4187037.732 23.870
** DESCRSRC Street Volume 6
   LOCATION STRTV7 VOLUME 564601.141 4187041.147 23.630
** DESCRSRC Street Volume 7
   LOCATION STRTV8 VOLUME 564585.446 4187043.747 23.440
** DESCRSRC Street Volume 8
   LOCATION ER&BH1 VOLUME 564632.800 4187009.549 23.600
** DESCRSRC Parcel B - Volume 1
   LOCATION ER&BH4 VOLUME 564611.907 4186921.223 22.490
** DESCRSRC Parcel D - Volume 1
   LOCATION ER&BH3 VOLUME 564618.532 4186950.710 23.000
** DESCRSRC Parcel D - Volume 2
   LOCATION ER&BH2 VOLUME 564625.190 4186980.147 23.090
** DESCRSRC Parcel D - Volume 3
   LOCATION BARTGRG2 VOLUME 564558.236 4186868.277 21.710
** DESCRSRC Parcel E - Volume 1
   LOCATION BARTGRG1 VOLUME 564565.370 4186897.289 22.000
** DESCRSRC Parcel E - Volume 2
   LOCATION STRTV10 VOLUME 564609.162 4187024.699 23.450
```

EXHIBIT A

EXHIBIT C

```
** DESCRSRC Street Volume 10
   LOCATION STRTV11 VOLUME 564605.833 4187010.431 23.200
** DESCRSRC Street Volume 11
   LOCATION STRTV12 VOLUME 564602.028 4186995.687 23.000
** DESCRSRC Street Volume 12
   LOCATION STRTV13 VOLUME 564598.699 4186980.943 23.000
** DESCRSRC Street Volume 13
   LOCATION STRTV14 VOLUME 564595.845 4186966.200 23.000
** DESCRSRC Street Volume 14
   LOCATION STRTV15 VOLUME 564592.516 4186951.931 22.910
** DESCRSRC Street Volume 15
   LOCATION STRTV16 VOLUME 564588.236 4186937.187 22.940
** DESCRSRC Street Volume 16
   LOCATION STRTV17 VOLUME 564584.431 4186922.444 22.380
** DESCRSRC Street Volume 17
   LOCATION BRTPV1 VOLUME 564547.773 4187094.190 23.620
** DESCRSRC BART Plaza - Volume 1
   LOCATION BRTPV2 VOLUME 564554.431 4187124.153 24.000
** DESCRSRC BART Plaza - Volume 2
   LOCATION STRTV18 VOLUME 564583.917 4187123.203 24.000
** DESCRSRC Street Volume 18
   LOCATION STRTV19 VOLUME 564580.112 4187108.935 24.000
** DESCRSRC Street Volume 19
   LOCATION STRTV20 VOLUME 564575.356 4187094.191 24.000
** DESCRSRC Street Volume 20
   LOCATION STRTV21 VOLUME 564571.551 4187079.923 23.880
** DESCRSRC Street Volume 21
   LOCATION STRTV22 VOLUME 564567.271 4187065.655 23.310
** DESCRSRC Street Volume 22
   LOCATION STRTV23 VOLUME 564563.466 4187050.911 23.030
** DESCRSRC Street Volume 23
   LOCATION STRTV24 VOLUME 564559.185 4187036.167 23.000
** DESCRSRC Street Volume 24
   LOCATION STRTV25 VOLUME 564555.856 4187021.899 23.000
** DESCRSRC Street Volume 25
   LOCATION STRTV26 VOLUME 564552.051 4187007.155 23.000
** DESCRSRC Street Volume 26
   LOCATION STRTV27 VOLUME 564548.722 4186991.936 22.890
** DESCRSRC Street Volume 27
   LOCATION STRTV28 VOLUME 564543.966 4186977.192 22.550
** DESCRSRC Street Volume 28
   LOCATION STRTV29 VOLUME 564540.161 4186962.448 22.130
** DESCRSRC Street Volume 29
   LOCATION STRTV30 VOLUME 564535.880 4186947.704 22.070
** DESCRSRC Street Volume 30
   LOCATION STRTV31 VOLUME 564532.076 4186932.960 22.000
** DESCRSRC Street Volume 31
   LOCATION STRTV32 VOLUME 564527.795 4186917.741 22.000
** DESCRSRC Street Volume 32
   LOCATION STRTV33 VOLUME 564523.515 4186902.521 21.830
** DESCRSRC Street Volume 33
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** DESCRSRC Street Volume 34
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   SRCPARAM STRTV4 1.0 1.000 3.098 0.465
   SRCPARAM STRTV5 1.0 1.000 3.098 0.465
   SRCPARAM STRTV6 1.0 1.000 3.098 0.465
   SRCPARAM STRTV7 1.0 1.000 3.098 0.465
   SRCPARAM STRTV8 1.0 1.000 3.098 0.465
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   SRCPARAM ER&BH4 1.0 1.000 6.744 0.930
   SRCPARAM ER&BH3 1.0 1.000 6.744 0.930
```

EXHIBIT A

EXHIBIT C

```
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SRCPARAM BARTGRG2 1.0 1.000 6.744 0.930
SRCPARAM BARTGRG1 1.0 1.000 6.744 0.930
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SRCPARAM STRTV11 1.0 1.000 3.098 0.465
SRCPARAM STRTV12 1.0 1.000 3.098 0.465
SRCPARAM STRTV13 1.0 1.000 3.098 0.465
SRCPARAM STRTV14 1.0 1.000 3.098 0.465
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SRCPARAM STRTV16 1.0 1.000 3.098 0.465
SRCPARAM STRTV17 1.0 1.000 3.098 0.465
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SRCPARAM STRTV33 1.0 1.000 3.098 0.465
SRCPARAM STRTV34 1.0 1.000 3.098 0.465
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SRCGROUP ER&BH4 ER&BH4
SRCGROUP ER&BH3 ER&BH3
SRCGROUP ER&BH2 ER&BH2
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SRCGROUP STRTV3 STRTV3
SRCGROUP STRTV30 STRTV30
SRCGROUP STRTV31 STRTV31
SRCGROUP STRTV32 STRTV32
SRCGROUP STRTV33 STRTV33
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EXHIBIT A

```
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   SRCGROUP STRTV6 STRTV6
   SRCGROUP STRTV7 STRTV7
   SRCGROUP STRTV8 STRTV8
SO FINISHED
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** ISCST3 Receptor Pathway
**********************************
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   DISCCART    564653.21   4186972.86   23.06
   DISCCART    564690.85   4187007.06   24.00
   DISCCART    564579.46   4187159.86   24.23
   DISCCART    564595.32   4187157.15   24.29
   DISCCART    564611.18   4187155.33   24.74
   DISCCART    564625.68   4187152.62   24.97
   DISCCART    564638.81   4187150.35   25.00
   DISCCART    564652.41   4187147.63   25.00
   DISCCART    564666.45   4187144.46   25.00
   DISCCART    564681.40   4187141.74   25.02
   DISCCART    564695.44   4187139.02   25.26
   DISCCART    564708.13   4187137.21   25.66
   DISCCART    564722.17   4187134.49   25.75
   DISCCART    564749.36   4187129.51   26.00
   DISCCART    564740.30   4187091.91   25.06
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   DISCCART    564724.89   4187020.78   24.24
   DISCCART    564721.72   4187005.38   24.10
   DISCCART    564717.64   4186989.52   24.00
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   ANEMHGHT 10 METERS
   SURFDATA 23230 1978 OAKLAND/WSO_AP
   UAIRDATA 23230 1978 OAKLAND/WSO_AP 569300.00 4172700.00
ME FINISHED
**
**********************************
** ISCST3 Output Pathway
**********************************
**
**
OU STARTING
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   RECTABLE 1 1ST
** Auto-Generated Plotfiles
** Plotfile Path: P:\MTC1101\Modeling\MACBEXH.IS\
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EXHIBIT C

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PLOTFILE 1 STRTV28 1ST 01H1G029.PLT
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PLOTFILE 1 STRTV31 1ST 01H1G033.PLT
PLOTFILE PERIOD STRTV31 PE00G033.PLT
```

EXHIBIT A

EXHIBIT C

```
   PLOTFILE 1 STRTV32 1ST 01H1G034.PLT
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   PLOTFILE 1 STRTV33 1ST 01H1G035.PLT
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   PLOTFILE 1 STRTV7 1ST 01H1G040.PLT
   PLOTFILE PERIOD STRTV7 PE00G040.PLT
   PLOTFILE 1 STRTV8 1ST 01H1G041.PLT
   PLOTFILE PERIOD STRTV8 PE00G041.PLT
OU FINISHED
**
****************************************
** Project Parameters
****************************************
** PROJCTN  CoordinateSystemUTM
** DESCPTN  UTM: Universal Transverse Mercator
** DATUM    North American Datum 1983
** DTMRGN   CONUS
** UNITS    m
** ZONE     10
**
```

EXHIBIT A

EXHIBIT C

LSA Associates, Inc.

URBEMIS 2007 Annual Construction Emissions Rates

MTC1101

				PM10 Exhaust	ROG
2011				0.210069899	0.777930779
	Demolition 03/03/2011-03/31/2011	Motel Demo	BART Garage	0.011815347	0.024744268
	Mass Grading 04/01/2011-05/31/2011	Environmental Remediation	ER&BH	0.031206026	0.063550874
	Mass Grading 05/01/2011-05/31/2011	BART Garage - Earthwork	BART Garage	0.005756416	0.010915693
	Trenching 06/01/2011-06/30/2011	BART Garage - Piles	BART Garage	0.008540256	0.016372634
	Trenching 06/01/2011-08/31/2011	BART Garage - Grade Beams / Pile Caps	BART Garage	0.029798098	0.047941697
	Demolition 07/01/2011-08/31/2011	Frontage Road - Demo & Earthwork	Street Vols 18-34	0.017847907	0.035941638
	Trenching 08/01/2011-09/30/2011	Frontage Road - Utilities	Street Vols 18-34	0.006552109	0.01258851
	Asphalt 09/01/2011-12/31/2011	BART Garage - Vertical Concrete	BART Garage	0.054765691	0.07922191
	Demolition 09/01/2011-09/30/2011	BART Plaza - Demo	BART Plaza	0.006802976	0.013167806
	Asphalt 10/01/2011-10/31/2011	BART Plaza - Concrete	BART Plaza	0.002212237	0.006062875
	Asphalt 10/01/2011-11/30/2011	Frontage Road - Paving & Sidewalks	Street Vols 18-34	0.017414164	0.031185679
	Trenching 10/01/2011-11/30/2011	W. MacArthur - Utilities	Street Vols 18-34	0.006260904	0.012029021
	Coating 11/01/2011-03/31/2012	BART Garage - Exterior Skin	BART Garage	0.000142053	0.399894425
	Fine Grading 11/01/2011-11/30/2011	BRiDGE - Earthwork	ER&BH	0.006486542	0.013681873
	Asphalt 12/01/2011-02/28/2012	BRiDGE - Concrete	ER&BH	0.002151591	0.004280295
	Asphalt 12/01/2011-12/31/2011	W. MacArthur - Concrete	Street Vols 18-34	0.002317581	0.006351583
2012				0.09	1.10
	Asphalt 12/01/2011-02/28/2012	BRiDGE - Concrete	ER&BH	0.004216838	0.00847455
	Coating 11/01/2011-03/31/2012	BART Garage - Exterior Skin	BART Garage	0.000210533	0.885031083
	Demolition 01/01/2012-01/31/2012	BART Plaza - Demo	BART Plaza	0.006742369	0.013505804
	Asphalt 02/01/2012-02/28/2012	BART Plaza - Concrete	BART Plaza	0.002146619	0.006132647
	Building 02/01/2012-03/31/2012	BART Garage - Sitework	BART Garage	0.024589458	0.077750154
	Fine Grading 04/01/2012-05/31/2012	Internal Streets & Village - Earthwork	Street Vols 1-16	0.016886366	0.033507655
	Trenching 09/01/2012-11/30/2012	Internal Streets & Village - Utilties	Street Vols 1-16	0.031723811	0.060486488
	Asphalt 11/01/2012-01/30/2013	Internal Streets & Village - Paving & Sidewall	Street Vols 1-16	0.005711218	0.01110517
2013				0.00	0.01
	Asphalt 11/01/2012-01/30/2013	Internal & Village - Paving & Sidewalks	Street Vols 1-16	0.003006187	0.00589604
			total	0.305303299	1.87982036938142

EXHIBIT A

EXHIBIT C

MTC1101

LSA Associates, Inc.

Translating Base PM10 and ROG Emissions Rates to Toxic Compound Emissions Rates

Construction Area	Number of modeling sources	URBEMIS PM10 tons/year	URBEMIS ROG tons/year	Years of Construction
BART Garage	2	0.135617852	1.541871863	2
EvRem & BRiDGE	4	0.044060998	0.089987592	2
BART Plaza	2	0.017904201	0.038869131	2
Internal Street	16	0.057327581	0.110995353	2
Frontage Rd	17	0.050392666	0.09809643	2
	41	0.305303299	1.879820369	

Annual Emissions (lb/year)

	PM10	1,3-butadiene	acetaldehyde	benzene	ethylbenzene	formaldehyde	methanol	mek	naphthalene	styrene	toluene	xylene
BART Garage	3.875	8.37E-02	3.24	0.882	0.134	6.48	0.0132	0.651	0.0374	0.0256	0.649	0.269
EvRem & BRiDGE	0.629	2.44E-03	0.0945	0.0257	0.00392	0.189	3.86E-04	0.019	0.00109	7.46E-04	0.0189	0.00785
BART Plaza	0.512	2.11E-03	0.0817	0.0222	0.00339	0.163	3.33E-04	0.0164	9.44E-04	6.44E-04	0.0164	0.00679
Internal Street	0.205	7.53E-04	0.0291	0.00793	0.00121	0.0583	1.19E-04	0.00586	3.37E-04	2.30E-04	0.00584	0.00242
Frontage Rd	0.169	6.26E-04	0.0242	0.0066	0.00101	0.0485	9.89E-05	0.00487	2.80E-04	1.91E-04	0.00486	0.00201

	Construction days/year	Construction hours/day
BART Garage	250	8
EvRem & BRiDGE		
BART Plaza		
Internal Street		
Frontage Rd		

Hourly Emissions (lb/hr)

	PM10	1,3-butadiene	acetaldehyde	benzene	ethylbenzene	formaldehyde	methanol	mek	naphthalene	styrene	toluene	xylene
BART Garage	1.94E-03	4.19E-05	1.62E-03	4.41E-04	6.70E-05	3.24E-03	6.60E-06	3.26E-04	1.87E-05	1.28E-05	3.25E-04	1.35E-04
EvRem & BRiDGE	3.15E-04	1.22E-06	4.73E-05	1.29E-05	1.96E-06	9.45E-05	1.93E-07	9.50E-06	5.45E-07	3.73E-07	9.45E-06	3.93E-06
BART Plaza	2.56E-04	1.06E-06	4.09E-05	1.11E-05	1.70E-06	8.15E-05	1.67E-07	8.20E-06	4.72E-07	3.22E-07	8.20E-06	3.40E-06
Internal Street	1.02E-04	3.77E-07	1.46E-05	3.97E-06	6.05E-07	2.92E-05	5.95E-08	2.93E-06	1.69E-07	1.15E-07	2.92E-06	1.21E-06
Frontage Rd	8.47E-05	3.13E-07	1.21E-05	3.30E-06	5.05E-07	2.43E-05	4.95E-08	2.44E-06	1.40E-07	9.55E-08	2.43E-06	1.01E-06

Speciation Profile #818	
1,3-butadiene	0.0019
acetaldehyde	0.07353
benzene	0.02001
ethylbenzene	0.00305
formaldehyde	0.14714
methanol	0.0003
mek	0.01477
naphthalene	0.00085
styrene	0.00058
toluene	0.01473
xylene	0.00611

From the ARB website: Speciation Profiles Used in ARB Modeling
http://www.arb.ca.gov/ei/speciate/dnldopt.htm#specprof
downloaded 10/14/2010

EXHIBIT A

EXHIBIT C

This file: P:\MTC1101\Modeling\Rep_Can_70yr_Inh_AllRec_AllSrc_AllCh_ByRec_Site.txt

Created by HARP Version 1.4d Build 23.09.07
Uses ISC Version 99155
Uses BPIP (Dated: 04112)
Creation date: 2/1/2011 1:11:46 PM

EXCEPTION REPORT
(there have been no changes or exceptions)

INPUT FILES:
Source-Receptor file: P:\MTC1101\Modeling\MACBEXH.SRC
Averaging period adjustment factors file: not applicable
Emission rates file: EmRates.ems
Site parameters file: P:\MTC1101\Modeling\project.sit

Coordinate system: UTM NAD83

Screening mode is OFF

Exposure duration: 70 year (adult resident)
Analysis method: 80th Percentile Point Estimate (inhalation pathway only)
Health effect: Cancer Risk
Receptor(s): All
Sources(s): All
Chemicals(s): All

SITE PARAMETERS

Inhalation only. Site parameters not applicable.

CHEMICAL CROSS-REFERENCE TABLE AND BACKGROUND CONCENTRATIONS

CHEM	CAS	ABBREVIATION	POLLUTANT NAME	BACKGROUND (ug/m^3)
0001	9901	DieselExhPM	Diesel engine exhaust, particulate matter (Diesel PM)	0.000E+00
0002	106990	1,3-Butadiene	1,3-Butadiene	0.000E+00
0003	75070	Acetaldehyde	Acetaldehyde	0.000E+00
0004	71432	Benzene	Benzene	0.000E+00
0005	100414	Ethyl Benzene	Ethyl benzene	0.000E+00
0006	50000	Formaldehyde	Formaldehyde	0.000E+00
0007	67561	Methanol	Methanol	0.000E+00
0008	78933	MEK	Methyl ethyl ketone (2-Butanone)	0.000E+00
0009	91203	Naphthalene	Naphthalene	0.000E+00
0010	100425	Styrene	Styrene	0.000E+00
0011	108883	Toluene	Toluene	0.000E+00
0012	1330207	Xylenes	Xylenes (mixed)	0.000E+00

CHEMICAL HEALTH VALUES

CHEM	CAS	ABBREVIATION	CancerPF(Inh) (mg/kg-d)^-1	CancerPF(Oral) (mg/kg-d)^-1	ChronicREL(Inh) ug/m^3	ChronicREL(Oral) mg/kg-d	AcuteREL ug/m^3
0001	9901	DieselExhPM	1.10E+00	*	5.00E+00	*	*
0002	106990	1,3-Butadiene	6.00E-01	*	2.00E+01	*	*
0003	75070	Acetaldehyde	1.00E-02	*	1.40E+02	*	4.70E+02
0004	71432	Benzene	1.00E-01	*	6.00E+01	*	1.30E+03
0005	100414	Ethyl Benzene	8.70E-03	*	2.00E+03	*	*
0006	50000	Formaldehyde	2.10E-02	*	9.00E+00	*	5.50E+01
0007	67561	Methanol	*	*	4.00E+03	*	2.80E+04
0008	78933	MEK	*	*	*	*	1.30E+04
0009	91203	Naphthalene	1.20E-01	*	9.00E+00	*	*
0010	100425	Styrene	*	*	9.00E+02	*	2.10E+04
0011	108883	Toluene	*	*	3.00E+02	*	3.70E+04
0012	1330207	Xylenes	*	*	7.00E+02	*	2.20E+04

EMISSIONS DATA SOURCE: Emission rates loaded from file: P:\MTC1101\Modeling\ExEmRates2.ems

EXHIBIT A

EXHIBIT C

EMISSION RATES HAVE BEEN MANUALLY EDITED BY USER
CHEMICALS ADDED OR DELETED:
  ADDED DieselExhPM
  ADDED 1,3-Butadiene 9901
  ADDED Acetaldehyde 106990
  ADDED Benzene 75070
  ADDED Ethyl Benzene 71432
  ADDED Formaldehyde 100414
  ADDED Methanol 50000
  ADDED MEK 67561
  ADDED Naphthalene 78933
  ADDED Styrene 91203
  ADDED Toluene 100425
  ADDED Xylenes 108883

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV3 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV4 STACK 1 EMS (lbs/yr)

EXHIBIT A

EXHIBIT C

SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV5 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV6 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV7 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV8 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

EXHIBIT A

EXHIBIT C

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=ER&BH1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.629	3.15e-4
106990	1,3-Butadiene	1		2.44e-3	1.22e-6
75070	Acetaldehyde	1		0.0945	4.73e-5
71432	Benzene	1		0.0257	1.29e-5
100414	Ethyl Benzene	1		0.00392	1.96e-6
50000	Formaldehyde	1		0.189	9.45e-5
67561	Methanol	1		3.86e-4	1.93e-7
78933	MEK	1		0.019	9.50e-6
91203	Naphthalene	1		0.00109	5.45e-7
100425	Styrene	1		7.46e-4	3.72e-7
108883	Toluene	1		0.0189	9.45e-6
1330207	Xylenes	1		0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=ER&BH4 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.629	3.15e-4
106990	1,3-Butadiene	1		2.44e-3	1.22e-6
75070	Acetaldehyde	1		0.0945	4.73e-5
71432	Benzene	1		0.0257	1.29e-5
100414	Ethyl Benzene	1		0.00392	1.96e-6
50000	Formaldehyde	1		0.189	9.45e-5
67561	Methanol	1		3.86e-4	1.93e-7
78933	MEK	1		0.019	9.50e-6
91203	Naphthalene	1		0.00109	5.45e-7
100425	Styrene	1		7.46e-4	3.72e-7
108883	Toluene	1		0.0189	9.45e-6
1330207	Xylenes	1		0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=ER&BH3 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.629	3.15e-4
106990	1,3-Butadiene	1		2.44e-3	1.22e-6
75070	Acetaldehyde	1		0.0945	4.73e-5
71432	Benzene	1		0.0257	1.29e-5
100414	Ethyl Benzene	1		0.00392	1.96e-6
50000	Formaldehyde	1		0.189	9.45e-5
67561	Methanol	1		3.86e-4	1.93e-7
78933	MEK	1		0.019	9.50e-6
91203	Naphthalene	1		0.00109	5.45e-7
100425	Styrene	1		7.46e-4	3.72e-7
108883	Toluene	1		0.0189	9.45e-6
1330207	Xylenes	1		0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=ER&BH2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)

EXHIBIT A

EXHIBIT C

9901	DieselExhPM	1	0.629	3.15e-4
106990	1,3-Butadiene	1	2.44e-3	1.22e-6
75070	Acetaldehyde	1	0.0945	4.73e-5
71432	Benzene	1	0.0257	1.29e-5
100414	Ethyl Benzene	1	0.00392	1.96e-6
50000	Formaldehyde	1	0.189	9.45e-5
67561	Methanol	1	3.86e-4	1.93e-7
78933	MEK	1	0.019	9.50e-6
91203	Naphthalene	1	0.00109	5.45e-7
100425	Styrene	1	7.46e-4	3.72e-7
108883	Toluene	1	0.0189	9.45e-6
1330207	Xylenes	1	0.00785	3.93e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BARTGRG2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		3.875	1.94e-3
106990	1,3-Butadiene	1		8.37e-2	4.19e-5
75070	Acetaldehyde	1		3.24	1.62e-3
71432	Benzene	1		0.882	4.41e-4
100414	Ethyl Benzene	1		0.134	6.70e-5
50000	Formaldehyde	1		6.48	3.24e-3
67561	Methanol	1		0.0132	6.60e-6
78933	MEK	1		0.651	3.26e-4
91203	Naphthalene	1		0.0374	1.87e-5
100425	Styrene	1		0.0256	1.28e-5
108883	Toluene	1		0.649	3.25e-4
1330207	Xylenes	1		0.269	1.35e-4

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BARTGRG1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		3.875	1.94e-3
106990	1,3-Butadiene	1		8.37e-2	4.19e-5
75070	Acetaldehyde	1		3.24	1.62e-3
71432	Benzene	1		0.882	4.41e-4
100414	Ethyl Benzene	1		0.134	6.70e-5
50000	Formaldehyde	1		6.48	3.24e-3
67561	Methanol	1		0.0132	6.60e-6
78933	MEK	1		0.651	3.26e-4
91203	Naphthalene	1		0.0374	1.87e-5
100425	Styrene	1		0.0256	1.28e-5
108883	Toluene	1		0.649	3.25e-4
1330207	Xylenes	1		0.269	1.35e-4

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV10 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV11 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4

EXHIBIT A

EXHIBIT C

106990	1,3-Butadiene	1	7.53e-4	3.77e-7
75070	Acetaldehyde	1	0.0291	4.16e-5
71432	Benzene	1	7.93e-3	3.97e-6
100414	Ethyl Benzene	1	0.00121	6.05e-7
50000	Formaldehyde	1	0.0583	2.92e-5
67561	Methanol	1	1.19e-4	5.95e-8
78933	MEK	1	0.00586	2.93e-6
91203	Naphthalene	1	3.37e-4	1.69e-7
100425	Styrene	1	2.30e-4	1.15e-7
108883	Toluene	1	0.00584	2.92e-6
1330207	Xylenes	1	0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV12 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV13 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV14 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV15 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7

EXHIBIT A

EXHIBIT C

75070	Acetaldehyde	1	0.0291	4.16e-5
71432	Benzene	1	7.93e-3	3.97e-6
100414	Ethyl Benzene	1	0.00121	6.05e-7
50000	Formaldehyde	1	0.0583	2.92e-5
67561	Methanol	1	1.19e-4	5.95e-8
78933	MEK	1	0.00586	2.93e-6
91203	Naphthalene	1	3.37e-4	1.69e-7
100425	Styrene	1	2.30e-4	1.15e-7
108883	Toluene	1	0.00584	2.92e-6
1330207	Xylenes	1	0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV16 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV17 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.205	1.02e-4
106990	1,3-Butadiene	1		7.53e-4	3.77e-7
75070	Acetaldehyde	1		0.0291	4.16e-5
71432	Benzene	1		7.93e-3	3.97e-6
100414	Ethyl Benzene	1		0.00121	6.05e-7
50000	Formaldehyde	1		0.0583	2.92e-5
67561	Methanol	1		1.19e-4	5.95e-8
78933	MEK	1		0.00586	2.93e-6
91203	Naphthalene	1		3.37e-4	1.69e-7
100425	Styrene	1		2.30e-4	1.15e-7
108883	Toluene	1		0.00584	2.92e-6
1330207	Xylenes	1		0.00242	1.21e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BRTPV1 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.512	2.56e-4
106990	1,3-Butadiene	1		2.11e-3	1.06e-6
75070	Acetaldehyde	1		0.0817	4.09e-5
71432	Benzene	1		0.0222	1.11e-5
100414	Ethyl Benzene	1		0.00339	1.70e-6
50000	Formaldehyde	1		0.163	8.15e-5
67561	Methanol	1		3.33e-4	1.67e-7
78933	MEK	1		0.0164	8.20e-6
91203	Naphthalene	1		9.44e-4	4.72e-7
100425	Styrene	1		6.44e-4	3.22e-7
108883	Toluene	1		0.0164	8.20e-6
1330207	Xylenes	1		0.00679	3.40e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=BRTPV2 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.512	2.56e-4
106990	1,3-Butadiene	1		2.11e-3	1.06e-6
75070	Acetaldehyde	1		0.0817	4.09e-5

EXHIBIT A

EXHIBIT C

71432	Benzene	1	0.0222	1.11e-5
100414	Ethyl Benzene	1	0.00339	1.70e-6
50000	Formaldehyde	1	0.163	8.15e-5
67561	Methanol	1	3.33e-4	1.67e-7
78933	MEK	1	0.0164	8.20e-6
91203	Naphthalene	1	9.44e-4	4.72e-7
100425	Styrene	1	6.44e-4	3.22e-7
108883	Toluene	1	0.0164	8.20e-6
1330207	Xylenes	1	0.00679	3.40e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV18 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV19 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV20 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV21 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6

EXHIBIT A

EXHIBIT C

100414	Ethyl Benzene	1	0.00101	5.05e-7
50000	Formaldehyde	1	0.0485	2.43e-5
67561	Methanol	1	9.89e-5	4.95e-8
78933	MEK	1	0.00487	2.44e-6
91203	Naphthalene	1	2.80e-4	1.40e-7
100425	Styrene	1	1.91e-4	9.55e-8
108883	Toluene	1	0.00486	2.43e-6
1330207	Xylenes	1	0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV22 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV23 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV24 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV25 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7

EXHIBIT A

EXHIBIT C

50000	Formaldehyde	1	0.0485	2.43e-5
67561	Methanol	1	9.89e-5	4.95e-8
78933	MEK	1	0.00487	2.44e-6
91203	Naphthalene	1	2.80e-4	1.40e-7
100425	Styrene	1	1.91e-4	9.55e-8
108883	Toluene	1	0.00486	2.43e-6
1330207	Xylenes	1	0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV26 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV27 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV28 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV29 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5

EXHIBIT A

EXHIBIT C

67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV30 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV31 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV32 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV33 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8

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78933	MEK	1	0.00487	2.44e-6
91203	Naphthalene	1	2.80e-4	1.40e-7
100425	Styrene	1	1.91e-4	9.55e-8
108883	Toluene	1	0.00486	2.43e-6
1330207	Xylenes	1	0.00201	1.01e-6

EMISSIONS FOR FACILITY FAC=1 DEV=* PRO=* STK=1 NAME=STRTV34 STACK 1 EMS (lbs/yr)
SOURCE MULTIPLIER=1

CAS	ABBREV	MULTIPLIER	BG (ug/m^3)	AVRG (lbs/yr)	MAX (lbs/hr)
9901	DieselExhPM	1		0.169	8.48e-5
106990	1,3-Butadiene	1		6.26e-4	3.13e-7
75070	Acetaldehyde	1		0.0242	1.21e-5
71432	Benzene	1		0.0066	3.30e-6
100414	Ethyl Benzene	1		0.00101	5.05e-7
50000	Formaldehyde	1		0.0485	2.43e-5
67561	Methanol	1		9.89e-5	4.95e-8
78933	MEK	1		0.00487	2.44e-6
91203	Naphthalene	1		2.80e-4	1.40e-7
100425	Styrene	1		1.91e-4	9.55e-8
108883	Toluene	1		0.00486	2.43e-6
1330207	Xylenes	1		0.00201	1.01e-6

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Receptor Number	70-Year Adult Carcinogenic Risk # in a million	40-Year Worker Carcinogenic Risk # in a million	Chronic Hazard Index	Acute Hazard Index	UTM Coordinates	
					Easting	Northing
1	0.24	0.047	0.0061	0.037	564,662	4,187,014
2	0.20	0.040	0.0054	0.040	564,653	4,186,973
3	0.16	0.031	0.0041	0.029	564,691	4,187,007
4	0.028	0.0055	0.00075	0.015	564,579	4,187,160
5	0.027	0.0054	0.00073	0.015	564,595	4,187,157
6	0.026	0.0051	0.0007	0.014	564,611	4,187,155
7	0.025	0.0050	0.00068	0.014	564,626	4,187,153
8	0.024	0.0047	0.00064	0.013	564,639	4,187,150
9	0.022	0.0044	0.00061	0.013	564,652	4,187,148
10	0.021	0.0042	0.00058	0.012	564,666	4,187,145
11	0.020	0.0039	0.00054	0.012	564,681	4,187,142
12	0.019	0.0037	0.00051	0.011	564,695	4,187,139
13	0.018	0.0035	0.00049	0.011	564,708	4,187,137
14	0.017	0.0033	0.00047	0.010	564,722	4,187,135
15	0.016	0.0031	0.00044	0.0095	564,749	4,187,130
16	0.025	0.0049	0.00068	0.012	564,740	4,187,092
17	0.030	0.0060	0.00083	0.013	564,737	4,187,077
18	0.037	0.0073	0.0010	0.014	564,734	4,187,065
19	0.050	0.0099	0.0014	0.016	564,731	4,187,048
20	0.067	0.013	0.0018	0.018	564,729	4,187,035
21	0.089	0.018	0.0024	0.020	564,725	4,187,021
22	0.093	0.018	0.0025	0.021	564,722	4,187,006
23	0.086	0.017	0.0024	0.022	564,718	4,186,990
24	0.083	0.016	0.0023	0.023	564,715	4,186,974
25	0.084	0.017	0.0024	0.024	564,711	4,186,956

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LSA

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SAN LUIS OBISPO
S. SAN FRANCISCO

EXHIBIT D

March 11, 2011

Mr. Joe McCarthy
MacArthur Transit Community Partners, LLC
345 Spear Street, Suite 700
San Francisco, CA 94105

Subject: Construction Noise Reduction Plan for Phase 1 and 2 FDPs of the MacArthur Transit Village Project in Oakland, California

Dear Mr. McCarthy:

LSA Associates, Inc. (LSA) is pleased to submit this construction period Noise Reduction Plan for Phase 1 and Phase 2 Final Development Plans of the MacArthur Transit Village Project (Phase 1 and 2 FDPs)[1] in the City of Oakland (City), California. This report fulfills the requirements of the City's Standard Conditions of Approval NOISE-5 for the preparation of a site-specific Noise Reduction Plan, summarizes the results of the construction noise impact modeling and analysis for Phase 1 and 2 FDPs, and provides recommended feasible strategies to reduce construction noise impacts.

PURPOSE AND SCOPE

Noise impacts from implementation of the project were analyzed in the MacArthur Transit Village Project EIR dated January 2008. This Noise Reduction Plan for construction noise impacts has been prepared to meet the requirements of the City of Oakland's Standard Condition of Approval NOISE-5. The purpose of the Noise Reduction Plan is to demonstrate how noise associated with potential pier drilling and other extreme noise generators and construction activities associated with implementation of Phase 1 and 2 FDPs of the MacArthur Transit Village Project can be further reduced to ensure that maximum feasible noise attenuation is achieved. This Noise Reduction Plan summarizes the applicable noise limits, provides projected noise levels from construction activities, and outlines strategies consistent with the City's Standard Conditions of Approval to reduce construction noise levels to meet City standards.

For reference, the City's Standard Conditions of Approval that are applicable to this analysis are listed in Table 2 of this report. Per Condition NOISE-5, if any extreme noise generating construction activity will exceed 90 dBA L_{max}, a set of site-specific noise attenuation measures shall be prepared by a qualified acoustical consultant. The condition requires a plan for such measures that is based on the final design of the project be submitted for review and approval by the City prior to commencement of construction.

[1] These are the two FDPs applications currently on file with the City and the two construction phases of the MacArthur Transit Village Project that are anticipated to overlap to some extent and occur within the next two years. Consequently, the effects of both of these construction phases are considered in this analysis.

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NOISE TERMINOLOGY

Several noise measurement scales exist which are used to describe noise in a particular location. A *decibel* (dB) is a unit of measurement which indicates the relative intensity of a sound. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3.0 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3.0 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the *A-weighted sound level* (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive.

Noise impacts can be described in three categories. The first is audible impacts, which refers to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 dB or greater, since this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise level of less than 1.0 dB, which are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6-dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern. There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and community noise equivalent level (CNEL) or the day-night average level (L_{dn}) based on A-weighted decibels (dBA). CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

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NOISE SENSITIVE RECEPTORS

Noise sensitive receptors are defined in the City's Noise Element as land uses whose purpose and function can be disrupted or jeopardized by noise. Sensitive receptors include residences, schools, churches, hospitals, elderly care facilities, hotels and libraries and certain types of passive recreational open space. Understandably, noise is of special concern when it occurs near sensitive receptors.[2]

The closest sensitive receptors to the proposed construction site are the residential land uses located on MacArthur Boulevard that border the southern boundary of the construction site and the residential land uses on Telegraph Avenue that border the eastern boundary of the construction site. Although outpatient surgery centers are not specifically identified by the City as noise sensitive uses, this analysis treats the surgery center on Telegraph Avenue as a sensitive receptor. These three sensitive land use areas have been evaluated for potential noise impacts from construction activities associated with implementation of Phase 1 and 2 FDPs.

PROJECTED CONSTRUCTION NOISE IMPACTS

Construction noise impacts have been projected for Phase 1 and 2 FDPs based on project specific phasing and construction equipment details provided by the project construction engineer as part of the Construction Equipment Schedule dated January 28, 2011. The construction noise calculation spreadsheets are provided as Attachment A of this report. The Construction Equipment Schedule is provided in Attachment B. A summary of the projected noise levels is shown in Table 1.

Noise levels were calculated for each of the three months with the highest number of pieces of equipment scheduled to be used (May, June, and September of 2011). Both the maximum noise level, L_{max} and the worst case hourly average noise level $L_{eq}(h)$ were calculated for the three nearest sensitive land uses identified above. The calculated noise levels from construction activities have been made using the following formula:

$$L_{eq}(h) = E.L. + 10Log(U.F.) - 20Log(D/50) - 10Log(D/50) - A_{shielding}$$

Where:
E.L. = reference equipment noise emission level (based on L_{max} at 50 feet)
U.F. = equipment usage factor (percent in use per typical hour as a fraction of 100 percent)
D = distance between source and receiver in feet
G = ground effects constant
$A_{shielding}$ = attenuation provided by intervening barriers

The calculations use the general noise reference levels for each identified piece of construction equipment listed in Chapter 9 of the FHWA's Highway Construction Noise Handbook. The usage factor for the worst case hour calculation assumes that all pieces of equipment that would be used during that month would be operating at their full capacity during a typical hour. Those pieces of equipment that would be operating on-site, such as the 2000 Cat 330B Excavator, are assumed to operate 100 percent of the hour, while equipment that would never operate on-site for a full-hour in sequence,

[2] City of Oakland, 2005. *City of Oakland General Plan Noise Element*. June.

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such as dump trucks which will only operate while arriving and leaving the site, are assumed to operate a maximum of a half-hour.

Anticipated construction activities for the months of May and June 2011 are projected to result in noise levels in excess of 90 dBA L_{max} at the residential land uses on MacArthur Boulevard that border the construction site. In addition, for the month of May, the anticipated construction activities are also projected to exceed 90 dBA L_{max} at the residential land uses on Telegraph Avenue that border the construction site. As shown in Table 1, projected construction noise levels at the surgery center land use would reach up to 89 dBA L_{max}.

The projected worst case hourly average $L_{eq}(h)$ noise levels for anticipated construction activities would range up to 73 dBA $L_{eq}(h)$ at the closest residential land uses, and up to 67 dBA $L_{eq}(h)$ at the surgery center.

However, implementation of the noise reduction strategies outlined in the Standard Conditions of Approval would reduce these potential construction-related noise levels. In particular, compliance with Condition NOISE-5a, erection of temporary sound barriers along the property lines of impacted sensitive receptors would reduce these impacts. Therefore, the following site-specific noise reduction strategies shall be implemented as part of Phase 1 and 2 FDPs:

- Prior to initiation of on-site construction-related earthwork activities, a minimum 8 foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue. The location of the temporary sound barriers is shown in Figure 1.
- Prior to initiation of on-site construction-related earthwork activities, a minimum 6 foot high temporary sound barrier shall be erected along the project property line abutting the outpatient surgery center land uses that is adjacent to the construction site on Telegraph Avenue.
- These temporary sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical or horizontal gaps are eliminated; these temporary barriers shall remain in place through the construction phase in which heavy construction equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks, are operating within 150 feet of the edge of the construction site by adjacent sensitive land uses.

Implementation of these site-specific noise reduction strategies are anticipated to reduce construction noise levels by a minimum of 8 dBA at the residential land uses on MacArthur Boulevard and Telegraph Avenue, and by a minimum of 5 dBA at the outpatient surgery center land use (see Table 1).

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Table 1: Summary of Projected Construction Noise Levels

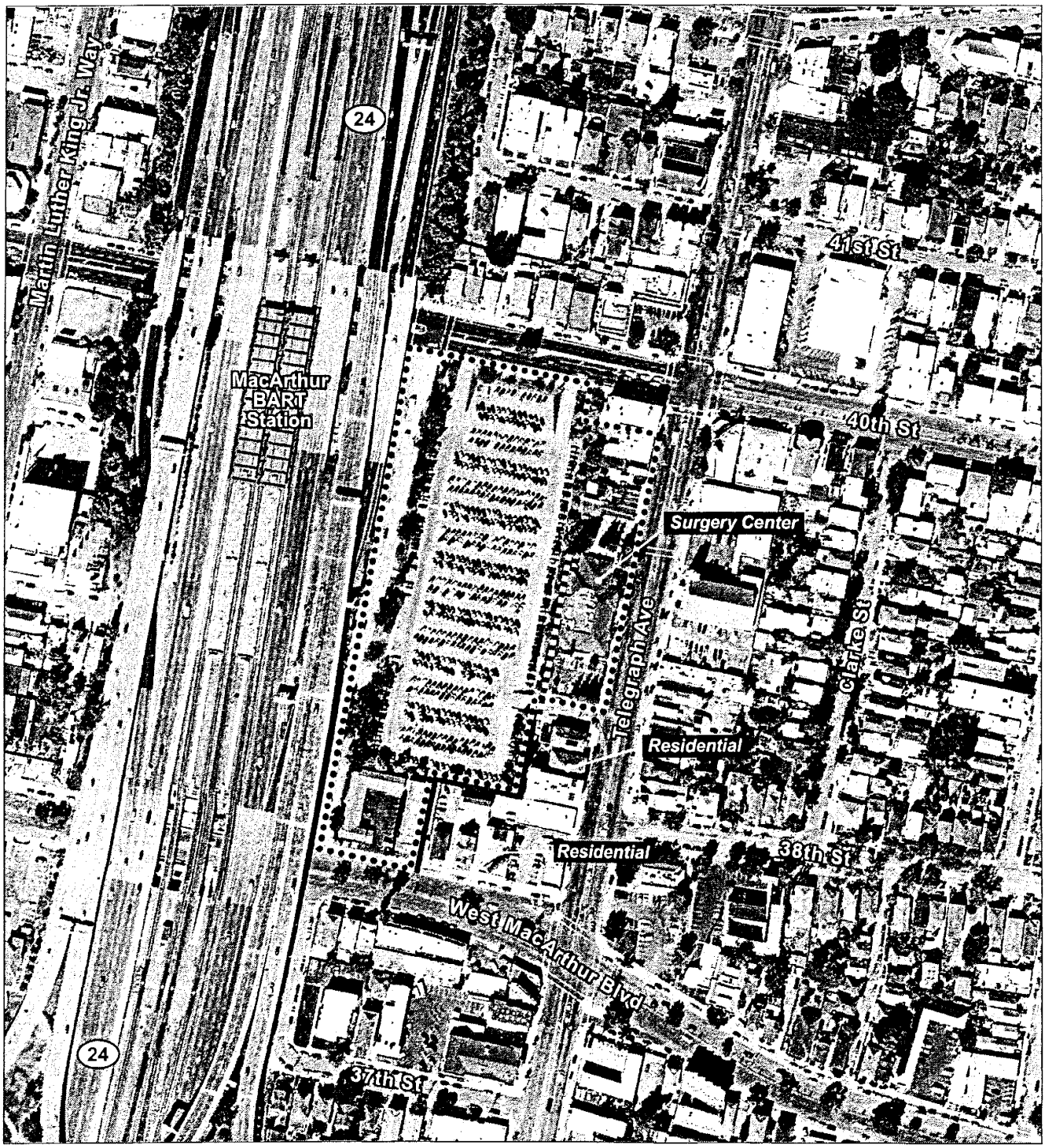
Receptor	Phase Month	Noise Levels Prior to Implementation of Noise Reduction Strategies (dBA)		Noise Levels With Implementation of Noise Reduction Strategies (dBA)	
		L_{max} [a]	$L_{eq}(h)$	L_{max}	$L_{eq}(h)$ [b]
Residential on MacArthur Boulevard	May 2011	92	69	84	61
	June 2011	92	73	84	65
	September 2011	89	69	81	61
Residential on Telegraph Avenue	May 2011	92	70	84	62
	June 2011	78	65	70	57
	September 2011	78	62	70	54
Surgery Center on Telegraph Avenue	May 2011	89	67	84	62
	June 2011	74	60	69	55
	September 2011	71	61	66	56

[a] Projected L_{max} is the loudest value.

[b] Includes shielding reduction calculation for use of temporary sound barriers.

Source: LSA Associates, Inc. 2011

EXHIBIT A



LSA

FIGURE 1

Project Site

6 Foot High Temporary Sound Barrier

8 Foot High Temporary Sound Barrier

N

0 150 300

FEET

MacArthur Transit Village Project

Noise Reduction Plan

Temporary Sound Barrier Locations

SOURCES: GOOGLE EARTH, OCTOBER 2009; LSA ASSOCIATES, INC., 2011.

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STANDARD CONDITIONS OF APPROVAL REQUIREMENTS

The City's Standard Conditions of Approval are summarized in Table 2. The table describes how applicable conditions will be implemented into Phase 1 and 2 FDPs.

Table 2: Applicable Standard Conditions of Approval

SCA Number[a]	Requirement	Implementation Action
NOISE-1	**Days/Hours of Construction Operation.** *Ongoing throughout demolition, grading, and/or construction.* The project applicant shall require construction contractors to limit standard construction activities as follows:	Will be complied with.
1a	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.	Will be complied with.
1b	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.	Will be complied with.
1c	Construction activity shall not occur on Saturdays, with the following possible exceptions: • 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	Will be complied with.
1d	No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.	Will be complied with.
1e	No construction activity shall take place on Sundays or Federal holidays	Will be complied with.
1f	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.	Will be complied with.
1g	Applicant shall use temporary power poles instead of generators where feasible.	Will be complied with.
NOISE-2	**Noise Control.** *Ongoing throughout demolition, grading, and/or construction.* 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:	This report is submitted.
2a	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).	Will be complied with.
2b	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	Will be complied with.

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	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.	
2c	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.	Will be complied with.
2d	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.	The strategies included in the plan will ensure that all feasible noise reduction controls will be implemented per Condition NOISE-5.
NOISE-3	**Noise Complaint Procedures.** *Ongoing throughout demolition, grading, and/or construction.* 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:	Will be complied with.
3a	A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours) shall be submitted to the Building Services Division.	Will be complied with.
3b	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).	Will be complied with.
3c	The designation of an on-site construction complaint and enforcement manager for the project.	Will be complied with.
3d	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.	Will be complied with. [b]
3e	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.	Will be complied with.
NOISE-5	**Pile Driving and Other Extreme Noise Generators.** *Ongoing throughout demolition, grading, and/or construction.* 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 determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan.	This report is submitted.
5a	Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings.	Will be complied with.
5b	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	Torque down or auger cast piles are planned to be used.
5c	Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site.	Not anticipated
5d	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	With implementation of reduction measures

	example, and implement such measure if such measures are feasible and would noticeably reduce noise impacts.	impacts are not anticipated.
5e	Monitor the effectiveness of noise attenuation measures by taking noise measurements.	Will be complied with.

[a] The SCA Number equates to the numbering found in the Conditions of Approval for the MacArthur Transit Village Project, as approved by Planning Commission action on June 4, 2008 and subsequently amended by City Council action on July 7, 2008.

NOISE REDUCTION PLAN

Site-Specific Strategies. Projected construction noise levels could result in noise levels that exceed 90 dBA L_{max}. In order to reduce construction noise levels to the maximum extent feasible pursuant to Condition NOISE-5 for identified impacted land uses, the following site-specific noise reduction strategies shall be implemented as part of Phase 1 and 2 FDPs:

- Prior to initiation of on-site construction-related earthwork activities, a minimum 8-foot high temporary sound barrier shall be erected along the project property line abutting the residential sensitive land uses that are adjacent to the construction site on MacArthur Boulevard and Telegraph Avenue. The location of the temporary sound barriers is shown in Figure 1.
- Prior to initiation of on-site construction-related earthwork activities, a minimum 6-foot high temporary sound barrier shall be erected along the project property line abutting the outpatient surgery center land uses that is adjacent to the construction site on Telegraph Avenue.
- These temporary sound barriers shall be constructed with a minimum surface weight of 4 pounds per square foot and shall be constructed so that vertical or horizontal gaps are eliminated; these temporary barriers shall remain in place through the construction phase in which heavy construction equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks, are operating within 150 feet of the edge of the construction site by adjacent sensitive land uses.

These noise reduction strategies will reduce construction noise during the loudest periods of construction for Phase 1 and 2 FDPs as shown in Table 1.

Standard Conditions of Approval. In addition to these site-specific noise reduction strategies, the project contractor shall comply with all the general noise reduction strategies of Conditions NOISE-1, -2, -3, and -5 listed in Table 2 of this report. Implementation of these strategies will further reduce construction noise impacts in the project vicinity.

Supplemental Noise Reduction Strategies. Further noise reduction could be achieved with implementation of the following supplemental noise reduction strategies.

Whenever feasible, the project contractor shall encourage implementation of the following strategies throughout all phases of construction:

- Use smaller or quieter equipment;
- Use electric equipment in lieu of gasoline or diesel powered equipment;
- Turn off all idling equipment when anticipated to not be in use for more than 5 minutes;
- Minimize drop height when loading excavated materials onto trucks;

EXHIBIT A

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- Minimize drop height when unloading or moving materials on-site; and
- Sequence noisy activities to coincide with noisiest ambient hours.

NOISE MONITORING PLAN

Noise monitoring is required for all construction activities that would be considered extreme noise generators, activities that would result in noise levels in excess of 90 dBA L_{max} as measured at the receiving property. As noted previously, anticipated construction activities for the months of May and June 2011 could result in noise levels in excess of 90 dBA L_{max} at the residential land uses on MacArthur Boulevard that border the construction site. The anticipated construction activities for the month of May may also exceed 90 dBA L_{max} (without implementation of recommended strategies) at the residential land uses on Telegraph Avenue that border the construction site. Therefore, a noise monitoring program is required to monitor the noise levels at these potentially impacted sensitive receptor locations.

In addition to monitoring for exceedances of the maximum noise level threshold, Condition NOISE-5e requires noise monitoring to measure the effectiveness of noise attenuation measures. The noise monitoring effort shall be conducted as follows:

- Noise measurements shall be conducted on a weekly basis during the phases associated with the anticipated activities for the months of May, June, and September, and shall be conducted by a qualified acoustical consultant or a person trained by such a qualified consultant.
- These measurements shall be taken during mid-morning and mid-afternoon hours when background noise levels are anticipated to be lowest so as to try to capture noise from only construction noise sources.
- The measurements shall be taken at distance greater than 10 feet from the temporary sound barriers on the receptor property in order to determine the effectiveness of the sound barrier.
- If exceedances are identified, then the on-site construction manager shall be notified and the equipment use shall be adjusted so that noise levels are reduced.

CONCLUSION

With implementation of the site-specific noise reduction strategies outlined above, noise impacts from project-related construction activities would be reduced at impacted land uses. In addition, further noise reduction will be achieved with implementation of the strategies listed in the Standard Conditions of Approval and the supplemental noise reduction strategies outlined in this report. Furthermore, implementation of the noise monitoring program will ensure that potential noise impacts are monitored and action taken if exceedances are identified.

This report meets the requirements of Condition of Approval NOISE-5 for a site-specific noise reduction plan for Phase 1 and 2 FDPs.

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Thank you for requesting LSA's services for this task.

Sincerely,
LSA ASSOCIATES, INC.

David Clore, AICP
Principal-in-Charge

Philip Ault, LEED-AP
Noise & Air Quality Specialist/Project Manager

Attachments:

Attachment A - Construction Noise Calculation Tables
Attachment B - Construction Equipment Schedule and Key

ATTACHMENT A:
CONSTRUCTION NOISE CALCULATION TABLES

EXHIBIT D

Phase work for May 2011: Environmental Remediation and Bart Garage Earthwork

Receptor: Residential on MacArthur Boulevard

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements									Noise Level Calculation with Noise Attenuation Requirements Implemented									
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator	81	1	50	180	0.52		81	66.98118	6.698117698	4930197.084	1	50	180	0.52	8	73	58.98118	5.898117698	790892.9387	Temporary 8 ft sound barrier
B	2005 Linkbelt 330 LX Excavator	81	1	30	120	0.52		85.436975	71.41868	7.141867671	13863333.5	1	30	120	0.52	8	77.43697	63.41868	6.341867671	2197190.289	Temporary 8 ft sound barrier
C	2006 Bobcat S300 Skid steer	79																			
D	Xtreme XFR-1245 Forklift	75																			
E	Delmag RH26	84																			
F	Drill Head Motor	84																			
G	TEREX Back Hoe Loader	88																			
H	48 meter Putzmeister Boom Pump	84																			
J1	1999 Mack Dump truck	88	0.5	50	180	0.52		88	70.97088	7.097087702	12505115.36	0.5	50	180	0.52	8	80	62.97088	6.297087702	1981927.22	Temporary 8 ft sound barrier
J2	1999 Mack Dump truck	88	0.5	30	120	0.52		92.436975	75.40838	7.540837675	34740626.83	0.5	30	120	0.52	8	84.43697	67.40838	6.740837675	5506018.613	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85																			
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70	0.5	30	120	0.52		74.436975	57.40838	5.740837675	550601.8613	0.5	30	120	0.52	8	66.43697	49.40838	4.940837675	87264.51418	Temporary 8 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z1	SAKAI - dirt roller	80	1	50	180	0.52		80	65.98118	6.598117698	3963854.44	1	50	180	0.52	8	72	57.98118	5.798117698	628228.5919	Temporary 8 ft sound barrier
Z2	SAKAI - dirt roller	80	1	30	120	0.52		84.436975	70.41868	7.041867671	11012037.23	1	30	120	0.52	8	76.43697	62.41868	6.241867671	1745290.284	Temporary 8 ft sound barrier
AA	McNeilus Ready-mix Concrete truck	79																			
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85	0.5	50	180	0.52		85	67.97088	6.797087702	6267404.173	0.5	50	180	0.52	8	77	59.97088	5.997087702	993316.6208	Temporary 8 ft sound barrier
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77	0.5	50	180	0.52		77	59.97088	5.997087702	993316.6208	0.5	50	180	0.52	8	69	51.97088	5.197087702	157430.075	Temporary 8 ft sound barrier

	Distance to receptor:	Closest	Average		Lmax*	92		Sum	88886489.1		Lmax*	84		Sum	14087559.15
Environmental Remediation		50	180					Sum/12	7407207.425					Sum/12	1173963.262
BART Garage Earthwork		30	120					10*Log(Sum)	68.69654506					10*Log(Sum)	60.69654506
								Leq(h)	69					Leq(h)	61

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

Phase work for June 2011: Piles and Grade Beams/Pile Caps

Receptor: Residential on MacArthur Boulevard

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements									Noise Level Calculation with Noise Attenuation Requirements Implemented									
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator	81																			
B	2005 Linkbelt 330 LX Excavator	81																			
C	2006 Bobcat S300 Skid steer	79																			
D1	Xtreme XFR-1245 Forklift	75	1	30	120	0.52		79.436975	65.41868	6.541867671	3482311.932	1	30	120	0.52	8	71.43697	57.41868	5.741867671	551909.2474	Temporary 8 ft sound barrier
E	Delmag RH26	84	1	30	120	0.52		88.436975	74.41868	7.441867671	27660986.89	1	30	120	0.52	8	80.43697	66.41868	6.641867671	4383970.982	Temporary 8 ft sound barrier
F	Drill Head Motor	84	1	30	120	0.52		88.436975	74.41868	7.441867671	27660986.89	1	30	120	0.52	8	80.43697	66.41868	6.641867671	4383970.982	Temporary 8 ft sound barrier
G	TEREX Back Hoe Loader	88	1	30	120	0.52		92.436975	78.41868	7.841867671	69481257.66	1	30	120	0.52	8	84.43697	70.41868	7.041867671	11012037.23	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump	84	1	30	120	0.52		88.436975	74.41868	7.441867671	27660986.89	1	30	120	0.52	8	80.43697	66.41868	6.641867671	4383970.982	Temporary 8 ft sound barrier
J	1999 Mack Dump truck	88	0.5	30	120	0.52		92.436975	75.40838	7.540837675	34740626.83	0.5	30	120	0.52	8	84.43697	67.40838	6.740837675	5506018.613	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		89.436975	72.40838	7.240837675	17411559.66	0.5	30	120	0.52	8	81.43697	64.40838	6.440837675	2759546.237	Temporary 8 ft sound barrier
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70																			
X	Lincoln Commander 500 welder	73	0.5	30	120	0.52		77.436975	60.40838	6.040837675	1098595.144	0.5	30	120	0.52	8	69.43697	52.40838	5.240837675	174115.5966	Temporary 8 ft sound barrier
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z1	SAKAI - dirt roller	80																			
Z2	SAKAI - dirt roller	80																			
AA1	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6.640837675	4373566.046	0.5	30	120	0.52	8	75.43697	58.40838	5.840837675	693166.675	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6.640837675	4373566.046	0.5	30	120	0.52	8	75.43697	58.40838	5.840837675	693166.675	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85																			
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77																			

	Distance to receptor:	Closest	Average		Lmax*	92		Sum	217944486		Lmax*	84		Sum	34541673.22
BART Garage Piles, Grade Beams/Pile Caps		30	120					Sum/12	18162040.5					Sum/12	2878489.435
								10*Log(Sum)	72.5916464					10*Log(Sum)	64.5916464
								Leq(h)	73					Leq(h)	65

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

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Phase work for Sept 2011: Grade Beams/Pile Caps, Vertical Concrete, Utilities, BART Plaza

Receptor: Residential on MacArthur Boulevard

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog
A	2000 Cat 330B Excavator	81									
B1	2005 Linkbelt 330 LX Excavator	81	1	175	195	0.52		70.118639	66.10517	6.61051719	4078657.056
B2	2005 Linkbelt 330 LX Excavator	81	1	590	720	0.52		59.55236	51.80927	5.18092652	151679.3713
B3	2005 Linkbelt 330 LX Excavator	81	1	155	205	0.52		71.172766	65.55785	6.555784681	3595710.192
C1	2006 Bobcat S300 Skid steer	79	1	175	195	0.52		68.118639	64.10517	6.41051719	2573458.625
C2	2006 Bobcat S300 Skid steer	79	1	590	720	0.52		57.56236	49.80927	4.98092652	95703.21334
C3	2006 Bobcat S300 Skid steer	79	1	155	205	0.52		69.172766	63.55785	6.355784681	2268739.754
D	Xtreme XFR-1245 Forklift	75	1	30	120	0.52		79.436975	65.41868	6.541867671	3482311.932
E	Delmag RH26	84									
F	Drill Head Motor	84									
G1	TEREX Back Hoe Loader	88	1	590	720	0.52		66.56236	58.80927	5.88092652	760197.6451
G2	TEREX Back Hoe Loader	88	1	155	205	0.52		78.172766	72.55785	7.255784681	18021240.44
H1	48 meter Putzmeister Boom Pump	84	1	30	120	0.52		88.436975	74.41868	7.441867671	27660986.89
J1	1999 Mack Dump truck	88	0.5	590	720	0.52		66.56236	55.79897	5.579896524	380096.8225
J2	1999 Mack Dump truck	88	0.5	155	205	0.52		78.172766	69.54755	6.954754685	9010620.22
K	Fork Lift - Hyster H80XL	75	1	30	120	0.52		79.436975	65.41868	6.541867671	3482311.932
M1	Ingersoll Rand Compressor	85	1	175	195	0.52		74.118639	70.10517	7.01051719	10245123.32
M2	Ingersoll Rand Compressor	85	1	590	720	0.52		63.56236	55.80927	5.58092652	381001.3547
M3	Ingersoll Rand Compressor	85	1	155	205	0.52		75.172766	69.55785	6.955784681	9032015.642
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 60 ft boom	75									
Q1	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		89.436975	72.40838	7.240837675	17411559.66
Q2	Delivery Stake Truck - F-450 Super Duty	85	0.5	30	120	0.52		89.436975	72.40838	7.240837675	17411559.66
Q3	Delivery Stake Truck - F-450 Super Duty	85	0.5	175	195	0.52		74.118639	67.09487	6.709487195	5122561.659
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	88									
U	Hitachi Excavator - EX-550LC-5	81									
V	Dynapac (jumping jack) - LT7000	87	0.5	175	195	0.52		76.118639	69.09487	6.909487195	8118713.102
W1	STIHL - cut-off saw	70	0.5	175	195	0.52		59.118639	52.09487	5.209487195	161989.623
W2	STIHL - cut-off saw	70	0.5	590	720	0.52		48.56236	37.79897	3.779896524	6024.160363
W3	STIHL - cut-off saw	70	0.5	155	205	0.52		60.172766	51.54755	5.154754685	142808.7065
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
Z	SAKAI - dirt roller	80									
AA1	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6.640837675	4373586.046
AA2	McNeilus Ready-mix Concrete truck	79	0.5	30	120	0.52		83.436975	66.40838	6.640837675	4373586.046
AA3	McNeilus Ready-mix Concrete truck	79	0.5	175	195	0.52		68.118639	61.09487	6.109487195	1286729.313
AB	Cement Finisher - Multiquip	80									
AC	John Deere Skip loader - 210LE	88									
AD	Caterpillar grader - 140H	85									
AE	CAT 966F wheel loader	88									
AF	Water truck - Sterling LT8500	85									
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 1055D paver	77									

Distance to receptor:	Closest	Average
BART Garage Grade Beams/Pile Caps, Vertical Concrete	30	120
Frontage Road Utilities	175	345
Bart Plaza Demo	590	720
W MacArthur Demo	155	205

Lmax* 89 | Sum 90940289.26 | Sum/12 7578357.438 | 10*Log(Sum) 68.79575085 | Leq(h) 69

*Calculated Lmax is the Loudest value.

			Noise Level Calculation with Noise Attenuation Requirements Implemented									
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
			factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator											
B1	2005 Linkbelt 330 LX Excavator		1	175	195	0.52	8	62.11864	58.10517	5.81051719	646423.5803	Temporary 8 ft sound barrier
B2	2005 Linkbelt 330 LX Excavator		1	590	720	0.52	8	51.55236	43.80927	4.38092652	24039.5603	Temporary 8 ft sound barrier
B3	2005 Linkbelt 330 LX Excavator		1	155	205	0.52	8	63.17277	57.55785	5.755784681	569881.6605	Temporary 8 ft sound barrier
C1	2006 Bobcat S300 Skid steer		1	175	195	0.52	8	60.11864	56.10517	5.61051719	407865.7056	Temporary 8 ft sound barrier
C2	2006 Bobcat S300 Skid steer		1	590	720	0.52	8	49.56236	41.80927	4.18092652	15167.93713	Temporary 8 ft sound barrier
C3	2006 Bobcat S300 Skid steer		1	155	205	0.52	8	61.17277	55.55785	5.555784681	359571.0192	Temporary 8 ft sound barrier
D	Xtreme XFR-1245 Forklift		1	30	120	0.52	8	71.43697	57.41868	5.741867671	551909.2474	Temporary 8 ft sound barrier
E	Delmag RH26											
F	Drill Head Motor											
G1	TEREX Back Hoe Loader		1	590	720	0.52	8	58.56236	50.80927	5.08092652	120483.2073	Temporary 8 ft sound barrier
G2	TEREX Back Hoe Loader		1	155	205	0.52	8	70.17277	64.55785	6.455784681	2856174.129	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump		1	30	120	0.52	8	80.43697	66.41868	6.641867671	4383970.982	Temporary 8 ft sound barrier
J1	1999 Mack Dump truck		0.5	590	720	0.52	8	58.56236	47.79897	4.779896524	60241.60363	Temporary 8 ft sound barrier
J2	1999 Mack Dump truck		0.5	155	205	0.52	8	70.17277	61.54755	6.154754685	1428087.065	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL		1	30	120	0.52	8	71.43697	57.41868	5.741867671	551909.2474	Temporary 8 ft sound barrier
M1	Ingersoll Rand Compressor		1	175	195	0.52	8	66.11864	62.10517	6.21051719	1623742.62	Temporary 8 ft sound barrier
M2	Ingersoll Rand Compressor		1	590	720	0.52	8	55.56236	47.80927	4.78092652	60384.64535	Temporary 8 ft sound barrier
M3	Ingersoll Rand Compressor		1	155	205	0.52	8	67.17277	61.55785	6.155784681	1431478.011	Temporary 8 ft sound barrier
N	Link Belt 75 ton hydro											
P	JLG 600 series - 60 ft boom											
Q1	Delivery Stake Truck - F-450 Super Duty		0.5	30	120	0.52	8	81.43697	64.40838	6.440837675	2759546.237	Temporary 8 ft sound barrier
Q2	Delivery Stake Truck - F-450 Super Duty		0.5	30	120	0.52	8	81.43697	64.40838	6.440837675	2759546.237	Temporary 8 ft sound barrier
Q3	Delivery Stake Truck - F-450 Super Duty		0.5	175	195	0.52	8	66.11864	59.09487	5.909487195	811871.3102	Temporary 8 ft sound barrier
R	Pecco PH 6000											
S	Ditchwitch 1030 trencher											
T	TEREX Back Hoe Loader											
U	Hitachi Excavator - EX-550LC-5											
V	Dynapac (jumping jack) - LT7000		0.5	175	195	0.52	8	68.11864	61.09487	6.109487195	1286729.313	Temporary 8 ft sound barrier
W1	STIHL - cut-off saw		0.5	175	195	0.52	8	51.11864	44.09487	4.409487195	25673.62507	Temporary 8 ft sound barrier
W2	STIHL - cut-off saw		0.5	590	720	0.52	8	40.56236	29.79897	2.979896524	954.765075	Temporary 8 ft sound barrier
W3	STIHL - cut-off saw		0.5	155	205	0.52	8	52.17277	43.54755	4.354754685	22633.65467	Temporary 8 ft sound barrier
X	Lincoln Commander 500 welder											
Y	Concrete walk behind saw -EDCO SS-20											
Z	SAKAI - dirt roller											
AA1	McNeilus Ready-mix Concrete truck		0.5	30	120	0.52	8	75.43697	58.40838	5.840837675	693166.675	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck		0.5	30	120	0.52	8	75.43697	58.40838	5.840837675	693166.675	Temporary 8 ft sound barrier
AA3	McNeilus Ready-mix Concrete truck		0.5	175	195	0.52	8	60.11864	53.09487	5.309487195	203932.8528	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip											
AC	John Deere Skip loader - 210LE											
AD	Caterpillar grader - 140H											
AE	CAT 966F wheel loader											
AF	Water truck - Sterling LT8500											
AG	CAT D8R - diesel - Bull Dozer											
AH	CAT 1055D paver											

Lmax* 81 | Sum 14413064.54 | Sum/12 1201088.711 | 10*Log(Sum) 60.79575085 | Leq(h) 61

*Calculated Lmax is the Loudest value.

EXHIBIT A

Phase work for May 2011: Environmental Remediation and Bart Garage Earthwork

Receptor: Residential on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog
A	2000 Cat 330B Excavatnr	81	1	30	105	0.43		85.43697499	73.17007114	7.317007	20749475.05
B	2005 Linkbelt 330 LX Excavator	81	1	155	250	0.43		71.17276612	64.01502889	6.401503	2520593.95
C	2006 Bobcat S300 Skid steer	79									
D	Xtreme XFR-1245 Forklift	75									
E	Delmag RH26	84									
F	Drill Head Motor	84									
G	TEREX Back Hoe Loader	88									
H	46 meter Putzmeister Boom Pump	84									
J1	1999 Mack Dump truck	88	0.5	30	105	0.43		92.43697499	77.15977118	7.715977	51998859
J2	1999 Mack Dump truck	88	0.5	155	250	0.43		78.17276612	68.00472894	6.800473	6316447.544
K	Fork Lift - Hyster H80XL	75									
M	Ingersoll Rand Compressor	85									
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 60 ft boom	75									
Q	Delivery Stake Truck - F-450 Super Duty	85									
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	88									
U	Hitachi Excavator - EX-550LC-5	81									
V	Dynapac (jumping jack) - LT7000	87									
W	STIHL - cut-off saw	70	0.5	155	250	0.43		60.17276612	50.00472894	5.000473	100108.9471
X	Lincoln Commander 500 welder	73									
Y	Concrete walk behind saw -EDCO SS-20	90									
Z1	SAKAI - dirt roller	80	1	50	105	0.43		80	72.17007114	7.217007	16481893.89
Z2	SAKAI - dirt roller	80	1	155	250	0.43		70.17276612	63.01502889	6.301503	2002178.943
AA	McNeilus Ready-mix Concrete truck	79									
AB	Cement Finisher - Multiquip	80									
AC	John Deere Skip loader - 210LE	88									
AD	Caterpillar grader - 140H	85									
AE	CAT 966F wheel loader	88									
AF	Water truck - Sterling LT8500	85	0.5	30	105	0.43		89.43697499	74.15977118	7.415977	26060162.42
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 1055D paver	77	0.5	30	105	0.43		81.43697499	66.15977118	6.615977	4130257.401
		Distance to receptor:		Closest	Average			Lmax*	92	Sum	130357978.1
	Environmental Remediation			30	105					Sum/12	10863164.85
	BART Garage Earthwork			155	250					10*Log(Sum)	70.3595637
										Leq(h)	70

*Calculated Lmax is the Loudest value.

	Noise Level Calculation with Noise Attenuation Requirements Implemented									
	Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	1	30	105	0.43	8	77.43697	65.17007	6.517007	3288570	Temporary 8 ft sound barrier
B	1	155	250	0.43	8	63.17277	56.01503	5.601503	399487.2	Temporary 8 ft sound barrier
C										
D										
E										
F										
G										
H										
J1	0.5	30	105	0.43	8	84.43697	69.15977	6.915977	8240947	Temporary 8 ft sound barrier
J2	0.5	155	250	0.43	8	70.17277	60.00473	6.000473	1001089	Temporary 8 ft sound barrier
K										
M										
N										
P										
Q										
R										
S										
T										
U										
V										
W	0.5	155	250	0.43	8	52.17277	42.00473	4.200473	15866.2	Temporary 8 ft sound barrier
X										
Y										
Z1	1	50	105	0.43	8	72	64.17007	6.417007	2612204	Temporary 8 ft sound barrier
Z2	1	155	250	0.43	8	62.17277	55.01503	5.501503	317324	Temporary 8 ft sound barrier
AA										
AB										
AC										
AD										
AE										
AF	0.5	30	105	0.43	8	81.43697	66.15977	6.615977	4130257	Temporary 8 ft sound barrier
AG										
AH	0.5	30	105	0.43	8	73.43697	58.15977	5.815977	654601.7	Temporary 8 ft sound barrier
						Lmax*	84	Sum	20660347	
								Sum/12	1721696	
								10*Log(Sum)	62.35956	
								Leq(h)	62	

*Calculated Lmax is the Loudest value.

Phase work for June 2011: Piles and Grade Beams/Pile Caps

Receptor: Residential on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog
A	2000 Cat 330B Excavator	81									
B	2005 Linkbelt 330 LX Excavator	81									
C	2006 Bobcat S300 Skid steer	79									
D1	Xtreme XFR-1245 Forklift	75	1	155	250	0.43		65.17276612	58.01502889	5.801503	633144.5742
E	Delmag RH26	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.119
F	Drill Head Motor	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.119
G	TEREX Back Hoe Loader	88	1	155	250	0.43		78.17276612	71.01502889	7.101503	12632895.09
H1	46 meter Putzmeister Boom Pump	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.119
J	1999 Mack Dump truck	88	0.5	155	250	0.43		78.17276612	68.00472894	6.800473	6316447.544
K	Fork Lift - Hyster H80XL	75									
M	Ingersoll Rand Compressor	85									
N	Link Belt 75 ton hydro	76									
P	JLG 600 series - 60 ft boom	75									
Q	Delivery Stake Truck - F-450 Super Duty	85	0.5	155	250	0.43		75.17276612	65.00472894	6.500473	3165722.871
R	Pecco PH 6000	75									
S	Ditchwitch 1030 trencher	80									
T	TEREX Back Hoe Loader	88									
U	Hitachi Excavator - EX-550LC-5	81									
V	Dynapac (jumping jack) - LT7000	87									
W	STIHL - cut-off saw	70									
X	Lincoln Commander 500 welder	73	0.5	155	250	0.43		63.17276612	53.00472894	5.300473	199743.6096
Y	Concrete walk behind saw -EDCO SS-20	90									
Z1	SAKAI - dirt roller	80									
Z2	SAKAI - dirt roller	80									
AA1	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.6325
AA2	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.6325
AB	Cement Finisher - Multiquip	80									
AC	John Deere Skip loader - 210LE	88									
AD	Caterpillar grader - 140H	85									
AE	CAT 966F wheel loader	88									
AF	Water truck - Sterling LT8500	85									
AG	CAT D8R - diesel - Bull Dozer	88									
AH	CAT 1055D paver	77									
		Distance to receptor:		Closest	Average			Lmax*	78	Sum	39626079.31
	BART Garage Piles, Grade Beams/Pile Caps			155	250					Sum/12	3302173.276
										10*Log(Sum)	65.18799858
										Leq(h)	65

*Calculated Lmax is the Loudest value.

	Noise Level Calculation with Noise Attenuation Requirements Implemented									
	Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A										
B										
C										
D1	1	155	250	0.43	8	57.17277	50.01503	5.001503	100346.7	Temporary 8 ft sound barrier
E	1	155	250	0.43	8	66.17277	59.01503	5.901503	797081.8	Temporary 8 ft sound barrier
F	1	155	250	0.43	8	66.17277	59.01503	5.901503	797081.8	Temporary 8 ft sound barrier
G	1	155	250	0.43	8	70.17277	63.01503	6.301503	2002179	Temporary 8 ft sound barrier
H1	1	155	250	0.43	8	66.17277	59.01503	5.901503	797081.8	Temporary 8 ft sound barrier
J	0.5	155	250	0.43	8	70.17277	60.00473	6.000473	1001089	Temporary 8 ft sound barrier
K										
M										
N										
P										
Q	0.5	155	250	0.43	8	67.17277	57.00473	5.700473	501733.3	Temporary 8 ft sound barrier
R										
S										
T										
U										
V										
W										
X	0.5	155	250	0.43	8	55.17277	45.00473	4.500473	31657.23	Temporary 8 ft sound barrier
Y										
Z1										
Z2										
AA1	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126028.7	Temporary 8 ft sound barrier
AA2	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126028.7	Temporary 8 ft sound barrier
AB										
AC										
AD										
AE										
AF										
AG										
AH										
						Lmax*	70	Sum	6280310	
								Sum/12	523359.2	
								10*Log(Sum)	57.186	
								Leq(h)	57	

*Calculated Lmax is the Loudest value.

EXHIBIT A

EXHIBIT D

Phase work for Sept 2011: Grade Beams/Pile Caps, Vertical Concrete, Utilities, BART Plaza

Receptor: Residential on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented									
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				Attenuation technique
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	implemented
A	2000 Cat 330B Excavator	81																			
B1	2005 Linkbelt 330 LX Excavator	81	1	325	365	0.43		64.74173287	60.0212545	6.002125	1004906.025	1	325	365	0.43	8	56.74173	52.02125	5.202125	159266.9	Temporary 8 ft sound barrier
B2	2005 Linkbelt 330 LX Excavator	81	1	540	680	0.43		60.33152489	53.45500453	5.3455	221564.6406	1	540	680	0.43	8	52.33152	45.455	4.5455	35115.63	Temporary 8 ft sound barrier
B3	2005 Linkbelt 330 LX Excavator	81	1	155	390	0.43		71.17276612	59.32210115	5.93221	855480.5017	1	155	390	0.43	8	63.17277	51.3221	5.13221	135584.5	Temporary 8 ft sound barrier
C1	2006 Bobcat S300 Skid steer	79	1	325	365	0.43		62.74173287	58.0212545	5.802125	634052.8367	1	325	365	0.43	8	54.74173	50.02125	5.002125	100490.6	Temporary 8 ft sound barrier
C2	2006 Bobcat S300 Skid steer	79	1	540	680	0.43		58.33152489	51.45500453	5.1455	139787.8372	1	540	680	0.43	8	50.33152	43.455	4.3455	22156.46	Temporary 8 ft sound barrier
C3	2006 Bobcat S300 Skid steer	79	1	155	390	0.43		69.17276612	57.32210115	5.73221	539771.7056	1	155	390	0.43	8	61.17277	49.3221	4.93221	85548.05	Temporary 8 ft sound barrier
D	Xtreme XFR-1245 Forklift	75	1	155	250	0.43		65.17276612	58.01502889	5.801503	633144.5742	1	155	250	0.43	8	57.17277	50.01503	5.001503	100346.7	Temporary 8 ft sound barrier
E	Delmag RH26	84																			
F	Drill Head Motor	84																			
G1	TEREX Back Hoe Loader	88	1	540	680	0.43		67.33152489	60.45500453	6.0455	1110453.693	1	540	680	0.43	8	59.33152	52.455	5.2455	175995	Temporary 8 ft sound barrier
G2	TEREX Back Hoe Loader	88	1	155	390	0.43		78.17276612	66.32210115	6.63221	4287559.061	1	155	390	0.43	8	70.17277	58.3221	5.83221	679532.3	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump	84	1	155	250	0.43		74.17276612	67.01502889	6.701503	5029246.119	1	155	250	0.43	8	66.17277	59.01503	5.901503	797081.8	Temporary 8 ft sound barrier
J1	1999 Mack Dump truck	88	0.5	540	680	0.43		67.33152489	57.44470457	5.74447	555226.8464	0.5	540	680	0.43	8	59.33152	49.4447	4.94447	87997.52	Temporary 8 ft sound barrier
J2	1999 Mack Dump truck	88	0.5	155	390	0.43		78.17276612	63.3118012	6.33118	2143779.53	0.5	155	390	0.43	8	70.17277	55.3118	5.53118	339766.2	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75	1	155	250	0.43		65.17276612	58.01502889	5.801503	633144.5742	1	155	250	0.43	8	57.17277	50.01503	5.001503	100346.7	Temporary 8 ft sound barrier
M1	Ingersoll Rand Compressor	85	1	325	365	0.43		66.74173287	64.0212545	6.402125	2524209.808	1	325	365	0.43	8	60.74173	56.02125	5.602125	400060.3	Temporary 8 ft sound barrier
M2	Ingersoll Rand Compressor	85	1	540	680	0.43		64.33152489	57.45500453	5.7455	556545.2143	1	540	680	0.43	8	56.33152	49.455	4.9455	88206.47	Temporary 8 ft sound barrier
M3	Ingersoll Rand Compressor	85	1	155	390	0.43		75.17276612	63.32210115	6.33221	2148869.865	1	155	390	0.43	8	67.17277	55.3221	5.53221	340572.9	Temporary 8 ft sound barrier
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q1	Delivery Stake Truck - F-450 Super Duty	85	0.5	155	250	0.43		75.17276612	65.00472894	6.500473	3165722.871	0.5	155	250	0.43	8	67.17277	57.00473	5.700473	501733.3	Temporary 8 ft sound barrier
Q2	Delivery Stake Truck - F-450 Super Duty	85	0.5	155	250	0.43		75.17276612	65.00472894	6.500473	3165722.871	0.5	155	250	0.43	8	67.17277	57.00473	5.700473	501733.3	Temporary 8 ft sound barrier
Q3	Delivery Stake Truck - F-450 Super Duty	85	0.5	325	365	0.43		68.74173287	61.01095454	6.101095	1262104.904	0.5	325	365	0.43	8	60.74173	53.01095	5.301095	200030.1	Temporary 8 ft sound barrier
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87	0.5	325	365	0.43		70.74173287	63.01095454	6.301095	2000301.471	0.5	325	365	0.43	8	62.74173	55.01095	5.501095	317026.4	Temporary 8 ft sound barrier
W1	STIHL - cut-off saw	70	0.5	325	365	0.43		53.74173287	46.01095454	4.601095	39911.26143	0.5	325	365	0.43	8	45.74173	38.01095	3.801095	6325.509	Temporary 8 ft sound barrier
W2	STIHL - cut-off saw	70	0.5	540	680	0.43		49.33152489	39.44470457	3.94447	8799.752491	0.5	540	680	0.43	8	41.33152	31.4447	3.14447	1394.667	Temporary 8 ft sound barrier
W3	STIHL - cut-off saw	70	0.5	155	390	0.43		60.17276612	45.3118012	4.53118	33976.61584	0.5	155	390	0.43	8	52.17277	37.3118	3.73118	5384.931	Temporary 8 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z	SAKAI - dirt roller	80																			
AA1	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.6325	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126028.7	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	79	0.5	155	250	0.43		69.17276612	59.00472894	5.900473	795193.6325	0.5	155	250	0.43	8	61.17277	51.00473	5.100473	126028.7	Temporary 8 ft sound barrier
AA3	McNeilus Ready-mix Concrete truck	79	0.5	325	365	0.43		62.74173287	55.01095454	5.501095	317026.4184	0.5	325	365	0.43	8	54.74173	47.01095	4.701095	50245.3	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85																			
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77																			

	Distance to receptor:	Closest	Average		Lmax*	78		Sum	20145729.27
BART Garage Grade Beams/Pile Caps, Vertical Concrete		155	250					Sum/12	1678810.772
Frontage Road Utilities		325	365					10*Log(Sum)	62.25001747
Bart Plaza Demo		540	680					Leq(h)	62
W MacArthur Demo		155	390	*Calculated Lmax is the Loudest value.					

Lmax*	70		Sum	3152883					
			Sum/12	266073.6					
			10*Log(Sum)	54.25002					
			Leq(h)	54					

*Calculated Lmax is the Loudest value.

EXHIBIT A

Phase work for May 2011: Environmental Remediation and Bart Garage Earthwork

Receptor: Surgery Center on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	Attenuation technique implemented
A	2000 Cat 330B Excavator	81	1	30	140	0.43		85.43697499	70.13405984	7.013406	10313497.9	1	30	140	0.43	5	80.43697	65.13406	6.513406	3261414	Temporary 6 ft sound barrier
B	2005 Linkbelt 330 LX Excavator	81	1	250	390	0.43		67.02059991	59.32210115	5.93221	855480.502	1	250	390	0.43	5	62.0206	54.3221	5.43221	270526.7	Temporary 6 ft sound barrier
C	2006 Bobcat S300 Skid steer	79																			
D	Xtreme XFR-1245 Forklift	75																			
E	Delmag RH26	84																			
F	Drill Head Motor	84																			
G	TEREX Back Hoe Loader	88																			
H	48 meter Putzmeister Boom Pump	84																			
J1	1999 Mack Dump truck	88	0.5	100	140	0.43		81.97940009	74.12375988	7.412376	25844967.4	0.5	100	140	0.43	5	76.9794	69.12376	6.912376	8172896	Temporary 6 ft sound barrier
J2	1999 Mack Dump truck	88	0.5	250	390	0.43		74.02059991	63.3118012	6.33118	2143779.53	0.5	250	390	0.43	5	69.0206	58.3118	5.83118	677922.6	Temporary 6 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85																			
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70	0.5	250	390	0.43		56.02059991	45.3118012	4.53118	33976.6158	0.5	250	390	0.43	5	51.0206	40.3118	4.03118	10744.35	Temporary 6 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z1	SAKAI - dirt roller	80	1	50	140	0.43		80	69.13405984	6.913406	8192302.57	1	50	140	0.43	5	75	64.13406	6.413406	2590834	Temporary 6 ft sound barrier
Z2	SAKAI - dirt roller	80	1	250	390	0.43		66.02059991	58.32210115	5.83221	679532.317	1	250	390	0.43	5	61.0206	53.3221	5.33221	214887	Temporary 6 ft sound barrier
AA	McNeilus Ready-mix Concrete truck	79																			
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT6500	85	0.5	30	140	0.43		89.43697499	71.12375988	7.112376	12953167.7	0.5	30	140	0.43	5	84.43697	66.12376	6.612376	4096151	Temporary 6 ft sound barrier
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77	0.5	30	140	0.43		81.43697499	63.12375988	6.312376	2052938.73	0.5	30	140	0.43	5	76.43697	58.12376	5.812376	649196.2	Temporary 6 ft sound barrier
		Distance to receptor:		Closest	Average			Lmax*	89		Sum	6306964.2					Lmax*	84		Sum	1994372
	Environmental Remediation			30	140						Sum/12	525580.6								Sum/12	166031
	BART Garage Earthwork			250	390						10*Log(Sum)	67.2063913								10*Log(Sum)	62.20639
											Leq(h)	67								Leq(h)	62

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

Phase work for June 2011: Piles and Grade Beams/Pile Caps

Receptor: Surgery Center on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented								
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	Attenuation technique implemented
A	2000 Cat 330B Excavator	81																			
B	2005 Linkbelt 330 LX Excavator	81																			
C	2006 Bobcat S300 Skid steer	79																			
D1	Xtreme XFR-1245 Forklift	75	1	250	390	0.43		61.02059991	53.32210115	5.33221	214886.986	1	250	390	0.43	5	56.0206	48.3221	4.83221	67953.23	Temporary 8 ft sound barrier
E	Delmag RH26	84	1	250	390	0.43		70.02059991	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	539771.7	Temporary 8 ft sound barrier
F	Drill Head Motor	84	1	250	390	0.43		70.02059991	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	539771.7	Temporary 8 ft sound barrier
G	TEREX Back Hoe Loader	88	1	250	390	0.43		74.02059991	66.32210115	6.63221	4287559.06	1	250	390	0.43	5	69.0206	61.3221	6.13221	1355845	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump	84	1	250	390	0.43		70.02059991	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	539771.7	Temporary 8 ft sound barrier
J	1999 Mack Dump truck	88	0.5	250	390	0.43		74.02059991	63.3118012	6.33118	2143779.53	0.5	250	390	0.43	5	69.0206	58.3118	5.83118	677922.6	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75																			
M	Ingersoll Rand Compressor	85																			
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q	Delivery Stake Truck - F-450 Super Duty	85	0.5	250	390	0.43		71.02059991	60.3118012	6.03118	1074434.93	0.5	250	390	0.43	5	66.0206	55.3118	5.53118	339766.2	Temporary 8 ft sound barrier
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87																			
W	STIHL - cut-off saw	70																			
X	Lincoln Commander 500 welder	73	0.5	250	390	0.43		59.02059991	48.3118012	4.83118	67792.2612	0.5	250	390	0.43	5	54.0206	43.3118	4.33118	21437.8	Temporary 8 ft sound barrier
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z1	SAKAI - dirt roller	80																			
Z2	SAKAI - dirt roller	80																			
AA1	McNeilus Ready-mix Concrete truck	79	0.5	250	390	0.43		65.02059991	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	79	0.5	250	390	0.43		65.02059991	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT6500	85																			
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 1055D paver	77																			
		Distance to receptor:		Closest	Average			Lmax*	74		Sum	13448948.5					Lmax*	69		Sum	4252831
	BART Garage Piles, Grade Beams/Pile Caps			250	390						Sum/12	1120745.71								Sum/12	354410.9
											10*Log(Sum)	60.4950708								10*Log(Sum)	55.49517
											Leq(h)	60								Leq(h)	55

*Calculated Lmax is the Loudest value.

*Calculated Lmax is the Loudest value.

EXHIBIT A

EXHIBIT D

Phase work for Sept 2011: Grade Beams/Pile Caps, Vertical Concrete, Utilities, BART Plaza

Receptor: Surgery Center on Telegraph

		Reference (dBA) 50 ft	Noise Level Calculation Prior to Implementation of Noise Attenuation Requirements								Noise Level Calculation with Noise Attenuation Requirements Implemented									
			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)			Usage	Distance to Receptor		Ground	Shielding	Calculated (dBA)				
		Lmax	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	factor	Closest	Average	Effect	(dBA)	Lmax	Leq	0.1*Leq	antiLog	Attenuation technique Implemented
A	2000 Cat 330B Excavator	81																			
B1	2005 Linkbelt 330 LX Excavator	81	1	315	325	0.43		65.01318901	61.24620543	6.124621	1332356.8	1	315	325	0.43	5	60.01319	56.24621	5.624621	421328.2	Temporary 8 ft sound barrier
B2	2005 Linkbelt 330 LX Excavator	81	1	370	480	0.43		63.61536561	57.13080904	5.713081	516512.56	1	370	480	0.43	5	58.61537	52.13081	5.213081	163335.6	Temporary 8 ft sound barrier
B3	2005 Linkbelt 330 LX Excavator	81	1	430	560	0.43		62.31003098	55.50400205	5.5504	355140.503	1	430	560	0.43	5	57.31003	50.504	5.0504	112305.3	Temporary 8 ft sound barrier
C1	2006 Bobcat S300 Skid steer	79	1	315	325	0.43		63.01318901	59.24620543	5.924621	840660.31	1	315	325	0.43	5	58.01319	54.24621	5.424621	265840.1	Temporary 8 ft sound barrier
C2	2006 Bobcat S300 Skid steer	79	1	370	480	0.43		61.61536561	55.13080904	5.513081	325897.406	1	370	480	0.43	5	56.61537	50.13081	5.013081	103057.8	Temporary 8 ft sound barrier
C3	2006 Bobcat S300 Skid steer	79	1	430	560	0.43		60.31003098	53.50400205	5.3504	224078.508	1	430	560	0.43	5	55.31003	48.504	4.8504	70859.85	Temporary 8 ft sound barrier
D	Xtreme XFR-1245 Forklift	75	1	250	390	0.43		61.02059991	53.32210115	5.33221	214886.986	1	250	390	0.43	5	56.0206	48.3221	4.83221	67953.23	Temporary 8 ft sound barrier
E	Delmag RH26	84																			
F	Drill Head Motor	84																			
G1	TEREX Back Hoe Loader	88	1	370	480	0.43		70.61536561	64.13080904	6.413081	2588695.11	1	370	480	0.43	5	65.61537	59.13081	5.913081	818617.3	Temporary 8 ft sound barrier
G2	TEREX Back Hoe Loader	88	1	430	560	0.43		69.31003098	62.50400205	6.2504	1779918.86	1	430	560	0.43	5	64.31003	57.504	5.7504	562859.8	Temporary 8 ft sound barrier
H1	48 meter Putzmeister Boom Pump	84	1	250	390	0.43		70.02059991	62.32210115	6.23221	1706908.01	1	250	390	0.43	5	65.0206	57.3221	5.73221	539771.7	Temporary 8 ft sound barrier
J1	1999 Mack Dump truck	88	0.5	370	480	0.43		70.61536561	61.12050908	6.112051	1294347.56	0.5	370	480	0.43	5	65.61537	56.12051	5.612051	409308.6	Temporary 8 ft sound barrier
J2	1999 Mack Dump truck	88	0.5	430	560	0.43		69.31003098	59.49370209	5.94937	889959.43	0.5	430	560	0.43	5	64.31003	54.4937	5.44937	281429.9	Temporary 8 ft sound barrier
K	Fork Lift - Hyster H80XL	75	1	250	390	0.43		61.02059991	53.32210115	5.33221	214886.986	1	250	390	0.43	5	56.0206	48.3221	4.83221	67953.23	Temporary 8 ft sound barrier
M1	Ingersoll Rand Compressor	85	1	315	325	0.43		69.01318901	65.24620543	6.524621	3346728.97	1	315	325	0.43	5	64.01319	60.24621	6.024621	1058329	Temporary 8 ft sound barrier
M2	Ingersoll Rand Compressor	85	1	370	480	0.43		67.61536561	61.13080904	6.113081	1297420.94	1	370	480	0.43	5	62.61537	56.13081	5.613081	410280.5	Temporary 8 ft sound barrier
M3	Ingersoll Rand Compressor	85	1	430	560	0.43		66.31003098	59.50400205	5.9504	892072.61	1	430	560	0.43	5	61.31003	54.504	5.4504	282098.1	Temporary 8 ft sound barrier
N	Link Belt 75 ton hydro	76																			
P	JLG 600 series - 60 ft boom	75																			
Q1	Delivery Stake Truck - F-450 Super Duty	85	0.5	250	390	0.43		71.02059991	60.3118012	6.03118	1074434.93	0.5	250	390	0.43	5	66.0206	55.3118	5.53118	339766.2	Temporary 8 ft sound barrier
Q2	Delivery Stake Truck - F-450 Super Duty	85	0.5	250	390	0.43		71.02059991	60.3118012	6.03118	1074434.93	0.5	250	390	0.43	5	66.0206	55.3118	5.53118	339766.2	Temporary 8 ft sound barrier
Q3	Delivery Stake Truck - F-450 Super Duty	85	0.5	315	325	0.43		69.01318901	62.23590548	6.223591	1673364.49	0.5	315	325	0.43	5	64.01319	57.23591	5.723591	529164.3	Temporary 8 ft sound barrier
R	Pecco PH 6000	75																			
S	Ditchwitch 1030 trencher	80																			
T	TEREX Back Hoe Loader	88																			
U	Hitachi Excavator - EX-550LC-5	81																			
V	Dynapac (jumping jack) - LT7000	87	0.5	315	325	0.43		71.01318901	64.23590548	6.423591	2652103.98	0.5	315	325	0.43	5	66.01319	59.23591	5.923591	838668.9	Temporary 8 ft sound barrier
W1	STIHL - cut-off saw	70	0.5	315	325	0.43		54.01318901	47.23590548	4.723591	52916.4313	0.5	315	325	0.43	5	49.01319	42.23591	4.223591	16733.64	Temporary 8 ft sound barrier
W2	STIHL - cut-off saw	70	0.5	370	480	0.43		52.61536561	43.12050908	4.312051	20514.0263	0.5	370	480	0.43	5	47.61537	38.12051	3.812051	6487.105	Temporary 8 ft sound barrier
W3	STIHL - cut-off saw	70	0.5	430	560	0.43		51.31003098	41.49370209	4.14937	14104.9064	0.5	430	560	0.43	5	46.31003	36.4937	3.64937	4460.363	Temporary 8 ft sound barrier
X	Lincoln Commander 500 welder	73																			
Y	Concrete walk behind saw -EDCO SS-20	90																			
Z	SAKAI - dirt roller	80																			
AA1	McNeilus Ready-mix Concrete truck	79	0.5	250	390	0.43		65.02059991	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AA2	McNeilus Ready-mix Concrete truck	79	0.5	250	390	0.43		65.02059991	54.3118012	5.43118	269885.853	0.5	250	390	0.43	5	60.0206	49.3118	4.93118	85345.4	Temporary 8 ft sound barrier
AA3	McNeilus Ready-mix Concrete truck	79	0.5	315	325	0.43		63.01318901	56.23590548	5.623591	420330.155	0.5	315	325	0.43	5	58.01319	51.23591	5.123591	132920.1	Temporary 8 ft sound barrier
AB	Cement Finisher - Multiquip	80																			
AC	John Deere Skip loader - 210LE	88																			
AD	Caterpillar grader - 140H	85																			
AE	CAT 966F wheel loader	88																			
AF	Water truck - Sterling LT8500	85																			
AG	CAT D8R - diesel - Bull Dozer	88																			
AH	CAT 10550 paver	77																			

	Distance to receptor:	Closest	Average		Lmax*	71		Sum	15457392.1
BART Garage Grade Beams/Pile Caps, Vertical Concrete		250	390					Sum/12	1288116
Frontage Road Utilities		315	325					10*Log(Sum)	61.0995498
Bart Plaza Demo		370	480					Leq(h)	61
W MacArthur Demo		430	560	*Calculated Lmax is the loudest value.					

					Lmax*	66		Sum	4888057
								Sum/12	407338
								10*Log(Sum)	56.09955
								Leq(h)	56
					*Calculated Lmax is the loudest value.				

EXHIBIT A

EXHIBIT A

ATTACHMENT B:
CONSTRUCTION EQUIPMENT SCHEDULE AND KEY

See Exhibit I

EXHIBIT A

WILSON IHRIG & ASSOCIATES
ACOUSTICAL AND VIBRATION CONSULTANTS
CALIFORNIA NEW YORK WASHINGTON

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10 March 2011

MacArthur Transit Community Partners LLC
c/o Art May
Keystone Development Company
5858 Horton Street
Suite 170
Emeryville, California 94608

Subject: MacArthur Transit Village
Vibration from Construction

Dear Mr. May:

Summary

The following are key points from our review of the information provided[1] regarding the proposed MacArthur Transit Village Project (MTV Project):

- Vibration impacts of the proposed MTV Project were analyzed in the MacArthur Transit Village Project EIR dated January 2008 and no significant impacts were identified based on the City's thresholds for vibration and the City's standard condition of approval for vibration.
- Based on the Surgery Center assertion that the MTV Project construction would have significant vibration impacts on the operations at the Surgery Center, the Project Sponsor has requested Wilson Ihrig & Associates (WIA) to review the proposed Construction Equipment Schedule using the FTA criteria referenced by the Surgery Center.
- We understand that as part of the Construction Equipment Schedule for Phases 1 and 2, the Project Sponsor has committed to the use of reduced-vibratory construction methods (as described below) to minimize the effects of construction equipment working adjacent to the Surgery Center.
- With the implementation of vibration-reduction methods that the Project Sponsor has detailed as part of the Construction Equipment Schedule for Phases 1 and 2, the vibration generated by the construction activities would not exceed the FTA criteria referenced by the Surgery Center.
- WIA recommends that vibration monitoring be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and that vibration at the facilities be monitored during key periods of construction that are subject to vibration to verify that the Construction Equipment Schedule measures are sufficient to ensure that vibration levels do not exceed the FTA criteria.

[1] Construction Equipment Schedule dated January 28, 2011, Illustrative Plan (L-1.0) dated 9.16.2010 and Vesting Tentative Tract Map No. 8047 (T-4) dated 10-25-10.

Discussion
As requested, we have reviewed the MTV Project Construction Equipment Schedule for Phases 1 and 2 to develop a response to the letter prepared by Timothy G. Brown and Robert P. Alvarado of Charles M. Salter Associates (CSA) and submitted to Ed Erwin of Alta Bates Summit Medical Center on 12/21/10. The letter raised concerns about the vibration impacts of construction activities on the Surgery Center located at 3875 Telegraph Avenue and suggested that certain FTA vibration criteria could be exceeded based on certain assumptions about the types of construction equipment that would be used.

Project Conditions
The City's standard condition of approval for construction-related vibration was included in the MTV Project Conditions (see COA NOISE-6). Our evaluation and recommendation fulfill part of the requirements of this condition.

Short-term Vibration
The December 21, 2010 letter from CSA asserts that the MTV Project could have a potentially significant vibration impact on the Surgery Center based on the assumption that construction adjacent to the Surgery Center would include the use of pile driving, hydraulic breakers, drilled piers, rammed aggregate piers, and vibratory compaction. The letter cites the Federal Transit Administration (FTA) vibration impact criteria[2] for General Assessment and Detailed Analysis.

The Detailed Analysis criteria cited by the Surgery Center are appropriate for an engineering-level analysis where detailed information on the vibration propagation properties of the ground and the source vibration are available. A vibration impact that is identified using the General Assessment criteria is sometimes cleared once the engineering analysis is performed and compared to the Detailed Analysis Criteria. Thus, the General Assessment evaluation and criteria are considered to be more conservative and we have used them in our analysis.

The following are the FTA criteria:

- Category 1: Buildings where vibration would interfere with interior operations
  - The criterion is based on what is acceptable for most moderately sensitive equipment such as optical microscopes.
  - The sensitivity of the equipment and surgery activities at the Surgery Center has not been confirmed.
  - Criterion: 65 VdB
- Category 2: Buildings where people normally sleep
  - The Surgery Center is an outpatient facility and this criterion would not apply as patients do not spend the night or sleep for any significant period of time; they only spend time in the recovery room to awaken from anesthesia.
  - Criteria:
    - 72 VdB for frequent events (70 or more per day)
    - 75 VdB for occasional events (30 to 70 per day)
    - 80 VdB for infrequent event (fewer than 30 per day)
- Category 3: Institutional land uses with primarily daytime use
  - If the surgical equipment and methods at the Surgery Center are not sufficiently sensitive to warrant the use of the Category 1 criterion, these would be applied
  - Criteria:

[2] FTA, *Transit Noise and Vibration Impact Assessment*, May 2006.

- 75 VdB for frequent events (70 or more per day)
- 78 VdB for occasional events (30 to 70 per day)
- 83 VdB for infrequent event (fewer than 30 per day)

For reference, the vibration level generated by a person walking within the same room can be on the order of 60 to 65 VdB, and the vibration from a bus or truck at city speeds hitting a bump on a street 25 feet away is on the order of 80 VdB. A 3 ton truck traveling at 35 mph on a smooth road would generate vibration less than 60 VdB at a distance of 25 feet. Although the sensitivity of the Surgery Center equipment has not been confirmed, the analysis below demonstrates that the MTV Project Construction would not exceed the Category 1 criterion.

Construction Equipment Schedule

We have reviewed the Construction Equipment Schedule for Phases 1 and 2 (dated January 28, 2011). The Project Sponsor has committed to limit the use of reduced-vibratory construction methods, as needed, in the vicinity of the Surgery Center, to minimize the effects of construction equipment and ensure the FTA Category 1 criterion is not exceeded. Contrary to the assumptions made in the CSA letter, the Construction Equipment Schedule does not include the use of pile driving, hydraulic breakers, drilled piers, or aggregate piers adjacent to the Surgery Center.

The construction methods contained in the Construction Equipment Schedule and potential vibration levels include:

- No driven/impact piles used
  - The construction of Phases 1 and 2 would not utilize piles driven into the ground by a hammer (pile driving).
  - The foundations for the BART parking garage are contemplated as augur cast or torque down piles and the foundation for the proposed Phase 2 residential structure would be a poured in place mat slab.
- Limited demolition
  - The demolition work near the Alta Bates Surgery Center would be to remove asphalt, thus no jackhammers or comparable equipment would be required.
  - Excavators would be used to remove the asphalt.
- Compaction Methods
  - The MTV Project plans to use large vibrating roller compactors for compacting soil, road base, and asphalt at certain locations throughout most of the project site.
    - This equipment would generate a vibration level on the order of 94 VdB at a distance of 25 feet.
  - Smaller vibrating rolling compactors, vibrating plate compactors, and/or jumping jack compactors would also be utilized as necessary, based on the monitoring described below, to ensure the FTA Category1 criterion is not exceeded at the Surgery Center.
    - These types of equipment would generate less vibration than a large vibrating roller compactor, possibly comparable to the vibration generated by a small bulldozer, which would typically generate a vibration level on the order of 58 VdB at a distance of 25 feet, well below any of the thresholds described above.

- For compaction work adjacent to the Surgery Center, the Project Sponsor has included in the Construction Equipment Schedule options to employ one or more of the following strategies if monitoring shows that additional methods are necessary to avoid interference with operation of the Surgery Center:
  - Use of sheep foot non-vibrating compactors.
  - Use of non-vibrating roller compactors.
  - Scheduling vibrating roller compaction after surgical hours and/or on weekends, subject to City review and approval.
  - Use of alternate fill materials that require no or minimal induced compaction.

  These methods would generate less vibration than a large vibrating roller compactor, possibly comparable to the vibration generated by a small bulldozer, which would typically generate a vibration level on the order of 58 VdB at a distance of 25 feet.

Conclusions
Anticipated vibration from construction activities for the MTV Project would not exceed the Category 1 criterion at the Surgery Center.

Pursuant to Standard Condition of Approval NOISE-6, WIA recommends that (1) the contractors implement the Construction Equipment Schedule elements described above and (2) vibration monitoring be conducted at the Surgery Center to document the baseline conditions during operations prior to construction and to monitor the vibration at the facilities during the key periods of construction that are subject to vibration to verify that construction-related vibration is not exceeding the FTA category 1 criterion. The key periods of construction would occur when the equipment discussed above are in operation (e.g., vibratory roller compactor, vibrating plate compactors, and/or jumping jack).

Please let us know if you have any questions on this information.

Very truly yours,

WILSON, IHRIG & ASSOCIATES, INC.

Deborah A. Jue
Associate Principal

assure City that the Project will be developed within a reasonable time period, Developer shall complete each Phase in accordance with the Phasing Plan set forth below.

3.3.1 City Right to Terminate Agreement. City shall have the right to Terminate this Agreement by written notice to Developer if City determines that, if for any reason other than due to Force Majeure, despite such Developer's reasonable efforts and other factors, including market and economic conditions as of the time in question for the uses contemplated for the Project, appropriate mix of uses and use categories, return on investment and similar criteria, Developer has not complied with the Phasing Plan.

3.3.2 Meet and Confer and Cure Period. In the event of any alleged failure to comply with the Phasing Plan, City and Developer shall follow the notice, meet and confer and cure processes set forth in Article VIII. City's sole and exclusive remedy in the event of Developer's breach of its obligations under this Article 3 shall be to Terminate this Agreement; however, any such Termination shall not relieve Developer of obligations under this Agreement that survive Termination (such as Indemnity obligations), accrued obligations under this Agreement, and obligations to comply with City Approvals, Subsequent Approvals, Governmental Agency Approvals and other Laws.

3.3.3 Phasing Plan. The Phasing Plan for the Project is as follows and illustrated on Illustrative Exhibit D. To the extent there is a conflict or inconsistency between this section 3.3.3 and Illustrative Exhibit D, this section 3.3.3 shall prevail:

(a) Developer shall submit a Final Development Plan ("FDP") application for Phase 1, comprising the BART Garage, to be constructed on parcel E, site remediation, the BART Plaza improvements, Internal Drive, the Frontage Road improvements, and the portion of Village Drive that extends from the Frontage Road to the Internal Drive all as

shown on Exhibit C, Master Development Plan, no later than one year after the Adoption Date and shall make regular and consistent progress toward approval of the FDP within one year after the initial submittal date of the FDP application. Construction of Phase 1 shall Commence in Earnest within one year after approval of the FDP for Phase 1. The target outside approval date for the FDP shall be one year after the initial submittal date of the FDP application. In the event that approval of the FDP is not obtained by the target outside approval date, then the time for construction of Phase I to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained. Developer's obligation with respect to Phase I shall be conditioned upon, and the above-referenced deadline for submittal of an FDP and Commencement in Earnest shall be extended until, satisfaction of the following conditions, all in accordance with the OPA: (i) execution of a ground lease by Developer and BART for the BART Garage, (ii) with respect to the obligations of Developer hereunder with respect to the BART Plaza only, execution of an agreement granting Developer the right to enter the BART Plaza and construct the Plaza improvements thereon; (iii) conveyance to Developer of a fee interest or right to enter and construct with respect to the property on which the roadway improvements described above are to be built, (iv) the award and disbursement of $37,300,000 of the TOD Housing Program and the Infill Infrastructure Grant Program under California Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006 funds to the Project ("Prop 1C Funds") and, with respect to the obligations of Developer hereunder with respect to the BART Plaza, the award of funds sufficient to construct the BART Plaza improvements, and (v) the pass-through of the funds described in 3.3.3(a)(iv) to Developer in accordance with the OPA. Notwithstanding the foregoing, except in the event of Litigation Force Majeure, in no

event shall the above deadlines be extended for more than three (3) years for any reason, including, without limitation, Force Majeure other than Litigation Force Majeure

(b) Developer shall submit an FDP application for Phase 2, comprising the affordable rental development to be constructed on parcel D shown on Exhibit C, no later than three (3) years after the Adoption Date and shall make regular and consistent progress toward approval of the FDP within one year after the initial submittal date of the FDP application for Phase 2. Construction of Phase 2 shall Commence in Earnest within one year after approval of the FDP for Phase 2. The target outside approval date for the FDP shall be one year after the initial submittal of the Phase 2 FDP application. In the event that approval of the Phase 2 FDP is not obtained by the target outside approval date, then the time for construction of Phase 2 to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until Phase 2 FDP approval is obtained. Developer's obligation with respect to Phase 2, and the deadline for Commencement in Earnest of Phase 2 set forth above shall be extended until the earlier to occur of (i) execution by Developer and BART of a ground lease for parcel D and receipt by Developer of subsidy funds sufficient to construct Phase 2, in accordance with the OPA; or (ii) ten (10) years after the Adoption Date. In no event shall such ten (10) year deadline be extended for any reason including, without limitation, Force Majeure.

(c) Developer shall submit an FDP application for Phase 3, comprising the mixed-use market rate development to be constructed on parcel A shown on Exhibit C, including without limitation, the new hardscape public plaza along Frontage Drive in front of the building to be constructed on Parcel A as shown on Exhibit C, no later than three (3) years after the Adoption Date subject to a one-year extension at the reasonable request of Developer (if Developer reasonably believes that it is not Feasible to construct due to market

conditions), and shall make regular and consistent progress toward approval of the FDP for Phase 3 within one year after the initial submittal date of the FDP application for Phase 3. Construction of Phase 3 shall Commence in Earnest within one year after approval of the Phase 3 FDP. The target outside approval date for the FDP shall be one year after the initial submittal date of the Phase 3 FDP application. In the event that approval of the Phase 3 FDP is not obtained by the target outside approval date, then the time for construction of Phase 3 to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained.

(d) Developer shall submit an FDP application for Phase 4, comprising the mixed-use market rate development to be constructed on parcel B shown on Exhibit C, no later than eight (8) years after the Adoption Date, and shall make regular and consistent progress toward approval of the FDP for Phase 4 within one year after the initial submittal date of the Phase 4 FDP application. Construction of Phase 4 shall Commence in Earnest within one year after approval of the Phase 4 FDP. The target outside approval date for the FDP shall be one year after the initial submittal of the Phase 4 FDP application. In the event that approval of the FDP is not obtained by the target outside approval date, then the time for construction of Phase 4 to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained.

(e) Developer shall submit an FDP application for Phase 5, comprising the mixed-use market rate development to be constructed on parcel C shown on Exhibit C, no later than 10 (ten) years after the Adoption Date and shall make regular and consistent progress toward approval of the FDP for Phase 5 within one year after the initial submittal date of the Phase 5 FDP application. Construction of Phase 5 shall Commence in

Earnest within one year after approval of the Phase 5 FDP. The target outside approval date for the FDP shall be one year after the initial submittal of the Phase 5 FDP application. In the event that approval of the FDP is not obtained by the target outside approval date, then the time for construction of Phase 5 to Commence in Earnest shall be extended one (1) day for each day after the target outside approval date until FDP approval is obtained.

(f) Notwithstanding the timeframes set forth in subsections 3.3.3 (a) through (e) above, no target outside approval with respect to any Phase shall be extended unless Developer, with respect to such Phase, (i) uses reasonable good faith efforts to cause all FDP applications to comply with Section 17.140.040 of the City Planning Code; (ii) timely submits all FDP applications that contain all the requirements listed in of the City's Basic Application for Development Review, the City's Supplemental Submittal Requirements for a Planned Unit Development and Conditions of Approval related to the FDP (provided that in the event of Developer's failure to comply with this clause (ii), the extension of the target outside approval date will not be denied, but will be reduced by the number of days between the due date for the FDP application and the date upon which Developer submits an FDP application in compliance with this clause (ii)); and (iii) uses good faith efforts to make regular and consistent progress toward approval of the FDP, as evidenced by Developer's timely response to City's reasonable requests for information and meetings. If City does not believe Developer is eligible for any extensions of the target outside approval dates, or that any such extension should be shortened pursuant to (f)(ii), it shall immediately notify Developer in writing and initiate the dispute resolution procedures in Article VIII. Developer shall not be denied any such extension nor shall such extension be shortened absent such immediate written notice from City.

(g) If Agency does not issue the non-housing tax increment bonds and disburse the proceeds thereof to Developer in accordance with the OPA (by July 1, 2011), then all dates for submittal of complete FDP applications (other than the date for submittal of the FDP application for Phase I) and all dates for construction to Commencement in Earnest set forth in section 3.3.3 and the expiration of the Term of this Agreement shall be extended for a number of days equal to the number of days from July 1, 2011 until the Agency has issued such bonds and disbursed the proceeds thereof to Developer. If Agency fails to issue such bonds and disburse the proceeds thereof by July 1, 2014 and Developer exercises its right under the OPA to terminate the OPA, Developer shall also have the right to terminate this Agreement by written notice to City.

(h) Notwithstanding the timeframes set forth above, Developer shall, if feasible, make reasonable, good faith efforts to proceed with all phases as expeditiously as possible and to have full build-out of the Project be completed as early as possible.

(i) If, at the expiration of the Term, Developer has fully complied with the Phasing Schedule but construction of the Project is not complete, and notwithstanding the meet and confer process set forth above in Section 3.3.2, Developer shall be allowed to complete any Phase that Developer has Commenced in Earnest prior to the expiration of the Term pursuant to Section 2.4 of this Agreement.

3.4 Development Sequence. The foregoing five Phases may occur sequentially, however, they may also move forward concurrently, or, except for Phases 1 and 2, out of sequence, as conditions require in Developer's sole discretion. For example, Phase 4 could be the third Phase developed within the time prescribed above for development of Phase 3, and

EXHIBIT A

EXHIBIT D (MacArthur Transit Village)

Illustrative Phasing Plan*

		RELATIVE SCHEDULE	2009 Estimated Dates
CONTROLLING DATES			
A.	**Discretionary Approvals for Entitlement**	July -2008	
B.	**OPA Executed & Approved**	July -2009	
C.	***Start Land Acquisition***	August -2009	
D.	***Complete Land Acquisition***	TBD	
1. HORIZONTAL DEVELOPER			
i.	Submit application for final development plan approvals for Phase I	1 year after approval of OPA	July 2010
	Target Outside Approval Date	**1 year after submittal of Phase I FDP**	**July 2011**
ii.	Commence construction of Phase I	1 year after FDP approval	July 2012
iii.	Complete construction of Phase I	2 years after commencement of construction	July 2014
2. BELOW MARKET RATE HOUSING DEVELOPER			
	Stage 2		
i.	Submit applications for final development plan for Phase II	3 years after approval of OPA	July 2012
	Target Outside Approval Date	**1 year after submittal of Phase II FDP**	**July 2013**
	Secure Affordable Housing funding commitments		July 2013
ii.	Commence construction of Phase II	1 year after FDP Approval	July 2014
iii.	Complete construction of Phase II	2 years after commencement of construction	July 2016
3. MARKET RATE DEVELOPER			
	Stage 3		
i.	Submit application for final development plan approvals for Phase III	3 years after approval of OPA	July 2012
	Target Outside Approval Date	**1 year after submittal of Phase III FDP**	**July 2013**
ii	Commence construction of Phase III	1 year after FDP Approval [without extension]	July 2014
iii.	Complete construction of Phase III	2 years after commencement of construction	July 2016
	Stage 4		
i.	Submit application for final development plan approvals for Phase IV	8 years after approval of OPA	July 2017
	Target Outside Approval Date	**1 year after submittal of Phase IV FDP**	**July 2018**
ii.	Commence construction of Phase IV	1 year after FDP Approval	July 2019
iii.	Complete construction of Phase IV	2 years after commencement of construction	July 2021
	Stage 5		
i.	Submit application for final development plan approvals for Phase V	10 years after approval of OPA	July 2019

	Target Outside Approval Date	**1 year after submittal of Phase V FDP**	July 2020
ii.	Commence construction of Phase V	1 year after FDP Approval	July 2021
iii.	Complete construction of Phase V	2 years after commencement of construction	July 2023

*This is an Illustrative Phasing Plan; see section 3.3.3 for controlling language.

EXHIBIT G

Holland & Knight

[redacted]

[redacted]
[redacted]
[redacted]

December 21, 2019

[redacted]
[redacted]

President Jane Brunner and Council Members
City Council
City of Oakland
One Frank H. Ogawa Plaza
Oakland, CA 94612

Re: MacArthur Transit Village Project ("Project")
Surgery Center at 3875 Telegraph Avenue

Dear President Brunner and Council Members:

Our office was recently retained by Alta Bates Summit Medical Center Surgery Property Company LLC, The Surgery Center at Alta Bates Summit Medical Center, including Alta Bates Summit Medical Center, a Sutter Health affiliate, in connection with the above matter. Our clients are the ground lessee and operator of the Surgery Center located immediately adjacent to the Project at 3875 Telegraph Avenue. The purpose of this letter is to set forth our clients' concerns regarding significant impacts on the operations, services, and patient care at the Surgery Center resulting from the recent change in the Project to remove the Surgery Center property from the Project. Given these new significant impacts and the mandates of the California Environmental Quality Act ("CEQA"), we hereby request, on behalf of our clients, that the City suspend defer its approval of the Project's Stage One Final Development Plan, Vesting Tentative Tract Map and any other entitlements until such new Project impacts on the Surgery Center can be adequately studied and mitigated in a Subsequent EIR for the modified Project.

The Project, as originally proposed and analyzed in the previously certified Environmental Impact Report ("EIR"), included the Surgery Center property (also referred to as a portion of "Block C") within the Project boundaries and development, including demolition of the Surgery Center and replacement with mixed use residential and retail uses. However, it appears that the Project was recently changed to exclude the Surgery Center's lot from the Project.[1]

1

[1] The Assessment prepared for City staff reports refers to inconsistent Project descriptions. For example, as recently as November 20, 2019, the Surgery Center is listed as part of the Project (see Assessor Parcel Number in the Planning Commission Staff Report, attached here). However, in the staff report November 5, 2019 Staff Report, a change to the Project is noted as including the acquisition of 3875 Telegraph Avenue (the Surgery Center property). Why [redacted] a consistent Project description [redacted] the City's CEQA [redacted]

[redacted]

1

It appears that neither the EIR nor any subsequent environmental analysis[1] has addressed the impacts on the Surgery Center as an ongoing operation because all along the environmental review for the Project has been premised on the Surgery Center being demolished during the course of the Project and no longer continuing operations. As discussed in the attached reports, the EIR does include an alternative which reduces the Project site to only include the parcels currently developed with the BART surface parking lots. Thus, under this alternative, the Surgery Center, along with other properties, was removed from the Project. However, the EIR did not analyze the Project's impacts on the properties removed from the Project.

2

When the Project proponents unilaterally, and without prior notice to our clients, removed the Surgery Center site from the Project, additional environmental review under CEQA should have been performed to analyze the Project's impacts on the continuing operations at the Surgery Center. The impacts from the Project that are of particular concern to our clients include, but are not necessarily limited to, noise, vibration, dust and diesel particulate matter.

3

The Surgery Center's operations, services and patient care are uniquely sensitive receptors to such effects. The Surgery Center performs several sensitive surgeries including (i) approximately 50 neurosurgical procedures (laminectomies, nerve repairs) as well as ENT procedures (middle ear reconstructions, tympanoplasties, myringotomies with tubes, microdirect laryngoscopies with removal of vocal cord lesions) using an operating microscope, (ii) approximately 185 eye surgeries per year, and (iii) head procedures and pediatric urology cases using surgical loops (glasses fitted with magnifying lenses for delicate surgery). The Surgery Center uses sensitive equipment including (i) Arthroscopy monitors that display surgical images used in at least 50% of surgeries, and (ii) X-ray imagery with C-arms (fluoroscopy units) which are used for all interventional pain cases (approximately 1,800 cases per year) and for surgeries.

4

The Project proponent's singular effort to address the removal of the Surgery Center property from the Project was summarily encapsulated in a footnote to the October 26, 2010 Memorandum from Art May, MacArthur Transit Community Partners, LLC (MTCP) to Catherine Payne, CEDA - Planning, regarding Substantial Conformance with the PDP Approval. For the first time, that Memorandum acknowledges that the Surgery Center property will in fact be removed from the Project. It is buried on page five of the Memorandum, the Project proponent dismisses the Project's impacts on the Surgery Center by concluding that:

> At this time, the VTTM does not include the Surgery Center property because MTCP does not have control of these properties. It is expected that the VTTM will be amended to include these properties when MTCP retains site control. This

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[1] The Project is failed to date in acquiring the acquisition of 5505 Telegraph Avenue (the Surgery Center property). A key holding in CEQA is a cumulative project description. (Communities for a Better Env. v. City of Los Angeles (2010) 71 Cal.Rptr.3d 850.) Such analysis appears to be contained in the October 26, 2010 Memorandum from Loretta Diaz, ARUP to Catherine Payne, Director regarding "CEQA Compliance for MacArthur BART Transit Village Phase I PDP at Parcels 3, 4, and 5" (the Narrative Memo), and in the October 26, 2010 Memorandum from Art May, MTCP to Catherine Payne, CEDA regarding Substantial Conformance with the PDP Approval.

circumstance does not preclude development of Phase 1 *as the site development does no effect [sic] the Surgery Center parcel*. [emphasis added.]

No basis is provided for this conclusion and there can be no such basis. To date, the record indicates that no environmental review has been performed to analyze and mitigate the particular impacts on the Surgery Center property resulting from its removal from the Project. Furthermore, the Memorandum incorrectly concludes that there will be "no change in the project site." (October 26, 2010 Memorandum, at p. 7)

The October 25, 2010 Memorandum from Lynette Dias, AICP to Catherine Payne, Planner regarding CEQA Compliance for MacArthur BART Transit Village Phase 1 FDP and Phase 1 Vesting Tentative Map, does not specifically mention or address the removal of the Surgery Center property from the Project. In fact, without any independent analysis, this CEQA Compliance Memorandum simply cites the October 26, 2010 Memorandum, discussed above, that there is "no change in the project site." (October 25, 2010 Memorandum, at p. 2)[1]

As set forth in the attached reports prepared by well-recognized experts,[2] there are significant impacts resulting from the removal of the Surgery Center from the Project including, but not limited to:

- noise impacts on patients,
- vibration impacts on sensitive medical operations and equipment, and
- dust and diesel particulate matter impacts on respiratory and cardiovascular patients unusually sensitive to air pollution.

Furthermore, according to operating physicians at the Surgery Center, there are additional significant impacts including, but not limited to:

- dust contamination of sterile medical devices, and
- diesel particulate matter and fume impacts on patients and employees at the Surgery Center, including headaches and nausea.

These impacts on the Surgery Center are not limited to Phase 1 of the Project. These impacts will continue throughout the approximately seven (7) year build-out of the Project.

Under the clear mandates of CEQA, the City Council cannot approve the Project's Stage One Final Development Plan and Vesting Tentative Tract Map until a Subsequent EIR is prepared analyzing the impacts of the entire modified Project on the Surgery Center. Pursuant to CEQA, a Subsequent EIR is required: (1) when substantial changes are proposed in the Project with new

[1] The October 26, 2010 Memorandum does not address the new October 25, 2010 memorandum.

[2] See October 21, 2010 Charles M. Salter Associates, Inc. Noise and Vibration Report, and December 21, 2010 Environmental Bechtel, Inc. Air Quality Report.

5 Cont.

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significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) substantial changes occur with respect to the circumstances under which the project is undertaken with new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (iii) new information of substantial importance shows that the project will have one or more significant effects, previously examined significant effects will be substantially more severe, previously rejected mitigation measures or alternatives are now feasible, or mitigation measures and alternatives which are considerably different than those previously analyzed. (CEQA Guidelines §15162(a))

7
Cont.

Under these CEQA requirements, the removal of the Surgery Center property from the Project is a change in the Project that requires a Subsequent EIR.[7] The new significant impacts described in the attached reports and summarized above constitute substantial evidence that clearly triggers the requirement for preparation, circulation, and certification of a Subsequent EIR. Even though only one of the three triggers for a Subsequent EIR must be met, the current situation actually meets all three triggers. The removal of the Surgery Center property is a substantial change to the Project with new significant environmental effects on the Surgery Center. Additionally, the continued operations of the Surgery Center adjacent to the Project is a substantial change with respect to the circumstances under which the Project is undertaken with new significant environmental effects on the Surgery Center. Furthermore, the new information that the Surgery Center property has been removed from the Project is of substantial importance and shows that the Project will have significant effects on the Surgery Center. (e.g., see *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Ass'n* (1986) 42 Cal.3d 929, post-EIR changes to proposed project, including changes in the size of the site and orientation of the project, were sufficiently important to require evaluation in a Subsequent or Supplemental EIR.)

Therefore, under these circumstances, a Subsequent EIR is required to fully analyze and mitigate significant impacts on the Surgery Center before the City Council may approve the Project's Stage One Final Development Plan and Vesting Tentative Tract Map. The Subsequent EIR will require the same notice and public review periods as the Project's Draft EIR. (CEQA Guidelines §15162(c))

8

Additionally, with respect to the entitlements and the removal of the Surgery Center from the Project, given the removal of a significant portion of the Project site (a portion of Block C[8]), the Final Development Plan does not satisfy the City's requirement that final development plans "conform in all major respects" with the approved preliminary development plan. Similarly, the City cannot find that the Stage One Final Development Plan "conforms in all substantial respects" to the previously approved Preliminary Development Plan. (City Municipal Code §17.140.040, §17.140.060) Moreover, a planned unit development permit may only be granted if "the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location

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[7] See, Revised EIR is not appropriate at this stage because none of the changes to the Project are minor. (CEQA Guidelines §15164.)

[8] Block C was planned and zoned to include approximately 1,200,000 square feet of commercial space and 187 residential units on 18 acres of land.

and design will adequately reduce the impact of the development." (City Municipal Code §17.148.080) For reasons noted above, the location of the Project is not currently well integrated with its surroundings, which include the Surgery Center.

Also, the City Council cannot presently approve the currently proposed Vesting Tentative Tract Map because the Project is likely to cause serious public health and safety problems related to its significant impacts on patients at the Surgery Center. (City Municipal Code §16.08.030) As noted in the attached reports, the City of Oakland's standard conditions of approval applicable to the Project, standing alone, also are not adequate to address these unique impacts to the Surgery Center.

9

Thank you in advance for your consideration of these comments. In light of these concerns, we also reiterate our previous request for a continuance of your consideration of these newest entitlements until appropriate CEQA review can be completed. In the meantime, feel free to contact the undersigned or Stacey Wells of Alta Bates Summit Medical Center at (510) 869-8727.

Sincerely yours,

HOLLAND & KNIGHT LLP

David L. Preiss

DLP:sl

cc: Clerk of the City Council
Catherine Payne, City Planner
Mark Wald, Deputy City Attorney
Arthur May, Keystone Development Group
Joseph Forbes McCarthy, III, D
Clients

Attached: December 21, 2010 Charles M. Salter Associates, Inc. Noise and Vibration Report; and
December 21, 2010 Illingworth & Rodkin, Inc. Air Quality Report.

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December 21, 2010

Ed Irwin
Director, Real Estate
Alta Bates Summit Medical Center
2450 Gateway Oaks, 2nd Floor
Sacramento, CA 95833

VIA E-Mail: David.Preiss@hklaw.com

SUBJECT: **MacArthur Transit Village in Oakland, California - Comments on Air Quality Impacts to Surgery Center**

Dear Mr. Irwin:

As you know, we were hired to determine whether recent changes to the MacArthur Transit Village project (Project) will have any significant air quality impacts on the property, operations and patient care in the Surgery Center of Alta Bates & Summit Medical Center located immediately adjacent to the Project at 3875 Telegraph Avenue (Surgery Center). We have concluded that the changes to the Project, that remove the Surgery Center property from the Project, will have such significant effects on the Surgery Center. These effects could last the entire duration of construction, estimated at approximately 7 years.

We reviewed recent changes to the Mac Arthur Transit Village Project that removed the Surgery Center from the planned development in regard to impacts associated with air quality. This included review of the Oakland City Staff Report for the December 14, 2010 Community and Economic Development Agency hearing regarding this project, specifically Attachment F (CEQA Memo)[1] and Attachment G (Conformance Memo)[2]. The Draft Environmental Impact Report (DEIR) for the Mac Arthur BART Transit Village Project addressed air quality impacts from the project, assuming development of the entire project. Air quality impacts to the Surgery Center, which was formerly a portion of Block C of the project, were not addressed. The applicant is currently seeking approval from the City for the Stage 1 Final Development Permit (FDP) and Vesting Tentative Tract map for the project. However, adequate review of the construction air quality impacts upon the Surgery Center from Stage 1 and the balance of the Project has not been conducted.

The 2008 DEIR evaluated air quality impacts associated with the proposed project. As part of this analysis, construction air quality impacts were addressed through the application of Conditions of Approval that identified generic dust control measures recommended by the Bay Area Air Quality Management District (BAAQMD). The DEIR air quality analysis did not identify any sensitive receptors

[1] Memorandum from Lynette Dias, AICP to Catherine Payne dated October 25, 2010, *Re: CEQA Compliance for MacArthur BART Transit Village Phase 1 FDP and Phase 1 Vesting Tentative Map*

[2] Memorandum from Art Mac MICP to Catherine Payne dated October 26, 2010, *Re: MacArthur Transit Village Project Stage 1 FDP and Vesting Tentative Tract Map – Substantial Conformance with the PDP Approval*

adjacent to the project, since all sensitive receptors were buffered from the project. As a result, localized air quality impacts from construction equipment exhaust were not addressed. According to page 68 of the DEIR "Demolition and Construction Schedule," the Project will be constructed over approximately seven (7) years.

The proposed action would develop a portion of the site and realign internal roadways. As a result, the Surgery Center located at 3875 Telegraph Avenue would remain, but be immediately adjacent to the construction activities on two sides. As a result, dust and diesel equipment exhaust from construction activities would affect surgeries and patient care. The DEIR and CEQA evaluation for this current action did not identify the new construction air quality impacts that would affect the Surgery Center.

The proposed action would leave the Surgery Center immediately adjacent to construction activities associated with development of the project, as proposed in the current Phase I PDP and Phase I Vesting Tentative Map as well as the subsequent stages of the Project. The Surgery Center is considered a sensitive receptor, as it would fall under the category of a hospital. The Surgery Center includes patients who may be experiencing cardiovascular and respiratory distress as a result of procedures performed at the Surgery Center. As a result, some of these patients would be very sensitive to the impacts of air pollution. Construction activities that produce diesel exhaust and dust would occur adjacent to the facility. The DEIR, while not taking into account that construction activities would occur so close to a sensitive receptor, merely prescribed standard dust control measures as conditions of approval (pages 235 and 236 of the DEIR). The DEIR did not address actual impacts of construction equipment exhaust to sensitive receptors. Pages 478 through 480 of the DEIR did address the Mitigated Reduced Building/Site Alternative (which reduced the Project site area to only include the parcels currently developed with the BART surface parking lots), but never assumed a sensitive receptor (i.e., the Surgery Center) would exist adjacent to the project construction. As a result, the air quality analysis for the alternative project concluded "the air quality impacts would be less than the proposed project." This conclusion is erroneous since the alternative where the Surgery Center remains in place throughout the life of the Project is a very sensitive receptor in close proximity to construction activities. Construction so close to the Surgery Center brings up two air quality issues: (1) acute impacts from increased dust and (2) acute impacts from increased exposure to diesel particulate matter.

The impacts from dust are merely addressed through standard conditions of approval that are meant to reduce dust through the application of generic dust control measures. These measures do not include any assurances that dust would be reduced to a level that would not result in significant exposures at the Surgery Center. Measure "d)" on page 235 would designate a person to monitor the dust control program, but there is no person that could suspend construction if the program is not working.

Although adverse effects of acute exposures to diesel particulate matter have been known since at least 2000, the DEIR or recent CEQA analysis for the project neglect to address these impacts to the adjacent Surgery Center. As reported by the BAAQMD[1], "The vast majority of premature deaths associated with air pollution – more than 90% – are related to exposure to fine particulate matter ($PM_{2.5}$). Most of the deaths associated with $PM_{2.5}$ are related to cardiovascular and respiratory problems." Sources of $PM_{2.5}$ include dust and exhaust. A source of $PM_{2.5}$ emission is from construction equipment and the dust

[1] BAAQMD. 2011. Bay Area 2010 Clean Air Plan. adopted 15 September.

generated by demolition and grading activities. Surgery Center patients would be exposed to these emissions that were not addressed for the revised project.

In May 2016, the BAAQMD issued screening tables for evaluating impacts of air toxics during construction.[1] These guidelines identify screening distances for cancer and non-cancer risks.[2] Cancer risks and PM2.5 exposures are based on chronic exposures. However, the tables also included infants, as disparities associated with acute exposures. For a construction of a commercial project ranging in size from 4.6 to 13.8 acres, these screening tables recommend a minimum buffer of 85 meters from the construction fence line. This would buffer the acute hazards posed by Acrolein, which is one of the most toxic TACs associated with diesel exhaust based on its non-cancer toxicity value. As previously mentioned, the Surgery Center would be located immediately adjacent to the construction site. It appears that there is a high potential for patients at the surgery center to be significantly exposed to TACs during construction on an acute basis. This issue was not addressed in the DEIR or the subsequent environmental analysis for the proposed actions. There are no mitigation measures or conditions of approval identified by the City to reduce these exposures. While the DEIR significance criteria identify "ground level concentrations of non-carcinogenic TACs such that the Hazard Index would be greater than 1 for the MEI" as significant, the DEIR or subsequent summary environmental analysis do not evaluate the potential for this effect.

Additional review of the air quality impacts to the Surgery Center is warranted along with the identification of mitigation measures to prevent significant impacts. Such mitigation measures may include, but are not limited to, controls on equipment exhaust, limits on construction activities that overlap with surgeries, and identification of trigger levels that would suspend construction activities when emissions may adversely affect operations at the Surgery Center. In addition, BAAQMD recently identified suggested mitigation measures to reduce emissions of diesel equipment exhaust that may be recommended for construction sites.[3] These should also be considered for the project.

* * *

This concludes our review of the air quality impacts to the Surgery Center at 2825 Telegraph near the planned Mac Arthur Transit Village in Oakland, CA. Please contact us if you have any further questions or concerns about this matter.

Respectfully,

[signature]

James A. Reyff
Illingworth & Rodkin, Inc.

Attachment 1: Illingworth & Rodkin, Inc. Resume
Attachment 2: Roseville Fire Station Report

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[1] BAAQMD, 2017. Screening Tables for Air Toxics Evaluation During Construction. May.
[2] BAAQMD, 2017. Air Quality Guidelines. June.

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AIR QUALITY

In 1995 Illingworth & Rodkin, Inc. was expanded to include air quality and meteorological capabilities. The bulk of the firm's air quality work involves environmental air quality studies that are in support of both private and public projects. Air quality studies for land use projects to support Environmental Impact Reports are most common. Types of projects include specific plans for a variety of land use types, office centers, construction activities, wastewater treatment facilities, waste management facilities, quarries, and other industrial facilities. The firm also assists local communities in developing air quality policies for incorporation into General Plans.

For air quality, many projects involve the analysis of air quality impacts from both direct and indirect sources of air pollutants. Indirect sources include transportation facilities, which Illingworth & Rodkin's staff has considerable experience evaluating. Through years of conducting environmental noise and air quality studies for local, state and federal agencies, the firm has developed considerable experience in dealing with both the technical and policy issues involved with air quality. While transportation projects can involve considerable air quality technical aspects, the regulatory challenges can be quite complex. This is especially true in the case with federal projects, where SIP conformity issues arise. Illingworth & Rodkin Inc's staff have dealt successfully with these issues on a wide variety of projects ranging from large new freeway projects to simple urban intersection modifications. Conformity issues can be the largest hurdles for urban projects, especially those that involve federal action. Illingworth & Rodkin, Inc. has the right staff experience to tackle both the technical and regulatory air quality issues in both a quality and cost-effective manner.

The firm also conducts assessments to evaluate the air pathway health risk from common toxic air contaminants. This includes analysis of contaminants and $PM_{2.5}$ from traffic and construction equipment as well as common stationary sources.

Environmental Studies
- Assessments for environmental studies (EIR, IS, FIS, EA)
- Transportation projects
- New residential developments
- General plans and ordinances
- Ordinance compliance
- Conformity determinations
- Peer Reviews

Computer Modeling
- Air Pollutant emissions estimation using EMFAC2002, Mobile, AP-42
- Microscale air quality traffic modeling using CALINE4, CAL3QHC
- Stationary air pollution source modeling using EPA-approved models (e.g., SCREEN3 and ISCST)
- Analysis of meteorological data

Field Monitoring
- Asbestos and Air Toxics
- Meteorological conditions
- Fence line monitoring (e.g., particulates)

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

505 Petaluma Boulevard South
Petaluma, California 94952

Tel: 707-766-7700
www.illingworthrodkin.com

Fax: 707-766-7790
jlro@illingworthrodkin.com

Attachment 2
Resume of James Reyff

JAMES A. REYFF

Mr. Reyff is a Meteorologist with expertise in the areas of air quality and acoustics. His expertise includes meteorology, air quality emissions estimation, transportation/land use air quality studies, air quality field studies, and environmental noise studies. He is familiar with federal, state and local air quality and noise regulations and has developed effective working relationships with many regulatory agencies.

During the past 22 years, Mr. Reyff has prepared Air Quality Technical Reports for over 30 major Caltrans highway projects and conducted over 300 air quality analysis for other land use development projects. These projects included carbon monoxide microscale analyses, the calculation of project emissions (e.g., ozone precursor pollutants, fine particulate matter, and diesel particulate matter), seasonal field monitoring, and preparation of air quality conformity determinations. Mr. Reyff advised decisions of federal and local air quality agencies regarding impact assessment methodologies and air quality conformity issues. He has conducted air quality evaluations for specific plans and General Plan updates. Recently, he prepared the air quality analysis for the NASA Ames Research Park, which included a Federal SIP Conformity analysis.

Mr. Reyff has been responsible for a variety of meteorological and air quality field investigations in support of air permitting and compliance determinations. He has conducted air quality analyses of diesel generators in support of regulatory permitting requirements and environmental compliance issues. Mr. Reyff has designed and implemented meteorological and air quality monitoring programs throughout the Western United States including Alaska. Programs include field investigations to characterize baseline levels of air toxics in rural areas, as well as regulatory air quality and meteorological monitoring. He was the Meteorologist involved in a long-term monitoring program at the Port of Oakland that evaluated meteorological conditions and fine particulate matter concentrations in neighborhoods adjacent to the Port.

Mr. Reyff has conducted over 15 major acoustical technical studies for transportation systems. He has managed several research studies for Caltrans including a noise study that evaluated long-range diffraction and reflection of traffic noise from sound walls under different meteorological conditions. Mr. Reyff has also evaluated noise from power plants, quarries and other industrial facilities. He has also been actively involved in research regarding underwater sound effects from construction on fish.

PROFESSIONAL EXPERIENCE

1995-Present	Illingworth & Rodkin, Inc.
Project Scientist	Petaluma, California
1988-1995	Woodward-Clyde Consultants (CRS)
Project Meteorologist	Oakland, California
1988-1989	Oceanroutes (Weather News)
Port Voyage Route Analyst	Sunnyvale, California

EDUCATION

1986 San Francisco State University
B.S., Major: Geoscience (Meteorology)

PROFESSIONAL SOCIETIES

American Meteorological Society
Institute of Noise Control Engineering

AWARDS

FHWA Environmental Excellence Award - 2005
Caltrans Excellence in Transportation, Environment - 2005

Charles M Salter Associates Inc

21 December 2010

Ed Erwin
Director, Real Estate
Alta Bates Summit Medical Center
2880 Gateway Oaks, 2nd Floor
Sacramento, CA 95833
Via E-mail: erwine@sutterhealth.org

Subject: **MacArthur Transit Village Project – Oakland, CA**
Potential Noise and Vibration Impacts on Surgery Center
Located at 3875 Telegraph Avenue

Dear Mr. Erwin:

We have been retained to determine whether recent changes to the MacArthur Transit Village project (Project) will have any significant impacts on the property, operations and patient care at the Surgery Center of Alta Bates & Summit Medical Center located immediately adjacent to the Project at 3875 Telegraph Avenue (Surgery Center) particularly with respect to noise and vibration. We have concluded that the recently revised Project, that removes the Surgery Center property from the Project, will have such significant effects on the Surgery Center throughout the approximately seven (7) years of Project construction.

We have completed our review of the various documents prepared for the MacArthur Transit Village project located in Oakland, California. Included in our review is the Noise and Vibration section of the Draft Environmental Impact Report (DEIR) and the Agenda Report dated 14 December 2010 from the City of Oakland, City and Economic Development Agency (CEDA).

Based on our review, potentially significant noise and vibration impacts that could adversely affect The Surgery Center of Alta Bates & Summit Medical Center have not been addressed. Further analysis of project generated noise and vibration, impacts, and mitigation including continuous on-site noise and vibration monitoring, would be required. This letter summarizes our findings.

Discussion

Noise Impacts

As you know, the purpose of an EIR is to determine potentially significant impacts resulting from the development of the proposed project, and to provide mitigation measures as needed. We understand that since publication of the DEIR, the Surgery Center of Alta Bates & Summit Medical Center (a portion of "Block C" as shown on the DEIR Conceptual Site Plan, APN 012-0968-003-01 zoned C-28) will no longer be included in the Project. Therefore, the estimated seven years of continuous Project construction could generate significant impacts on the Surgery Center.

Our review of the City's Noise Element of the General Plan indicates that the City interprets a "Hospital" land-use as a noise sensitive receptor, "…whose purpose and function can be disrupted or jeopardized by noise… Understandably, noise is of special concern when it occurs near sensitive receptors."[1] Moreover, the City classifies hospital land-uses among nursing homes, libraries, residences, classrooms, and theaters as being most sensitive to noise.

Based on our discussion with management at the Surgery Center, we conclude that activities at the Surgery Center would be just as sensitive to noise as those at a full-service hospital. The Surgery Center is home to sensitive procedures and patients undergoing nerve repair, ear reconstruction, eye surgery, neurosurgery (laminectomy), vocal cord surgery, and pediatric urology. Such procedures occur several hundred times per year. Post-anesthesia recovery, pre-operative, and pain management patients on cardiac monitors occupy various portions of the building including along the exterior façade adjacent to the project site. Specialized equipment such as arthroscopy monitors, fluoroscopy imaging units, and operating microscopes are in common use. Such activities appear to be consistent with the City's specification of hospital land-uses being noise sensitive. Without mitigation, increased noise levels generated by Project construction could adversely affect the health, sleep, and recovery of patients at the Surgery Center. It could also interfere with speech intelligibility and communication between patients and medical staff, and between surgeons and staff during medical procedures.

Vibration Impacts

The DEIR establishes the Federal Transit Administration (FTA) as a source for assessing potential vibration impacts.[2] Included are thresholds for significant impacts based on "events", the number of vibration occurrences per day. The thresholds are based on perception and annoyance in residential buildings which are of course one concern at the

[1] City of Oakland, *Noise Element of the 2005 General Plan*, p. 3
[2] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment* [illegible], May 2006

project site. In addition, the DEIR includes the FTA criteria for limiting potential building damage due to construction generated vibration. Had the Surgery Center site been listed as an adjacent sensitive receptor at the time of writing, it would have been required per CEQA to include the FTA recommended criteria for typical hospitals and/or hospitals with vibration sensitive equipment as shown in Table 1, below. An analysis methodology is provided in the same FTA document along with construction vibration levels and calculations to estimate vibration levels at various setback distances that could include the hospitals.

Table 1 (Adapted from FTA Tables 8-1 and 8-3)
Ground-Borne Vibration Impact Criteria

Land-Use Category	Frequent Events	Occasional Events	Infrequent Events
Hospitals with vibration-sensitive equipment	65 VdB	65 VdB	65 VdB
Hospitals	72 VdB	75 VdB	80 VdB

Criterion	Description of Use
72 VdB	Operating Rooms. Vibration not perceptible, but ground-borne noise may be audible inside quiet rooms. Suitable for medium-power optical microscopes (100X) and other equipment of low sensitivity.
66 VdB	Adequate for medium- to high-power optical microscopes (400X), microbalances, optical balances, and similar specialized equipment.
60 VdB	**Sensitive operating rooms** (e.g. microsurgery, eye surgery, neurosurgery, etc.[5]). Adequate for high-power optical microscopes (1000X), inspection and lithography equipment to 3 micron line widths.
54 VdB	Generic vibration specification for magnetic resonance imagers (MRI)[6]. Appropriate for most lithography and inspection equipment to 1 micron detail size.
48 VdB	Suitable in most instances for the most demanding equipment, including electron microscopes operating to the limits of their capability.
42 VdB	The most demanding criterion for extremely vibration-sensitive equipment

It is unclear at this time what methods will be used for demolition and construction. However, typical to construction of the proposed Project would include the use of pile driving, hydraulic breakers, drilled piers, rammed aggregate piers, vibratory compaction, or other methods that could generate significant impact at adjacent receptors. Vibration

[5] Ashley, H., et al., Proceedings of International Society for Optical Engineering (SPIE), Vol. 1619, [illegible] Conference, November 4-6, 1991, pp. 180-191.

levels generated by such devices and activities are summarized in the FTA document, but missing from any project analyses. Without mitigation, vibration levels generated by Project construction could adversely affect critical medical procedures at the Surgery Center. It could also be perceptible and annoying to recovering patients and staff, and interfere with the proper use of medical equipment including imaging systems and image quality.

Standard Conditions of Approval

The DEIR establishes the City of Oakland Planning Code, City of Oakland Municipal Code, City of Oakland Noise Element, and City of Oakland Standard and Uniformly Applied Conditions of Approval as sources for assessing potential noise impacts. Included in the City's codes are limits for average and maximum noise levels generated by construction activities that could affect adjacent land-uses. For reference, the DEIR lists them in the following Table 2 (adapted from Table IV.E-7):

Table 2: (Table IV.E-7)
City of Oakland Construction
Noise Standards at Receiving Property Line, dBA
(OMC Section 17.120.050)

	Daily 7am to 7pm	Weekends 9am to 8pm
Short-Term Operation (Less than 10 days)		
Residential	80	65
Commercial, Industrial	85	70
Long-Term Operation (10 days or more)		
Residential	65	55
Commercial, Industrial	70	60

The City's Condition of Approval (COA) Noise-1 also limits "extreme noise generating activities" to weekdays, 8am through 4pm. COA-5 continues to require noise measurements to monitor the effectiveness of noise attenuation procedures prepared under the supervision of a qualified acoustical consultant.

The Cumulative Noise and Vibration Impacts analysis in the DEIR also refers to the City of Oakland Standard and Uniformly Applied Conditions of Approval and projects within the vicinity of the project site. In particular, it cites the Kaiser Permanente project located at the intersection of MacArthur Boulevard and Broadway which has incorporated so

on-site continuous noise monitoring program that allows a comparison of construction generated noise levels to project standards.

The City's Standard Conditions of Approval for noise and vibration alone do not adequately address the particular impacts on the Surgery Center. These Standard Conditions of Approval focus on typical uses, not highly sensitive receptors. For example, only CCA-6 addresses vibration impacts, and does so by limiting the scope to damage thresholds at historic structures. It does not include other vibration sensitive uses such as the Surgery Center which is home to vibration sensitive patients and equipment. Additional study and analysis is necessary to determine the appropriate noise and vibration mitigation for the Surgery Center due to significant impacts generated by the Project.

DEIR Alternative

The DEIR provides the required section for analyzing project alternatives. Included is the scenario for a Mitigated Reduced Building Site Alternative, which excludes the Surgery Center from being part of the project. To date, no analysis has been provided which evaluates potentially significant impacts at the Surgery Center generated by the Project. It is notably absent from the 14 December 2010 Agenda Report. Per CEQA, additional environmental review for project alternatives must be performed to address impacts that could affect surrounding land uses and provide mitigation measures as needed.

The Project Sponsor's Letter

The 26 October 2010 letter from MacArthur Transit Community Partners, LLC (MTCP – the project sponsor to Catherine Payne, CEDA - Planning), acknowledges that the vesting tentative tract map (VTTM) does not include the Surgery Center since MTCP does not have control of the property. The letter continues to state that the VTTM will be amended to include the Surgery Center once MTCP retains site control. It states, "This circumstance does not preclude development of Phase I as the site development does no effect [sic] the Surgery Center parcel."[4] It appears that based on that assumption, the 17 November 2010 letter prepared by Urban Planning Partners Inc. (UPP – project planning consultant) concludes that refinements to the project are minor and that no substantial changes, circumstances, or new information of importance has been generated since certification of the EIR[5] (June/July 2008). The aforementioned comments are not consistent with continued operation of the Surgery Center. It should also be noted that while a traffic consultant's comments were provided along with these two letters, we were not able to find a letter, quotation, summary, or follow-up analysis provided by a qualified firm providing services in acoustics.

[4] City of Oakland, *Agenda Report*, 14 December 2010 (cao042614.pdf), p. 344
[5] Ibid., p. 334

Based on the project sponsor and planning team's oversight of an adjacent noise and vibration sensitive receptor (i.e., the Surgery Center), CEDA staff concludes in the 14 December 2010 Agenda Report there is nothing that would require subsequent or supplemental environmental review, since there are no new significant or substantial increases in the severity of environmental effects." Again, the conclusion is not based on an analysis that includes continued use of the Surgery Center.

Conclusion

In summary, the sources listed above which have been established as a basis for noise and vibration assessment and analysis, did not consider the Surgery Center as a noise and vibration sensitive receptor needing to be evaluated for potential impacts and mitigation. The modified Project without the Surgery Center will have significant noise and vibration impacts on the Surgery Center during the approximately seven (7) years of Project construction. Because no environmental study has been performed, per CEQA, further impact analysis is necessary to determine appropriate mitigation measures to protect the ongoing uses at the Surgery Center.

* * *

This concludes our current comments. Please do not hesitate to call us with any questions.

Sincerely,

Charles M. Salter Associates, Inc.

Timothy G. Brown
Principal Consultant

Robert P. Alvarado
Senior Vice President

Ibid, p.5

CHARLES M. SALTER, P.E.
President

PROFESSIONAL EXPERIENCE

Mr. Salter has practiced acoustical engineering for over 40 years. With educational backgrounds in architecture, planning, engineering, and business, Mr. Salter has conducted a wide range of consulting in the areas of architectural acoustics, noise control engineering, and environmental noise impact. He has had project responsibility for various facility types including offices, schools, churches, theaters, residences, hospitals, and civic buildings.

PUBLICATIONS

Coauthor *ACOUSTICS: Architecture, Engineering, the Environment*, (1998 William Stout Publisher)

HONORS

Fellow of the Society, Acoustical Society of America, 2006

Received "for contributions to the teaching of architectural acoustics and to its practical applications."

Allied Professions Honor Award, American Institute of Architects, California Council, 1998

Received "in recognition of unique dedication and focused drive to enhance, support and significantly contribute to the advancement of architectural practice. The extensive knowledge displayed as an acoustical consultant, author and educator creates an invaluable balance that bridges the language among various disciplines. The three decades as an innovator, practitioner and mentor, has been instrumental in increasing awareness of crucial acoustical considerations in architectural design. The level of personal commitment coupled with industrious contributions, merit the highest admiration from the profession of architecture."

TEACHING EXPERIENCE

2004-Present	Lecturer in Acoustics, UC Berkeley
2000-2004	Adjunct Professor, UC Berkeley
1998-2003	Adjunct Professor, California College of Arts & Crafts
1972-2000	Lecturer in Acoustics, UC Berkeley

PROFESSIONAL REGISTRATION

California, M.E. No. 16160 (1974)
Nevada, M.E., No. 7963 (1974)
Institute of Noise Control Engineering, Board Certified (1975)

PROFESSIONAL AFFILIATIONS

Associate Member, American Institute of Architects
Technical Advisory Committee Member, United States Green Building Council

EDUCATION

Boston College M.B.A., Major - Finance, 1972
MIT B.S. Art and Design, Major - Architecture, Minor - City Planning, 1969
Duke University B.S.C.E., Major - Structural Engineering, Minor - Economics, 1965

ROBERT P. ALVARADO
Senior Vice President

PROFESSIONAL EXPERIENCE

Mr. Alvarado has been an acoustical consultant with Charles M. Salter Associates, Inc. since 1996. He specializes in environmental noise studies, architectural acoustics, HVAC noise and vibration control, sensitive vibration, and environmental noise mitigation. His experience includes exhibit spaces, civic facilities, mixed-use developments, offices, retail centers, and educational facilities.

Mr. Alvarado's project management experience includes:

- John Muir Neuroscience Institute EIR, Walnut Creek, CA
- Kaiser Permanente Oakland EIR, Oakland, CA
- Queen of the Valley North Building EIR, Napa, CA
- Bay Meadows Mixed-Use EIR, San Mateo, CA
- Solana Beach Town Center Mixed-Use EIR, Solana Beach, CA
- Magnolia Park EIR, Oakley, CA
- Bernal Road Residential Development EIR, San Jose, CA
- Marina Bay Live-Work Development, Richmond, CA
- 150 Powell Street Mixed-Use, San Francisco, CA
- Santana Row Mixed Use, San Jose, CA
- San Francisco Rock and Roll Hall of Fame Mixed-Use, San Francisco, CA
- Prigg Foundation, San Francisco, CA
- Santa Cruz State Courts, Santa Cruz, CA
- Ferry Building Renovation, San Francisco, CA
- One, Two, and Three Embarcadero Center, San Francisco, CA
- Four Queens Vacation Club Flamingo Renovation, Las Vegas, NV
- Sea Ranch Lodge, Sea Ranch, CA
- Ritz-Carlton Makasa Mega Resort, El Alamein, Egypt
- eBay Corporate Offices, Palo Alto, CA
- Equity Office Properties, San Francisco, CA
- CSA Public Service Building, Oakland, CA
- PGE's Arrowitheater, Columbus, OH
- Magic World Amphitheater, Dubai

PUBLICATIONS

Co-author, *ACOUSTICS: Architecture, Engineering, the Environment*, ©1998 William Stout Publishers

PROFESSIONAL AFFILIATIONS

American Institute of Architects, Associate Member
UC Berkeley, Center for the Built Environment, Research Team

EDUCATION

University of California at Berkeley, B.A., Architecture
Stanford University, MSC Program, Graduate School of Engineering

TEACHING EXPERIENCE

2004-Present UC Berkeley, Guest Lecturer, Graduate, "Computer Modeling"
2002-Present Stanford University, Graduate School of Engineering, Guest Lecturer, Professional Master

TIMOTHY G. BROWN
Principal Consultant

PROFESSIONAL EXPERIENCE

Mr. Brown has been an associate consultant with Charles M. Salter Associates, Inc. since 2004. He specializes in the areas of environmental and architectural acoustics and vibration. His projects include the testing and analysis of transportation and construction induced noise and vibration near public and private development, including residential, commercial, office, medical, research, and technology facilities. He also has experience with noise and vibration relating to architectural, mechanical, electrical, and acoustically sensitive equipment.

Mr. Brown's experience includes the following projects:

- Daly City Noise Element Update, Daly City, CA
- San Francisco Recycling and Disposal Impact Assessment, San Francisco, CA
- Bay Meadows Redevelopment Noise and Vibration Assessment, San Mateo, CA
- New Crystal Springs Bypass Tunnel Noise and Vibration, San Mateo County, CA
- Fairview Business Park EIR, Modesto, CA
- Villages of Patterson EIR, Patterson, CA
- Tenth Specific Plan EIR, Modesto, CA
- Bay Division Pipeline No. 5 Noise and Vibration Study, Bay Area, CA
  San Francisco Recycling and Disposal Impact Assessment, San Francisco, CA
  United State Post Offices, Oakland and San Francisco, CA
- Lockheed Martin Missiles and Space, Sunnyvale, CA
- Surfside Beach Railway Station, Santa Barbara, CA
- [illegible] BART Station Emergency Engine Generator, Oakland, CA
- City Rincon Hill Construction Noise and Vibration Survey, San Francisco, CA
- Anchorage at Marina Bay Quiet Zone Implementation Assessment, Richmond, CA
  Sutter Health Cancer Medical Group AGR, Vibration Screening, Mountain View, CA
- Staywalker Ranch Screening Room Vibration Study, Nicasio, CA
- Pixar Animation Studios Construction Vibration Assessment, Emeryville, CA
- Livermore Performing Arts Center Noise and Vibration Assessment, Livermore, CA
  Stanford University Geophysics Laboratory Noise Study, Stanford, CA
  Oakland Community Development Project Railway Impact Analysis, Oakland, CA
- UC San Francisco MRI Vibration Study and Impact Assessment, San Francisco, CA
- Lithium Laboratory, Relocation, Berkeley, CA

PROFESSIONAL AFFILIATIONS

Acoustical Society of America (ASA)
Institute of Noise Control Engineers (INCE)
Structural Engineers Association of Northern California (SEAONC)
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)

EDUCATION

University of California, Berkeley, M.S., Civil Engineering, 2003
University of California, Davis, B.S. with High Honors, Civil Engineering, 2000

EXHIBIT A

Summary of Negotiations with the Surgery Center

3/28/08	Meeting between MTCP and Victor Meinke (Alta Bates Surgery Center representative) about the MTV Project and acquisition of the Surgery Center site.
7/1/08 – 2/14/09	Various communications between MTCP and Victor Meinke and consultants regarding financial issues.
4/21/09	Letter of Intent from MTCP to the Surgery Center regarding purchase.
12/4/09	Meeting between MTCP and Surgery Center team.
1/6/10	Letter from Alta Bates Summit to MTCP requesting updated plans and a new proposal.
4/21/10	MTCPs' community meeting and presentation discussing the Phase/Stage 1 revised site design, garage plan, and development schedule. Meeting was attended by Surgery Center representative (Victor Meinke).
6/2/10	Letter from MTCP to Alta Bates Summit including a copy of the revised site plan showing the Surgery Center site as part of the MTV Project. Letter noted that acquisition of Surgery Center would not be required for the Phase/Stage 1 development. Letter also noted MTCP is still interested in the property acquisition. (See Attached letter.)
12/1/10	Meeting between MTCP (Art May & Joe McCarthy) and Alta Bates Summit (COO Charles Prosper and Dr. Glen Gormanzano) to discuss the status of the project, the plan revisions, schedule, and acquisition.

EXHIBIT A
EXHIBIT H

June 2, 2010

Mr. Victor E. Meinke
Vice President Business Development
Alta Bates Summit Medical Center
350 Hawthorne Avenue
Oakland CA 94609

Re: Project Update for MacArthur Transit Village

Dear Victor:

The purpose of this letter is provide you with a project update on MacArthur Transit Village Project ("MTV") in Oakland, Ca.

MacArthur Transit Community Partners, LLC ("MTCP") is proceeding with the design of the Bart replacement parking structure and master site work ("Phase 1") plus the acquisition of several parcels on MacArthur Boulevard and Telegraph Avenue which will facilitate the commencement of construction for Phase 1 in late 2010. The master site plan and design for the Bart replacement parking structure was reviewed by Oakland Design Review Committee on May 26, 2010 with our next review by the Oakland Planning Commission in late July 2010.

At our meeting on December 4, 2009, we realized it would be difficult to achieve a timely consensus to acquire the East Bay Surgery Center ("Surgery Center Property") from the various stakeholder of the EBOS, Sutter Health Alta Bates Summit Medical Center Surgery Property Company, LLC, and The Surgery Center of Alta Bates Summit Medical Center, LLC (collectively "Surgery Center") to facilitate our construction schedule. As a result, we have realigned Village Drive to intersect with the existing 39th Street at Telegraph Avenue which allows MTCP to proceed with the construction of Phase 1 with no requirement to acquire the Surgery Center Property which is now depicted as C-3 on the proposed Final Development Plan ("FDP"). We have attached for your information and review the proposed FDP for Phase I which modifies slightly the approved Preliminary Development Plan ("PDP").

The proposed FDP will allow the Surgery Center to continue its operations without any disruption to the Surgery Center Property. MTCP is still very interested in acquiring the Surgery Center Property at a purchase price and timing that will work for all parties. Please let us know if you have any questions regarding the proposed FDP.

Sincerely,

MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC,
a California limited liability company

By: MPI MacArthur, LLC,
a California limited liability company, Member

By: _____
Terrence M. McGrath, Managing Member

By: BUILD Equity Investments (MacArthur Transit Community) LLC,
a California limited liability company, Managing Member

By: BRIDGE Urban Infill Land Development, LLC,
a Delaware limited liability company, Member

By: BRIDGE Infill Development, Inc.,
a California Corporation, Manager

By: _____
Lydia Tan, Executive Vice President

Howard S. Wright Constructors

MTV - PHASE I & II CONSTRCUTION EQUIPMENT SCHEDULE
SOUND - AIR QUALITY STUDY

January 28, 2011

DEMOLITION

A	Equipment	2000 Cat 330B Excavator
	Size	Approx. 80,000 Lbs
	Engine	236HP
	Usage:	Duration of project – 8 hours per day, – Possible overlap
	CARB EIN #:	KC3V93
B	Equipment	2005 Linkbelt 330 LX Excavator
	Size	Approx. 80,000 Lbs
	Engine	247 HP
	Usage:	Duration of project – 8 hours per day, – Possible overlap
	CARB EIN #:	GA5L83
C	Equipment	2006 Bobcat S300 Skid steer
	Size	Approx. 9,400 Lbs
	Engine	Engine HP: 81 HP
	Usage:	Duration of project – 8 hours per day, – Possible overlap
	CARB EIN #:	UK4X33
W	Equipment	STIHL - cut-off saw
	Size	22 lbs
	Engine	6.4 hp
	Usage:	Cutting of steel and concrete sporadically
	CARB EIN #:	UK4X33

FOUNDATION

D	Equipment	Xtreme XFR-1245 Telescoping Forklift
	Size	35,700 lbs; lift capacity 12,000 lbs
	Engine	2300 rpm
	Usage:	to unload piles - 2 hrs per day
	CARB EIN #:	XR1245020991378
E	Equipment	Delmag RH26 (Requirement to RH28) mounted on Leiberbherr Carrier
	Size	182,000 lbs
	Engine	500 hp
	Usage:	Duration of project - 8 hrs per day
	CARB EIN #:	567

F	Equipment	210,000 ft lb Drill Head Motor; 70' Mast attached to Delmag
	Size	
	Engine	Hydraulic - runs off Delmag engine
	Usage:	Drill to install screw down Pile - 8 hrs per day
	CARB EIN #:	

AA	Equipment	McNeilus Ready-mix Concrete truck
	Size	10.5 cy capacity
	Engine	350 hp
	Usage:	transport ready mix concrete to jobsite - pour day
	CARB EIN #:	

GRADE BEAM/ PILE CAPS

G	Equipment	TEREX Back Hoe Loader
	Size	18,000 lbs
	Engine	100 hp (70 kw)
	Usage:	8 hours a day - overlap with Dump truck
	CARB EIN #:	

H	Equipment	48 meter Putzmeister Boom Pump
	Size	48 meter boom - 12x8'-6"x40'
	Engine	2000 Diesel Mack - 400 Hp
	Usage:	Concrete placing - horizontal and vertical CIP concrete - 8 hrs per pour day
	CARB EIN #:	

J	Equipment	1999 Mack RD688S Tri-Axel Dump truck
	Size	44,000 lbs
	Engine	450 HP - diesel
	Usage:	Hauling of spoils
	CARB EIN #:	

VERTICAL CONCRETE

K	Equipment	Fork Lift - Hyster H80XL
	Size	8,000 lbs
	Engine	Propane
	Usage:	Moving of forms
	CARB EIN #:	

Q	Equipment	Delivery Stake Truck - F-450 Super Duty
	Size	16000 lbs
	Engine	235 HP - Diesel
	Usage:	Deliveries
	CARB EIN #:	

M	Equipment	Ingersoll Rand Compressor
	Size	2,310 lbs
	Engine	80 HP
	Usage:	Blowing decks - chipping of concrete
	CARB EIN #:	

AB	Equipment	Cement Finisher - Multiquip
	Size	46 inch diameter
	Engine	8 hp
	Usage:	Finish concrete slabs
	CARB EIN #:	

EXTERIOR SKIN

N	Equipment	HTC-8675 Series II Link Belt 75 ton hydro
	Size	12'x8'-6"x49'-0" - 85,276 lbs
	Engine	445 HP diesel
	Usage:	Hoist steel frames and precast on exterior
	CARB EIN #:	

P	Equipment	JLG 600 series - 60 ft boom
	Size	60 ft boom - 24,000 lbs
	Engine	82 HP - gas
	Usage:	Installation of exterior screen - 8 hrs per day
	CARB EIN #:	

Q	Equipment	Delivery Stake Truck - F-450 Super Duty
	Size	16000 lbs
	Engine	235 HP - Diesel
	Usage:	Deliveries
	CARB EIN #:	

X	Equipment	Lincoln Commander 500 welder
	Size	
	Engine	12 kw diesel generator
	Usage:	welding of precast panels and steel frames
	CARB EIN #:	

MAN HOIST

R	Equipment	Pecco PH 6000
	Size	Car size - (5'x12-6"x9'0) - Mast 60 feet tall - total weight 20,000 lbs
	Engine	2-20 hp - 480 V- 3 phase - 60 hz
	Usage:	9 hours a day - 6 months
	CARB EIN #:	Electric motor

SITEWORK

S

Equipment	Ditchwitch 1030 trencher
Size	
Engine	11 hp
Usage:	trench for irrigation water lines and control wires
CARB EIN #:	

T

Equipment	TEREX Back Hoe Loader
Size	18,000 lbs
Engine	100 hp (70 kw)
Usage:	8 hours a day - overlap with Dump truck
CARB EIN #:	

U

Equipment	Hitachi Excavator - EX-550LC-5
Size	125,200 lbs
Engine	HP 361
Usage:	Excavation of underground utilities
CARB EIN #:	

V

Equipment	Dynapac (jumping jack) - LT7000
Size	168 lbs
Engine	3.9 HP
Usage:	Compacting of trenches
CARB EIN #:	

W

Equipment	STIHL - cut-off saw
Size	22 lbs
Engine	6.4 hp
Usage:	Cutting of steel and concrete sporadically
CARB EIN #:	

Y

Equipment	Concrete walk behind saw -EDCO SS-20
Size	425 lbs
Engine	20 hp
Usage:	Cutting of concrete slabs and parking lot - 1 to 2 days
CARB EIN #:	

Z

Equipment	SAKAI - dirt roller
Size	7.2 tons
Engine	82 hp
Usage:	Dirt compactor - 8 hrs per day
CARB EIN #:	

AC	Equipment	John Deere Skip loader - 210LE
	Size	10,170 lbs - 1 CY
	Engine	78 HP
	Usage:	Move around dirt/ rock - make grade for pads
	CARB EIN #:	
AD	Equipment	Caterpillar grader - 140H
	Size	12'-14' blade - 32,460 lbs
	Engine	185 HP
	Usage:	Cut road grade for paving
	CARB EIN #:	
AE	Equipment	CAT 966F wheel loader
	Size	46,778 lbs - 4 cy bucket
	Engine	220 HP
	Usage:	Move dirt and rock
	CARB EIN #:	
AF	Equipment	Water truck - Sterling LT8500
	Size	4,000 gal - 53,220 lbs
	Engine	450 HP
	Usage:	dust control and wet down grade
	CARB EIN #:	
AG	Equipment	CAT D8R - diesel - Bull Dozer
	Size	80,000 lbs
	Engine	305 HP
	Usage:	Push large amount of dirt - used to spread dirt out at remediation
	CARB EIN #:	
AH	Equipment	CAT 1055D paver
	Size	45,130 lbs
	Engine	224 HP - diesel
	Usage:	Used to pave asphalt roads and parking lot
	CARB EIN #:	

This schedule is a component of the Construction Management Plan required by the City of Oakland prior to the issuance of construction related permits

The construction technique proposed in areas adjacent to the Alta Bates Surgery Center may employ one or more of the following strategies

1. Use of sheep foot non-vibrating compactors
2. Use of non-vibrating roller compactors
3. Scheduling vibrating roller compaction after surgical hours or on weekends (subject to City approval)
4. Use of alternate fill materials that require no or minimal induced compaction
5. Use of smaller vibrating rolling, vibrating plate, or jumping jack compactors

EXHIBIT 1

MacArthur Transit Village
Construction Equipment Schedule 1/28/2011

	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13
Motel Demolition			Tested	Tested			Tested																			
	A			2 weeks	2 weeks																					
	B																									
	C																									
	J - 50%																									
	W - 10%																									
Environmental Remediation		B	B																							
		AF - 50%	AF - 50%																	hydrolic						
		J - 50%	J - 25%																							
		V - 5%	Z																							
			AH - 5%																							
BART Garage																										
Earthwork			B - 40%																							
			J - 50%																							
			Z - 50%																							
			W - 5%																							
Piles				D - 80%																						
				E -80%																						
				F - 80%																						
				H - 20%																						
				X - 10%																gas						
				AA - 10%																gas						
Grade Beams / Pile Caps				G - 95%																						
				J - 65%																gas						
					D - 50%																					
					H - 20%																					
					AA -20%															gas						
				Q - 30%																						
Vertical Concrete							K - 30%																			
							H - 60%																			
							AA - 60%																			
							Q - 55%																			
								M - 10%																		
Exterior Skin									P - 60%																	
										X - 90%																
										N - 100%											100% max hour usage					
Man Hoist									R - 100%												50% max hour usage					
Sitework												B - 70%														
												C - 30%														
												V - 30%														
												W - 20%														
												Q - 40%														
												M - 10%														
Frontage Road																										
Demo & Earthwork					B - 100%																					
					V - 5%																					
					J - 25%																					
					Z - 80%																					
					W - 10%																					
						AC - 80%																				
Utilities						B - 35%																				
						C - 35%																				
						V - 35%																				
						W - 15%																				
						Q - 10%																				
						M - 20%																				
							AA - 10%																			
Paving & Sidewalks								AC - 60%																		
								Z - 30%																		
								AD - 30%																		
									AA - 35%																	
									C - 30%																	
									AH - 35%																	
									J - 25%																	
BART Plaza																										
Demo							G - 20%				G - 20%										This schedule is a component of the Construction Management					
							C -20%				C -20%										Plan required by the City of Oakland prior to the issuance of					
							W - 5%				W - 5%										construction related permits					
							V - 20%				V - 20%															
							M -10%				M -10%															
							J - 20%				J - 20%															
							B - 50%				B - 50%															
Concrete								G - 10%				G - 10%														
								J - 5%				J - 5%														
								D - 20%				D - 20%														
								H - 10%				H - 10%														
								AA - 10%				AA - 10%														
								Q - 10%				Q - 10%														
Bike Station / Trellis									G - 30%																	
Finishes																										
W. MacArthur																										
Demo							G - 20%																			
							C -20%																			
							W - 5%																			
							Z - 20%																			

KEY

A	2000 Cat 330B Excavator
B	2005 Linkbelt 330 LX Excavator
C	2006 Bobcat S300 Skid steer
D	Xtreme XFR-1245 Forklift
E	Delmag RH26
F	Drill Head Motor
G	TEREX Back Hoe Loader
H	48 meter Putzmeister Boom Pump
J	1999 Mack Dump truck
K	Fork Lift - Hyster H80XL
M	Ingersoll Rand Compressor
N	Link Belt 75 ton hydro
P	JLG 600 series - 60 ft boom
Q	Delivery Stake Truck - F-450 Super Duty
R	Pecco PH 6000
S	Ditchwitch 1030 trencher
T	TEREX Back Hoe Loader
U	Hitachi Excavator - EX-550LC-5
	Dynapac (jumping jack) - LT7000
	STIHL - cut-off saw
X	Lincoln Commander 500 welder
	Concrete walk behind saw -EDCO SS-20
Z	SAKAI - dirt roller
AA	McNeilus Ready-mix Concrete truck
	Cement Finisher - Multiquip
AC	John Deere Skip loader - 210LE
AD	Caterpillar grader - 140H
AE	CAT 966F wheel loader
AF	Water truck - Sterling LT8500
AG	CAT D8R - diesel - Bull Dozer
AH	CAT 1055D paver

KEY

A	2000 Cat 330B Excavator
B	2005 Linkbelt 330 LX Excavator
C	2006 Bobcat S300 Skid steer
D	Xtreme XFR-1245 Forklift
hydrolic E	Delmag RH26
F	Drill Head Motor

EXHIBIT A

EXHIBIT I

MacArthur Transit Village
Construction Equipment Schedule

1/28/2011

	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13
			Tested	Tested			Tested																			
Utilities							M -10% J - 20% B - 30%	B - 35% C - 35% V - 35% W - 15% Q - 10% M - 20%																		
Concrete									AA - 10%	G - 10% J - 5% D - 20% H - 10% AA - 10% Q - 10%	G - 30%															
Finishes															B - 80% Y -10% J - 60% Z - 80% W - 10%											
Internal & Village																										
Earthwork																										
Utilities																										
Paving & Sidewalks																				B - 50% C - 50% V - 50% W - 10% B - 50% Q - 10% M - 10% AA - 5%						
Finishes																						AC - 20% Z - 20% AD - 10% AA - 20% C - 20%					
BRIDGE																										
Earthwork								1 A - 50% AE - 50% AF - 5%	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			
Shoring								J - 50% Z - 5%																		
Concrete								F - 5% F - 5%																		
Concrete pour days (10 pour days)									G - 25% D - 25% L - 20%																	
Rough Framing									Schwing boom pump - 10% (2) AB - 5% Reed C-50HPF pump & 375 cfm AA - 20%																	
Drywall / Plaster															(2) D (6) nail compressors (12) skilsaws (1) chain saw L - 50%											
Interior Finishes																				D multiple screw guns Trailer plaster pumps (35 HP)						
Sitework																								Pneumatic nail guns Power mitre saw Screw guns		

G	TEREX Back Hoe Loader	
H	48 meter Putzmeister Boom Pump	
J	1999 Mack Dump truck	
K	Fork Lift - Hyster H80XL	
M	Ingersoll Rand Compressor	
N	Link Belt 75 ton hydro	
P	JLG 600 series - 60 ft boom	
Q	Delivery Stake Truck - F-450 Super Duty	
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S	Ditchwitch J030 trencher	
T	TEREX Back Hoe Loader	
U	Hitachi Excavator - EX-550LC-5	
	Dynapac (jumping jack) - LT7000	gas
	STIHL - cut-off saw	gas
X	Lincoln Commander 500 welder	
	Concrete walk behind saw -EDCO SS-20	gas
Z	SAKAI - dirt roller	
AA	McNeilus Ready-mix Concrete truck	
	Cement Finisher - Multiquip	gas
AC	John Deere Skip loader - 210LE	
AD	Caterpillar grader - 140H	
AE	CAT 966F wheel loader	
AF	Water truck - Sterling LT8500	
AG	CAT D8R - diesel - Bull Dozer	
AH	CAT 1055D paver	

EXHIBIT A