Oakland City Planning Commission REVISED* AGENDA

Doug Boxer, Chair
Vien Truong, Vice Chair
Michael Colbruno
Sandra E. Gálvez
Vince Gibbs
C. Blake Huntsman
Madeleine Zayas-Mart

November 3, 2010
Regular Meeting

Revised 10-27-10* (See end of Agenda)
2nd Revision 10-29-10** (See end of Agenda)

MEAL GATHERING ***5:15 P.M.***

Saigon Restaurant, 326 Frank Ogawa Plaza, Oakland
Open to the public (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

BUSINESS MEETING ***6:00 P.M.***

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director' s Report, should fill out a speaker card and give it to the Secretary ***"Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda".*** Speakers are generally l0imited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

The order of items will be determined under "Agenda Discussion" at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **10:15 p.m.**, and the meeting will adjourn no later than **10:30 p.m.** unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening devise, please call the ***Planning Department at 510-238-3941*** or **TDD 510-238-3254** at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

Please check with the Planning Department prior to the meeting regarding items that may be continued. Any agenda item may be continued, without the hearing on the matter being opened or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

Staff reports for items listed on this agenda will be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Community and Economic Development Agency, Planning and Zoning Division, 250 Frank

H. Ogawa Plaza, Oakland, California 94612. **Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.**

New web-site staff report download instructions

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at **www.oaklandnet.com**. Select the " Government" tab, scroll down and click on " Planning & Zoning" (under CEDA), click on " visit the Boards and Commissions page" under " Planning Commission". You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please call **510-238-3941**.

If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the final decision,
pursuant to Code of Civil Procedure Section1094.6, unless a shorter period applies.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking tickets.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 or Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 at least 48 hours prior to the meeting.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director' s Report ~~Discussion of Telecommunication Facilities within Rights-of Way~~

Committee Reports

Commission Matters Upcoming Holiday period schedule of meetings

City Attorney' s Report

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission' s jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

CONSENT CALENDAR

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

1.		
	Location:	**55 Santa Clara Avenue (APN: 010-0811-016-02)**
	Proposal:	To install a concealed wireless communication facility consisting of 3 panel antennas, 3 internet antennas and 1 utility cabinet inside a new utility penthouse on the rooftop of the three-story commercial facility.
	Applicant/Contact Person	Cortel, LLC-Clearwire, Michelle Weller
	Phone Number:	(925) 997-1312
	Owner:	Solutions Property Management, Peter Brown
	Case File Number:	**CMD10-167**
	Planning Permits Required:	Major Conditional Use Permit to operate a Macro telecommunication facility in a residential zone; and Regular Design Review for new wireless antennas
	General Plan:	Mixed Housing Type
	Zoning:	R-70 High Density Residential Zone
	Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects consistent with a Community plan, General Plan or Zoning
	Historic Status:	Not a Potential Designated Historic Property; Survey Rating: F3, Modernized
	Service Delivery District:	2
	City Council District:	3
	Date Filed:	06/21/2010
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 calendar days
	For Further Information:	Contact case Planner **Mike Rivera,** at **(510) 238-6417** or by email at mrivera@oaklandnet.com

2.	
Location:	**5000 MacArthur Boulevard (APN: 037A-2701-029-03)**
Proposal:	To install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet at a site with existing antennas.
Applicant:	Clearwire, Michelle Weller of Cortel, LLC
Contact Person/Phone Number:	Michelle Weller/(925)997-1312
Owner:	Mills College
Case File Number:	**CMDV10-201**
Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet. Major Conditional Use Permit for the installation of a Monopole telecommunication facility within 100 feet of a residential zone. Minor Variance for a Monopole facility (existing) of 77 feet where 45 feet is permitted.
General Plan:	Institutional
Zoning:	R-50 Medium Density Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Potential Designated Historic Property; Survey Rating: B +1 +
Service Delivery District:	5
City Council District:	6
Status:	Pending
Action to be Taken:	Decision of Application
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact case planner Michael Bradley at **(510) 238-6935** or by email: **mbradley@oaklandnet.com**

3.	
Location:	**7635 Arthur Street (APN: 040-3326-027-01)**
Proposal:	To install three (3) telecommunication antennas, three (3) internet services exchange point dishes (one (1) of which to be installed in the future), and one enclosed equipment cabinet.
Applicant:	Clearwire,
Contact Person/Phone Number:	Jacqueline Smart /(510)435-9849
Owner:	Second Mt. Nebo Missionary Church of Oakland California
Case File Number:	**CMD10-216/CP10-087**
Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, three (3) internet services exchange point dishes (one (1) of which to be installed in the future), and one enclosed equipment cabinet. Major Conditional Use Permit for the installation of a Mini telecommunication facility within 100 feet of a residential zone. Creek Protection Permit (Category 3) for a parcel within 100 feet of the top of bank of an existing creek.
General Plan:	Detached Unit Residential
Zoning:	R-35 Special One-Family Residential Zone

(continued on page 5)

(continued from page 4)

Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Not A Potential Designated Historic Property; Survey Rating: X
Service Delivery District:	5
City Council District:	6
Status:	Pending
Action to be Taken:	Decision of Application
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact case planner **Michael Bradley** at **(510) 238-6935** or by email: **mbradley@oaklandnet.com**

PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the public hearing.

The Commission will then vote on the matter based on the staff report and recommendation. If the Commission does not follow the staff recommendation and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

If you wish to be notified on the decision of an agenda item, please indicate the case number and submit a self-addressed stamped envelope, for each case.

Planning Commission decisions that involve "majo r" cases (i.e., major variances, major conditional use permits) are usually appealable to the City Council. Such appeals must be filed within ten (10) calendar days of the date of the announcement of the Planning Commission decision and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commission, staff, and the public, 25 copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, it should be received by the Commission.

PLEASE NOTE: ITEM NO. #4, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.

4. **Location:**	**5914 Telegraph Avenue (APN.016-1386-012-03)**
Proposal:	Installation of a wireless telecommunication facility consisting of: eight (8) panel antennas at approximately 66' -2" high above grade and attached to an existing 76' -7" high Monopole with eight (8) existing antennas for total of 16 telecommunication antennas, and 4 accompanying ground mounted equipment cabinets within a chain link enclosure.
Applicant/ Phone Number:	Steven J. Christenson/RS&L Consulting Services (for: T-Mobile Wireless Co.) (530) 368-0730
Owner:	Crown Castle/Bautista Emilio
Case File Number:	**CMD10-072**
Planning Permits Required:	Major Conditional Use Permit with special findings to allow co-location on a Monopole Facility within 100' of a Residential Zone (OMC Sec. 17.16.070, 17.128.080(C), 17.134.020(A)(3)(i)); and Regular Design Review with special findings to allow the expansion of a Monopole Facility (OMC Sec. 17.16.030, 17.128.080(B), 17.136.040(A)(10))
General Plan:	Urban Residential
Zoning:	C-28 Commercial Shopping District Zone and within 100' of R-35 Special One Family Residential Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (Additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Non-Historic Property; no survey rating
Service Delivery District:	2
City Council District:	1
Date Filed:	August 11th 2010
Support/Opposition:	**Support:** Steven J. Christenson/RS& L Consulting Services (for: T-Mobile Wireless Co.) and Vivek Bhatia Oakland residence. **Opposition**, Neighbors: Cory & Megan Borovicka, Nicole M. Aruda, Michael Krajac, Patricia Smith, Carlo & Mary Busby, Tamar Carson, Robert Wiles
Summary of Planning Commission Action on October 6th 2010:	On October 6, 2010, item #1 on consent calendar; The Planning Commission held a Public Hearing, and the Commission took a straw vote to deny approval, and requested that Planning staff prepare findings for denial of the subject Telecommunication co-location project (CMD10-072).
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact case planner Jason Madani, **Planner II** at **(510) 238-4790** or **jsmadani@oaklandnet.com**

5.	
Location:	**Multiple parcels immediately adjacent to the Macarthur BART station; on the west side of Telegraph Avenue between 40th Street and West Macarthur Boulevard (see map)**
Assessors Parcel Numbers	012-0969-053-03, 012-0968-055-01, 012-0967-01, 012-0969-002-00, 012-0969-003-00, 123-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
Proposal:	Construct Stage One (1) of the Macarthur Transit Village project (PUD06058), including: a new BART parking garage with 468 parking spaces and 5,200 square feet of ground-floor commercial space; as well as new streets, utilities, and public improvements. Additional application for Vesting Tentative Map for entire site.
Applicant(s):	West Macarthur Transit Community Partners (MTCP)
Owner(s):	Art May; (510) 903-2051
Case File Number(s):	**PUDF10-097, TTM8047 (related to PUD06-058)**
Planning Permits Required:	Final Development Permit, Vesting Tentative Map
General Plan:	Neighborhood 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 - Brunner
Status:	Design Review on May 26, 2010
Action to be Taken:	Appealable to City Council within 10 calendar days
Finality of Decision:	NA
For further information:	Contact case planner **Catherine Payne** at **(510) 238-6168** or by email at **cpayne@oaklandnet.com**

6.	
Location:	**Citywide**
Proposal:	Corrections, Refinements and Clarifications of General Plan Land Use Diagram to Conform to the Intent of the Previously Adopted General Plan
Applicant:	Planning Commission
Case File Number:	GP10-264
Planning Permits Required:	N/A
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	Relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018).; as a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.
Service Delivery District:	Citywide
City Council district	Citywide
Date Filed:	October 7, 2010
Status	N/A
Staff Recommendation	Forward recommendation to City Council.
For further information:	Contact **Christina Ferracane**, Strategic Planning at (510) 238-3903 or by email: cferracane@oaklandnet.com

7.	
Location:	**Central District Redevelopment Project Area, an approximately 828-acre area in downtown Oakland generally bounded by I-980, Lake Merritt, 27th Street, and the Embarcadero**
Proposal:	Scoping Session for a Draft Environmental Impact Report (DEIR) to receive comments on the contents of the forthcoming DEIR for proposed amendments to the Central District Redevelopment Area Plan.
Applicant:	City of Oakland Redevelopment Agency
Contact Person/Phone Number:	Blair Miller, Redevelopment Project Manager (510) 238-2055
Case File Number:	**ER10-0003**
Planning Permits Required:	To Be Determined
General Plan:	Central Business District, Urban Open Space District, Institutional District, Urban Residential District.
Estuary Plan:	Off-Price Retail District, Retail Dining Entertainment 1 and 2 Districts, Produce Market District, Mixed Use District, Waterfront Warehouse District, Planned Waterfront Development 1 District.
Zoning:	CBD-R, Central Business District-Residential Zone, CBD-P, Central Business District-Pedestrian Retail Commercial Zone, CBD-C, Central Business District-General Commercial Zone, CBD-X, Central Business District-Mixed Commercial Zone, S-2, Civic Center Zone, S-4, Design Review Combining Zone, S-7, Preservation Combining Zone, S-12, Residential Parking Combining Zone, S-19, Health and Safety Protection Overlay Zone, OS (SU), Open Space Special Use Park Zone , OS (NP), Open Space Neighborhood Park Zone, OS (RSP), Open Space Region-Serving Park Zone, OS (LP), Open Space Linear Park Zone, OS (RCA), Open Space Resource Conservation Area Zone, C-25, Office Commercial Zone, C-30, District Thoroughfare Commercial Zone, C-40, Community Thoroughfare Commercial Zone, C-45, Community Shopping Commercial Zone, C-55, Central Core Commercial Zone, C-60, City Service Commercial Zone, D-BR, Broadway Retail Frontage Interim Combining District Zone, R-90, Downtown Apartment Residential Zone, M-20, Light Industrial Zone, M-30, General Industrial Zone, CIX-1, Commercial Industrial Mix 1 Zone.
Environmental Determination:	An Environmental Impact Report (EIR) will be prepared for the proposed amendments.
Historic Status:	Redevelopment Project Area includes numerous buildings, districts, sites, and structures that are listed on or eligible for National, California, and Local Registers of Historic Resources and thus are considered CEQA Historic Resources
Service Delivery District:	1, 2, Metro
City Council District:	2, 3
Status:	The Notice of Preparation was published and distributed on October 15, 2010, with comments due no later than November 15, 2010.
Action to be Taken:	Receive public and Commission comments about what information and analysis should be included in the Draft Environmental Impact Report
For Further Information:	Contact case planner **Ulla-Britt Jonsson** at **(510) 238-3322** or by email at **ujonsson@oaklandnet.com**

APPEALS

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the report prepared by staff. If the Commission reverses/overturns the staff decision and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

(There are no appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes: October 6, 2010 and September 15, 2010

Correspondence

City Council Actions

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

ADJOURNMENT By **10:30 P.M.** unless a later time is agreed upon by a majority of Commissioners present.

for

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: November 17, 2010

*Revised 10-27-10 to remove the Director' s Report and to add the Minutes of September 15, 2010.
** Revised 10-29-10 to remove Item #4 (5914 Telegraph Avenue) from this agenda. This item will be rescheduled for the December 1st, 2010 Planning Commission Hearing.

Location:	**55 Santa Clara Avenue (APN: 010-0811-016-02)**
Proposal:	To install a concealed wireless communication facility consisting of 3 panel antennas, 3 internet antennas and 1 utility cabinet inside a new utility penthouse on the roof of a three-story commercial facility.
Applicant/Contact Person:	Cortel, LLC-Clearwire, Michelle Weller
Phone Number:	(925) 997-1312
Owner:	Solutions Property Management, Peter Brown
Case File Number:	**CMD10-167**
Planning Permits Required:	Major Conditional Use Permit to install a Macro telecommunication facility in a residential zone; and Regular Design Review for new wireless antennas
General Plan:	Mixed Housing Type
Zoning:	R-70 High Density Residential Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning
Historic Status:	Not a Potential Designated Historic Property; Survey Rating: F3, Modernized
Service Delivery District:	2
City Council District:	3
Date Filed:	06/21/10 *(revisions submitted 10/14/10)*
Action to be Taken:	Decision based on staff report
Finality of Decision:	*Appealable to City Council within 10 calendar days*
For Further Information:	Contact case Planner **Mike Rivera,** at **(510) 238-6417** or by email at mrivera@oaklandnet.com

PROJECT SUMMARY

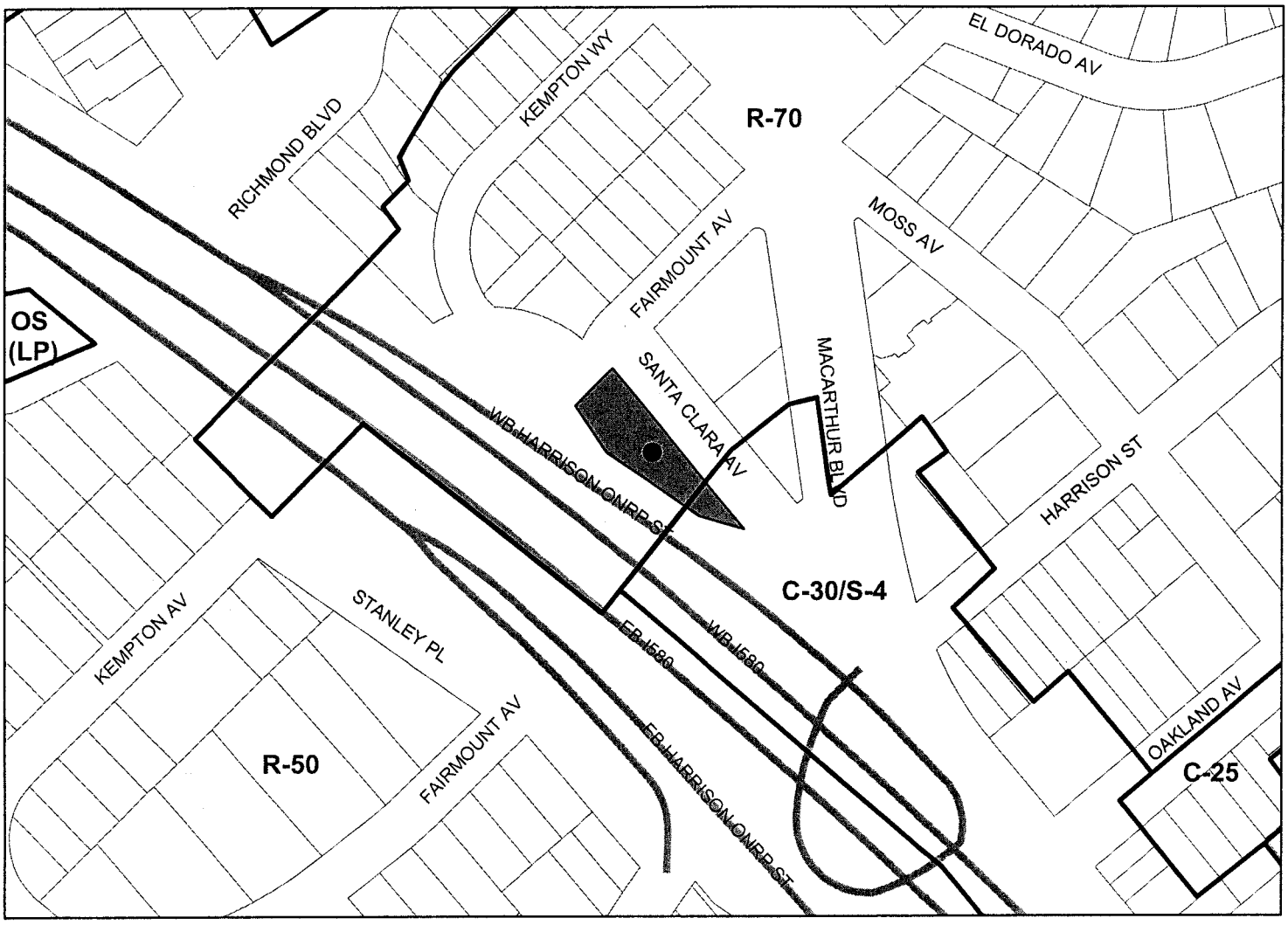
The applicant requests a Major Conditional Use Permit and Regular Design Review to install 6 concealed antennas inside a new utility penthouse located on the rooftop of a three-story commercial building. The proposal is classified as a Macro Telecommunication facility because when added to the 9 existing antennas on the property, the site would contain more than 12 wireless antennas on the building rooftop for a cumulative total of 15 antennas. The proposal is located in the R-70 High Density Residential Zone and Mixed Housing Type Land Use Classification. Per Section 17.134.020(A)(3)(i) of the Oakland Planning Code a Major Conditional Use Permit is required for a Telecommunications Facility located in a residential zone. This proposal requires determination by the Planning Commission. Staff recommends approval subject to the required findings **(See Attachment A)** and conditions of approval **(See Attachment B)**.

PROPERTY DESCRIPTION

The three-story commercial building is located in a 12,800 square foot parcel at 55 Santa Clara Avenue near the Adams Point neighborhood. The ground floor contains off-street parking and the second and third floors are occupied by administrative offices. The property has an existing telecommunication facility operated by Nextel. This wireless facility was approved by the Planning Commission in 2000.

The site is surrounded to the north, east and south by multi-family residential and commercial properties. To the west, the property is adjacent to Interstate-580 (the MacArthur Freeway). Along the westerly property line the subject property is screened by a cluster of large trees maintained by Caltrans.

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD10-167
Applicant: Cortel, LLC-Clearwire, Michelle Weller
Address: 55 Santa Clara Avenue
Zone: R-70

PROJECT DESCRIPTION

The applicant, ClearWire proposes to install a telecommunications facility inside a new utility penthouse. The proposal includes 3 panel antennas, 3 internet services exchange point "dish" antennas and 1 equipment cabinet. These facilities will be located inside a new 90 square foot, 10 foot high utility penthouse located near the center of the building rooftop. The penthouse will be made of fiberglass material and will match the design of the building. **(See Attachment C)** The application also includes photo simulation of the proposed penthouse shown from different street locations around the area. **(See Attachment E)** The application also includes a Radio Frequency Emissions Report, prepared by TRK Engineering **(See Attachment D)**. Staff will discuss the content of this report in the body of this staff report.

GENERAL PLAN ANALYSIS

The proposal is located in the Mixed Housing Type Residential Land Use Classification as described by the Oakland General Plan Land Use and Transportation Element (LUTE). The intent of the Mixed Housing Type Classification is to create, maintain, and enhance residential areas located near the City's major arterials and characterized by a mix of single-family homes, small multi-family buildings and neighborhood business where appropriate. The desired character and uses of future development in the Mixed Housing Type should by primarily residential, small commercial enterprises, and small compatible civic uses in designated locations. The proposal would enhance the surrounding areas because the use of a telecommunication facility falls within the policy framework for Mixed Housing Type. The proposal to collocate wireless communication facilities on the building rooftop will provide services to a wide range of commercial and residential users as well as passengers traveling along the MacArthur Freeway and to emergency officials because the quality and use of high speed internet and wireless phone services is in high demand. The proposal is also compatible with the building because the new penthouse that will house the wireless facility is fairly set back from the edge of the building roof (approximately 18'-8" at the closest side) to reduce its visibility from public view.

SCENIC HIGHWAYS-ELEMENT OF THE GENERAL PLAN

The Scenic Highways element of the Oakland General Plan addresses the preservation and enhancement of those distinctively attractive roadways that traverse the City and the visual corridors which surround them. The Scenic Highway element designates the "MacArthur Freeway" as one of the scenic corridors in the City with a lavishly landscaped highway and rolling topography located primarily in a residential area. The Scenic Highways element contains goals and policies to establish preservation and protection as follows:

Scenic Highways Goals

a) To protect and enhance the distinctive character of scenic routes within the City, and
b) To improve the physical environment and to preserve the natural qualities of Oakland's setting.

Scenic Highways Specific Policies related to MacArthur Freeway

a) The signs within the scenic corridor that are visible from the freeway should be for identification purposes only; no advertising should be permitted.
b) Visual intrusions within the scenic corridor should be removed, converted, buffered or screened from the motorist's view.
c) Panoramic vistas and interesting views now available to the motorist should not be obliterated by new structures.

d) New construction within the scenic corridor should demonstrate architectural merit and a harmonious relationship with the surrounding landscape.
e) The ban of truck traffic on the MacArthur Freeway should continue indefinitely.

The proposal to collocate a telecommunication facility on the rooftop of a commercial building meets the goals and policies for Scenic Highways. The new wireless facility will be located in the center of the building rooftop and inside a new penthouse thus concealing the structures within the scenic corridor. The penthouse will use materials and color to relate to the architecture of the building. A cluster of mature trees line up along the west side of the property and will continue to screen the building from motorist's view traveling on the MacArthur freeway.

ZONING ANALYSIS

The subject property and the abutting properties to the west, north and east are in the R-70 High Density Residential Zone. The abutting properties to the south are in the C-30 District Thoroughfare Commercial Zone. The intent of the R-70 Zone is to create, preserve, and enhance areas for apartment living at high densities in desirable settings, and is typically appropriate to areas having good accessibility to transportation routes and major shopping and community centers. The intent of the C-30 zone is to create, preserve, and enhance areas with a wide range of retail establishments serving both short and long term needs in convenient locations, and is typically appropriate along major thoroughfares. The subject property constructed in 1968 and used as a commercial administrative office serves local and regional residents.

Sections 17.28.080(B) & 17.134.020(A)(3)(i) of the Planning Code, states that the development proposal for a Telecommunication Facility (Macro) in the R-70 Zone requires a Major Conditional Use Permit. Section 17.10.890 of the Planning Code for Telecommunications Facility Types describes a Macro Facility as a wireless communication facility not included in the definition of Micro Facilities, Mini Facilities, Monopoles or Lattice Towers. The proposal is to install 6 concealed antennas inside a new penthouse located on the rooftop of the three-story commercial building. The purpose of the Major Conditional Use Permit is to analyze the operating characteristics or potential adverse effects on the surrounding areas.

Section 17.136.040 of the Planning Code, states that the development proposal for a Macro Facility requires Regular Design Review. The purpose for Design Review is to evaluate projects that require special design treatment and consideration of relationships to the site and physical surroundings. The criteria for Conditional Use Permit and Regular Design Review require the making of specific findings to support the project. Staff is able to make the required findings to approve the Telecommunication Facility proposal. **(See Attachment A)**

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The development proposal is categorically exempt from the environmental review requirements pursuant to Section 15301(e) for additions to existing structures, and also pursuant to Section 15183 for projects consistent with a Community Plan, General Plan or Zoning.

SPECIFIC DEVELOPMENT STANDARDS FOR WIRELESS FACILITIES

Telecommunication Facilities must meet the following specific development standards:

1. Conditional Use Permit and Regular Design Review Findings

Section 17.134.020(A)(3)(i) of the Planning Code states that the operation of a Telecommunication Facility (Macro) in a residential zone area requires a Major Conditional Use Permit. In order to make the required findings for Telecommunication Facilities, the proposal is subject to the General Use Permit Criteria found in Sections 17.134.050 and 17.128.070 (C). The proposal is also subject to the Regular Design Review Criteria found in Section 17.136.050 (B) including the specific Design Review Criteria for Macro Facilities found in Section 17.128.070(B). Staff will evaluate these findings in this report.

2. Site Location Preferences

Section 17.128.110 of the Telecommunication Regulations states that new wireless facilities shall generally be located on the following properties or facilities in order of preference:

A. Collocated on an existing structure or facility with existing wireless antennas.
B. City owned properties or other public or quasi-public facilities.
C. Existing commercial or industrial structures in non-residential zones.
D. Existing commercial or industrial structures in residential zones
E. Other non-residential uses in residential zones.
F. Residential uses in non-residential zones.
G. Residential uses in residential zones.

The regulation states that wireless facility proposals locating on an A, B or C ranked preference, do not require a site alternative analysis. Staff's evaluation finds that the project fits with the first site location preference (A) for collocating the proposal with an existing facility and with other existing wireless facility located on a building rooftop. See project site plan and roof plan, sheets A-1 and A-2. The proposed wireless facility located inside a new penthouse will be located near the center of the building rooftop and it will be distanced from the edge of the building rooftop. The proposed wireless facility will be located about 70 feet south from the other existing wireless facility Nextel. See sheets A-1 and A-3. Therefore, a site alternative analysis will not be required.

3. Site Design Preferences

Section 17.128.120 of the Telecommunication Regulations states that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas concealed from view.
B. Building or structure mounted antennas set back from roof edge, not visible from public right-of-way.
C. Building or structure mounted antennas below roof line (façade mount, pole mount) visible from public right-of-way, painted to match existing structure.
D. Building or structure mounted antennas above roof line visible from public right-of-way.
E. Monopoles.
F. Towers.

The regulation states that facilities designed to meet A or B ranked preference, do not require a site design alternative analysis. Staff finds the proposal to install 6 new antennas inside the new penthouse located on the building rooftop of the three-story commercial building fits with Site Design Preference (B). The new wireless antennas will be concealed from public view because they are located within the interior of the new penthouse, and they are set back from the roof edge. In addition, no part of the equipment cabinets or related conduits will be visible from public view. The new penthouse that will house the wireless facility will be constructed and painted to match to the design of the commercial building.

4. **Radio Frequency Emissions Standards**

Section 17.128.130 of the Telecommunications Regulations requires the applicant to submit the following verifications:

A. With the initial application submittal, a Radio Frequency (RF) emissions report shall be prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to established such standards.
B. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
C. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

The application includes a Radio Frequency (RF) Emissions report prepared by TRK Engineering, dated June 11, 2010. **(See Attachment D)** Based on the design plans submitted, the project engineer, Sei Yuen Sylvan Wong evaluated the project and concluded that the proposal to install 6 concealed antennas inside the new penthouse will comply with the set standards for limiting public exposure to radio frequency energy and will not cause significant impacts on the environment. In order to confirm that the applicant meets the standards of Section 17.128.130 of the Planning Code, staff recommends a condition of approval that requires the applicant to submit an additional Radio Frequency (RF) Emissions report prior to the start of construction. This report should indicate the baseline RF Emissions conditions at the site prior to installation of any new antennas. In addition, staff recommends a condition of approval that requires the applicant to submit a final Radio Frequency emissions report prior to the final building permit sign-off stating that the facility is operating within the acceptable thresholds as established by the Federal Communication Commission. **(See Conditions of Approval # 16)**

CONCLUSION

The proposal to install 6 wireless communication antennas inside a new penthouse located on the roof of a three-story commercial building is a compatible use for the area and creates access to telecommunication services and internet use to the general public, without creating impacts to the environment. Staff finds that the installation of the new antennas will not create a cumulative impact to the site because the antennas are concealed from public view, thus keeping with the design of the facility. The proposal also complies with the regulations for radio frequency emissions set by the Federal Communication Commission. Therefore, staff determines the application meets the required findings for Conditional Use Permit and Design Review **(See Attachment A)**, and recommends approval of the application to the Planning Commission subject to the Conditions of Approval **(See Attachment B)**.

RECOMMENDATIONS

1. Affirm staff's environmental determination.

2. Approve Major Conditional Use Permit and Regular Design Review application CMD10-167 subject to the attached Findings and Conditions of Approval.

Prepared by:

Mike Rivera
Planner II

Approved by:

Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission:

Eric Angstadt, Deputy Director
Community & Economic Development Agency

ATTACHMENTS

A. Project Findings
B. Project Conditions of Approval
C. Revised Design Plans, submitted on October 14, 2010
D. Radio Frequency Emissions Report
E. Photo Simulations
F. Photos of the property from MacArthur Freeway/Northbound

ATTACHMENT A

Findings for Approval

The findings required granting your application for Major Conditional Use Permit and Design Review found in Sections 17.134.050, 17.128.070(C), 17.136.050(B), 17.128.070(B) and 17.136.050(B) of the Oakland Zoning Regulations, and the reasons your proposal satisfy these findings, are as follows:

SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The development proposal to install a wireless communication facility inside a new utility penthouse on the roof of a three-story commercial building will not adversely affect the development of the surrounding neighborhood. The 6 antennas and equipment cabinet will be located inside the penthouse, thus concealing their visibility from public view and surrounding properties. The proposal includes a Radio Frequency (RF) Emissions report and states that the antennas comply with the regulations set by the Federal Communication Commission. In order to comply with Radio Frequency Standards, staff recommends the applicant submits an RF Emissions report prior to the final building permit sign-off stating that the facility is operating within the acceptable thresholds. (See Condition of Approval # 16)

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The proposal to install wireless communication antennas inside a new utility penthouse will provide a convenient and functional working environment. The operation of the telecommunication facility will provide high speed internet and quality wireless phone services to the general public. The antennas located on the rooftop of the building are concealed by a new penthouse to minimize any physical impact to the architecture of the commercial building.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposal will provide and enhance wireless communication services to surrounding commercial and residential users. The telecommunication facility will also improve services to motorist traveling along the nearby Interstate-580/MacArthur Freeway and to emergency officials.

D. That the proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code.

The development proposal conforms to the applicable design review findings in section 17.128.070 (B) for Macro Facilities, and section 17.136.050(B) for Non-Residential Facilities. See design review findings listed below.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposal is located in the Mixed Housing Type Residential Land Use Classification and it is also adjacent to the Scenic Highways Element as described in the Oakland General Plan. The intent of the Mixed Housing Type Classification is to create, maintain, and enhance residential areas located near the City's major arterials and characterized by a mix of single-family homes, small multi-family buildings and neighborhood business where appropriate. The Scenic Highways Element calls for the preservation and enhancement of those distinctively attractive roadways "MacArthur Freeway" that traverse the City and the visual corridors which surround them. The proposal would enhance the surrounding areas because the use of a telecommunication facility falls within the policy framework for Mixed Housing Type because the proposal will provide services to a wide range of commercial and residential users, and to motorist traveling along the MacArthur Freeway. The location and design of the new utility penthouse that will conceal the wireless facility will be compatible to the site because the penthouse is setback from the edge of the building, it is designed to blend in with the architecture of the building, and it is screened by large vegetation to preserve the visual corridor from motorist traveling along the MacArthur Freeway.

SECTION 17.128.070 (C)–CONDITIONAL USE PERMIT CRITERIA FOR MACRO FACILITIES

1. The project must meet the special design review criteria listed in subsection B of this section.

   The development proposal conforms to the design review criteria for Macro Facilities as described in section 17.128.070 (B). See design review findings listed below.

2. The proposed project must not disrupt the overall community character.

   The proposal for the installation of a telecommunication facility on the roof of a commercial building located in a residential zone will not disrupt the characteristics of the mixed-use neighborhood. The telecommunication facility will not be visible from the surrounding public right-of-way because the antennas are located inside a new penthouse that will match to the architecture of the building and it will be set back from the edge of the building roof to make it less conspicuous from public view.

SECTION 17.128.070 (B)–DESIGN REVIEW CRITERIA FOR MACRO FACILITIES

1. Antennas should be painted and/or textured to match the existing structure.

   The proposed antennas located inside the new penthouse do not need to be painted to blend in with the structure located on the roof because they will be fully concealed from public view.

2. Antennas mounted on architecturally significant structures or significant architectural detail of the building should be covered by appropriate casings which are manufactured to match existing architectural features found in the building.

The proposed antennas located inside a new utility penthouse on the roof of the three-story commercial building do not need to be covered with any casings because they will not disrupt the architectural style of the building.

3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.

   The proposal will place the antennas inside the utility penthouse located on the building rooftop; therefore the antennas do not need to be camouflaged.

4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop or placed underground, inside existing facilities or behind screening fences.

   The proposal includes the installation of an equipment cabinet located inside the new utility penthouse, therefore the cabinet will not be visible from the public view.

5. Equipment shelters or cabinets shall be consistent with the general character of the area.

   The equipment cabinet located inside the new utility penthouse will not disrupt the characteristics of the surrounding residential and commercial neighborhood.

6. For antennas attached to the roof, maintain a 1:1 ratio (example: ten feet high antenna requires ten feet setback from façade) for equipment setback; screen the antennas to match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.

   The proposal to install and operate wireless antennas inside a new utility penthouse is fairly distanced from the edge of the building roofline and it is setback more than the required 1:1 ratio. The proposal is located in the center of the building roof and will not create significant impacts to view corridors. The equipment cabinet will be located inside the penthouse.

7. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

   The proposed antennas and equipment cabinet located inside the new utility penthouse on the building roof will not be accessible to the general public other than to authorized personnel. Access to the rooftop and penthouse will require a key or some other type of access code.

SECTION 17.136.050 (B)–DESIGN REVIEW FINDINGS FOR NON-RESIDENTIAL FACILITIES

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of

design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060.

The proposal will not detract from the exterior design of the commercial facility. The proposed (ClearWire) and existing antennas (Nextel) located on the building roof are concealed and distanced from each other to minimize their visibility from public view. The new penthouse will use materials and colors to blend in with the design of the commercial building.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

The proposal will be in character because the antennas will be located inside the new utility penthouse. The design proposal protects the neighborhood context because the antennas are concealed and will not significantly create a visual impact.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposal conforms with the Oakland General Plan Objectives and Policies including the Conditional Use Permit Findings 17.134.050 & 17.128.070(c), and Design Review Findings 17.128.070(b) and 17.136.050(b) found within this report.

FINDINGS

ATTACHMENT B

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, and the *revised* design review plans dated **October 13, 2010** and submitted to the City on **October 14, 2010**, 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 required prior written approval from the Director of City Planning or designee.

b) This action by the **Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes the installation of 6 wireless communication antennas and 1 equipment cabinet located inside a new utility penthouse located on the roof of a commercial building at 55 Santa Clara Avenue.

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

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two (2) 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 a one-year extension 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.

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 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 laws/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. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval #3.

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, elevated walking pathways, safety railings, emergency lighting and vegetation management for preventing fires.

5. **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 approval, 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 plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.

c) Violation of any term, **conditions of approval** or **project description** relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **conditions of approval** if it is found that there is violation of any of the **conditions of approval** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. **Signed Copy of the Conditions of Approval**

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions of Approval** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. **Indemnification**

Ongoing

a. To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect)action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

b. Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. **Compliance with Conditions of Approval**

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. **Severability**

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified **conditions of approval**, and if one or more of such **conditions of approval** is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid **conditions of approval** consistent with achieving the same purpose and intent of such Approval.

10. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review by City officials and project developer at the job site at all times.

11. **Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management**

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. **Landscape Maintenance.**

Ongoing

All existing landscaping shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements.

13. **Operational Noise-General**

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

14. **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. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

SPECIFIC PROJECT CONDITIONS

15. Emissions Report

Prior to final inspection

The applicant shall provide an RF emissions report to the City of Oakland Zoning Division indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency that may be subsequently authorized to establish such standards.

16. Sinking Fund for Facility Removal or Abandonment.

Prior to issuance of a building permit.

The applicant shall provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. The word "abandoned" shall mean a facility that has not been operational for a six (6) month period, except where nonoperation is the result of maintenance of renovation activity pursuant to valid City permits. The sinking fund shall be established to cover a two-year period, at a financial institution approved by the City's Office of Budget and Finance. The sinking fund payment shall be determined by the Office of Budget and Finance and shall be adequate to defray expenses associated with the removal of the telecommunication facility.

17. Encroachment Permits

Prior to issuance of a demolition, grading or building permit

The applicant shall obtain any encroachment permits, waiver of damages or other approvals required by the Building Services Division, for any privately constructed public improvements, or any permanent or temporary elements located in the public right of way. This shall include telecommunication equipment, overhead wires, underground trenching, etc.

APPROVED BY:

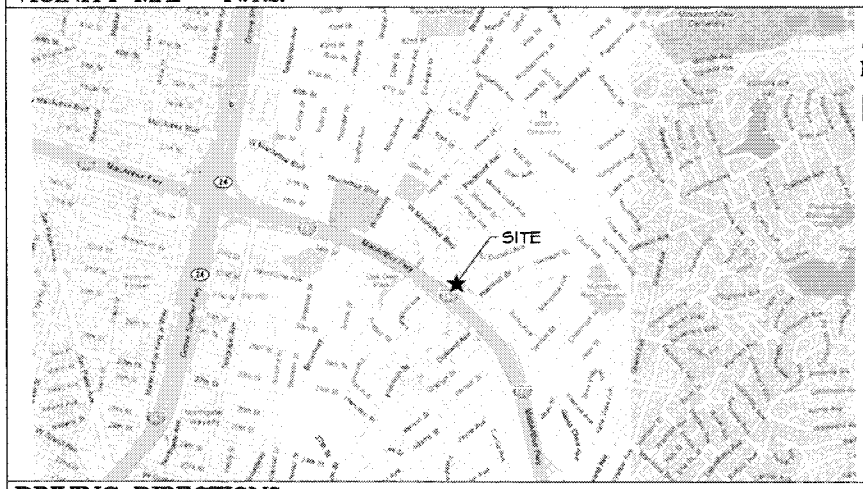
City Planning Commission:_____(date)_____(vote)

clearwire®

55 SANTA CLARA
CA-SFO0839A

55 SANTA CLARA AVE, OAKLAND, CA

VICINITY MAP - N.T.S.



DRIVING DIRECTIONS

FROM: CLEARWIRE REGIONAL OFFICE
1990 NORTH CALIFORNIA BLVD, SUITE 20
WALNUT CREEK, CA 94596

TO: 55 SANTA CLARA
55 SANTA CLARA AVE
OAKLAND, CA

DISTANCE: 15.8 MILES

DEPART 1990 N CALIFORNIA BLVD, WALNUT CREEK, CA
HEAD NORTH ON N CALIFORNIA BLVD TOWARD PRINGLE AVE
TAKE THE 1ST LEFT ONTO PRINGLE AVE
TAKE THE 1ST RIGHT TO STAY ON PRINGLE AVE
TURN LEFT AT RIVIERA AVE
SLIGHT RIGHT AT OAKLAND BLVD/RIVIERA AVE
SLIGHT RIGHT AT HILLSIDE AVE
MERGE ONTO CA-24 W VIA THE RAMP TO OAKLAND FOR 13.6 MI
TAKE THE EXIT ONTO I-580 E TOWARD HAYWARD FOR 1.1 MI
TAKE THE OAKLAND AVE EXIT
TURN LEFT AT OAKLAND AVE
TAKE THE 1ST LEFT ONTO SANTA CLARA AVE
SLIGHT LEFT TO STAY ON SANTA CLARA AVE
ARRIVE AT 55 SANTA CLARA AVE, OAKLAND, CA

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- CALIFORNIA ADMINISTRATIVE CODE (INCL TITLE 24 & 25)
- 2007 CALIFORNIA BUILDING CODE
- CITY/COUNTY ORDINANCES
- BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA)
- 2007 CALIFORNIA MECHANICAL CODE
- ANSI/EIA-222-F LIFE SAFETY CODE NFPA-101
- 2007 CALIFORNIA PLUMBING CODE
- 2007 CALIFORNIA ELECTRICAL CODE
- LOCAL BUILDING CODE

BUILDING/SITE DATA LEGEND

LATITUDE:	37° 44' 14.05" N (NAD 83)
LONGITUDE:	122° 15' 18.75" W (NAD 83)
ELEVATION:	T.B.D. A.M.S.L. (NGVD 29)
A.P.N.:	010-0811-016-02
ZONING:	R-70
OCCUPANCY:	U, UNMANNED
CONSTRUCTION TYPE:	V-B
CONSTRUCTION AREA:	90 SQ. FT.
ADA REQ.:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. ADA ACCESS NOT REQUIRED.
TITLE 24 REQ.:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. TITLE 24 IS EXEMPT.

PROJECT DESCRIPTION

INSTALLATION OF A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING COMMERCIAL BUILDING, INCLUDING THE INSTALLATION OF (1) EQUIPMENT CABINET, (1) INTERNET SERVICES EXCHANGE POINT, PLUS (2) FUTURE AND (3) PANEL ANTENNAS

SIGNATURE BLOCK

ZONING MANAGER	DATE
SITE ACQ. MANAGER	DATE
RF MANAGER	DATE
MICROWAVE MANAGER	DATE
CONSTRUCTION MANAGER	DATE
CLEARWIRE CONSTRUCTION MANAGER	DATE

PROJECT SUMMARY

PROPERTY OWNER:
SOLUTIONS PROPERTY MANAGEMENT
CONTACT: PETER BROWN
PHONE: (510) 755-3654

APPLICANT:
CLEARWIRE CORP.
4400 CARILLON PT
KIRKLAND, WA

LEASING MANAGER:
CORTEL, LLC
CONTACT: ADAM CRON
PHONE: (916) 316-4791

ZONING MANAGER:
CORTEL, LLC
CONTACT: MICHELLE KELLER
PHONE: (925) 997-1312

CONSULTANT:
TRK ENGINEERING LTD.
#201 - 17688 66TH AVE
SURREY, BC V3S 7X1, CANADA
CONTACT: DENNIS AMANTEA
PHONE: (604) 574-6432

CONSTRUCTION MANAGER:
CORTEL, LLC
CONTACT: KEN UPTON
PHONE: (415) 860-8583

SHEET INDEX

REV	DWG	NAME
2	T-1	TITLE SHEET
2	A-1	SITE PLAN
2	A-2	ROOF PLAN
2	A-3	SOUTHWEST AND NORTHEAST ELEVATIONS
2	A-4	EQUIPMENT DETAILS
2	A-5	ANTENNA DETAILS

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17688 66TH AVE
SURREY, BC V3S 7X1, CANADA
TEL: (604) 574-6432
FAX: (604) 574-6431
TOLL FREE: 1-877-348-4048
EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-048
DRAWN BY: S.A.
CHECKED BY: P.H.
CAD FILE: 1040-048TI

SUBMITTALS

2	OCT 2010	GENERAL REVISIONS
1	AUG 2010	REVISED PER CITY
0	JUN 2010	ZDR REV 0
A	MAY 2010	ZDR REV A

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT AGENCY IS STRICTLY PROHIBITED.

AHJ SIGNATURE

SITE
55 SANTA CLARA
CA-SFO0839A
55 SANTA CLARA AVE
OAKLAND, CA

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

Revised 11-

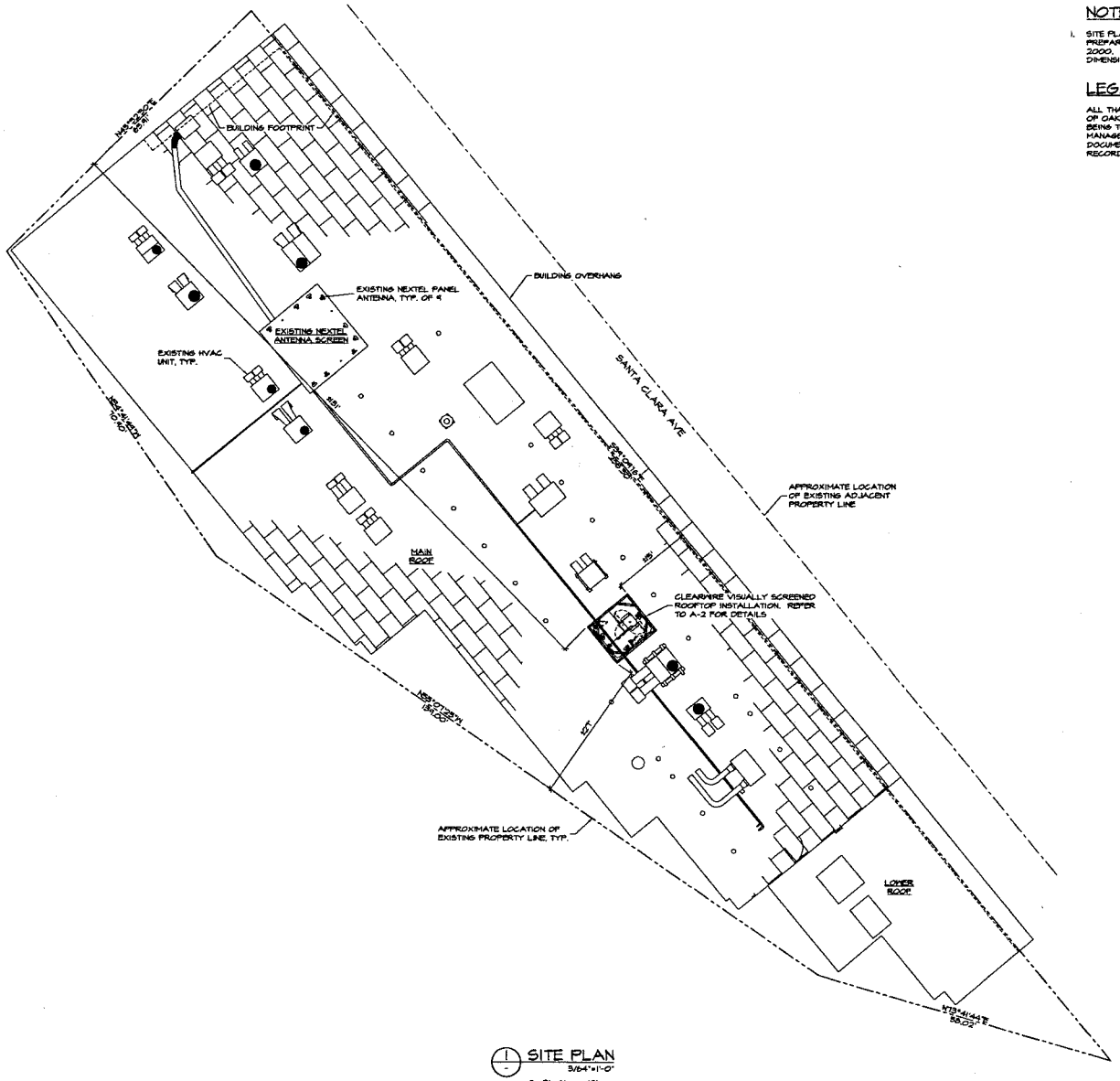
RECEIVED
OCT 14 2010
City of Oakland
Planning & Zoning Division

CMO 10-167

ATTACHMENT C



TRUE NORTH ARROW SHOWN ON THIS DRAWING IS APPROXIMATE ONLY AND MUST BE VERIFIED BY CONTRACTOR



1 SITE PLAN
3/64"=1'-0"
0 3' 6' 12'

NOTES:

1. SITE PLAN INFORMATION WAS OBTAINED FROM A DRAWING PREPARED BY EVANS SURVEYS INC, DATED SEPTEMBER 28, 2000. THIS DRAWING DOES NOT REPRESENT A SURVEY. ALL DIMENSIONS TO PROPERTY LINES ARE APPROXIMATE ONLY.

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA BEING THE LANDS CONVEYED TO SOLUTIONS PROPERTY MANAGEMENT BY GRANT DEED RECORDED 6/25/97 IN DOCUMENT #97-158027, ALAMEDA COUNTY OFFICIAL RECORDS.

clearwire
4400 CARILLON PT, KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17686 56TH AVE
SURREY, BC V3S 1J1, CANADA
TEL: (604) 574-6452
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PROJECT NO: 1040-048

DRAWN BY: S.A.

CHECKED BY: F.M.

CAD FILE: 1040-048A1

SUBMITTALS

2	OCT 15/10	GENERAL REVISIONS
1	AUG 30/10	REVISED PER CITY
0	JUN 10/10	ZDs REV 0
A	MAY 21/10	ZDs REV A

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AHJ SEAL

SITE

55 SANTA CLARA
CA-SF00839A
55 SANTA CLARA AVE
OAKLAND, CA

SHEET TITLE

SITE PLAN

SHEET NUMBER

A-1

TRUE NORTH ARROW SHOWN ON THIS DRAWING IS APPROXIMATE ONLY AND MUST BE VERIFIED BY CONTRACTOR

INTERNET SERVICES EXCHANGE POINT INFORMATION

SECTOR	AZIMUTH	DISH SIZE	ANTENNA	QUANTITY	ANTENNA CABLE LENGTH	RAD CENTER
A (FUTURE)	0°	2'-0"	ANDREW	1	30'-0"±	32'-0"±
B (FUTURE)	120°	2'-0"	ANDREW	1	30'-0"±	32'-0"±
C	221°	1'-0"	ANDREW	1	30'-0"±	32'-0"±

PANEL ANTENNA INFORMATION

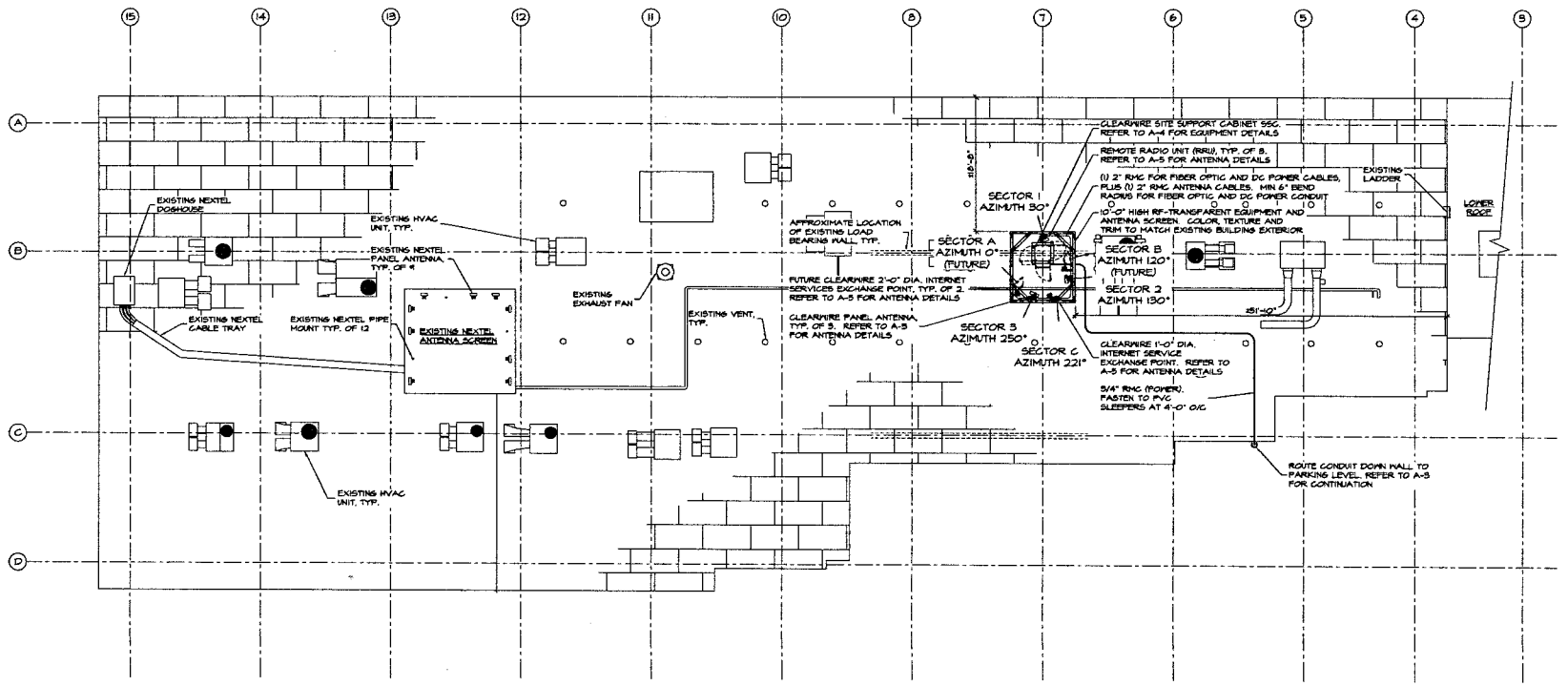
SECTOR	AZIMUTH	ANTENNA	QUANTITY	FIBER OPTIC/ DC POWER LENGTH	RAD CENTER
1	30°	KATHREIN	1	20'-0"±	32'-0"±
2	150°	KATHREIN	1	20'-0"±	32'-0"±
3	250°	KATHREIN	1	30'-0"±	32'-0"±

GPS ANTENNA LOCATION OPTIONS: (1) EQUIPMENT CABINET, (2) ANTENNA MAST, (3) SUPPORT POST, FIELD VERIFY

LABEL MARKINGS SHALL BE PLACED:
A. WITHIN 12" OF CABLE AT BOTH ENDS.
B. AT/NEAR TOWER GROUND BAR.
C. EITHER PRIOR TO ENTRY INTO CABINET OR AT CABLE SUPPORT BRIDGE.

NOTES:

1. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
2. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ROOF MEMBRANE DURING CONSTRUCTION. ALL DAMAGE SHALL BE REPAIRED TO AS NEW CONDITION IN ACCORDANCE WITH STANDARD ROOFING PRACTICES.
4. CONTRACTOR TO SITE VERIFY LOCATION OF CONDUIT AND ANTENNA CABLE ROUTING PRIOR TO CONSTRUCTION.



1 ROOF PLAN
1/16"=1'-0"
0 4' 8' 16'

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
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PROJECT NO: 1040-048
DRAWN BY: SA
CHECKED BY: P.M.
CAD FILE: 1040-048A2

SUBMITTALS

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1	AUG 30/10	REVISED PER CITY
0	JUN 10/10	ZDs REV 0
A	MAY 27/10	ZDs REV A

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AHJ SEAL

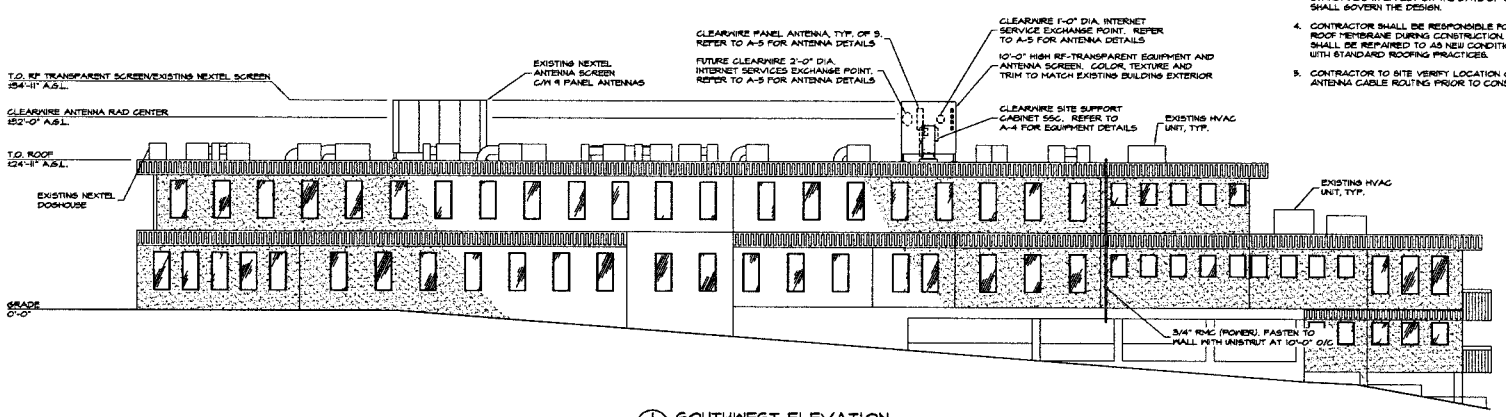
SITE
55 SANTA CLARA
CA-SF00839A
55 SANTA CLARA AVE
OAKLAND, CA

SHEET TITLE
ROOF PLAN

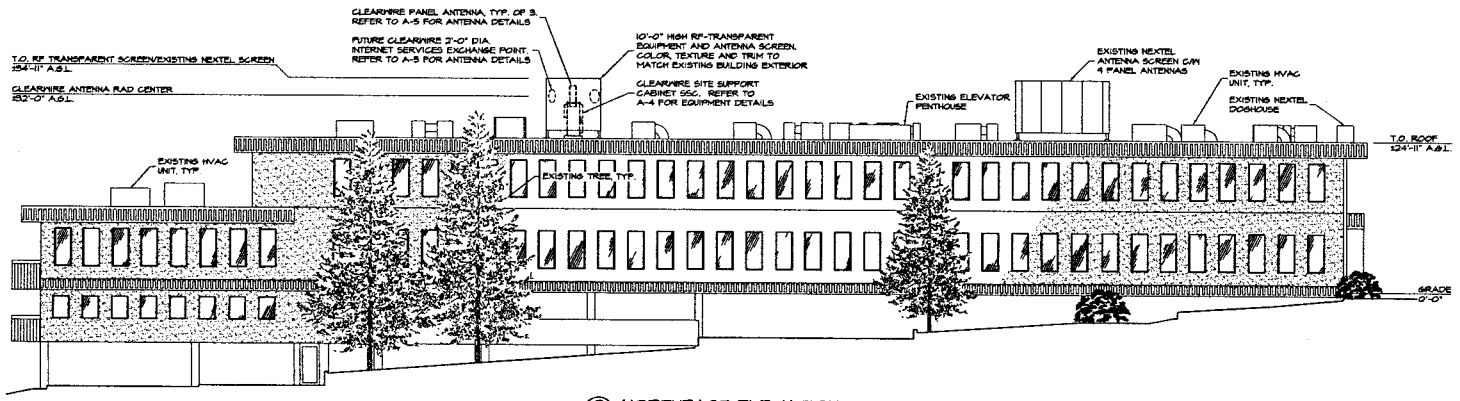
SHEET NUMBER
A-2

NOTES:

1. ELEVATIONS ARE DIAGRAMMATIC ONLY.
2. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
3. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
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5. CONTRACTOR TO SITE VERIFY LOCATION OF CONDUIT AND ANTENNA CABLE ROUTING PRIOR TO CONSTRUCTION.



1 SOUTHWEST ELEVATION
1"=20'-0"
0 5' 10' 20'



2 NORTHEAST ELEVATION
1"=20'-0"
0 5' 10' 20'

clearwire
4400 CARILLON PT, KIRKLAND, WA

Cortel, LLC

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PROJECT NO: 1040-048
DRAWN BY: S.A.
CHECKED BY: P.M.
CAD FILE: 1040-048A3

SUBMITTALS

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0	JUL 9/10	ZDs REV 0
A	MAY 27/10	ZDs REV A

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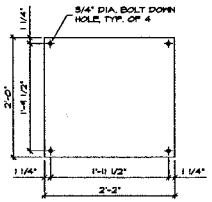
AHC SEAL

SITE
55 SANTA CLARA
CA-SF00839A
55 SANTA CLARA AVE
OAKLAND, CA

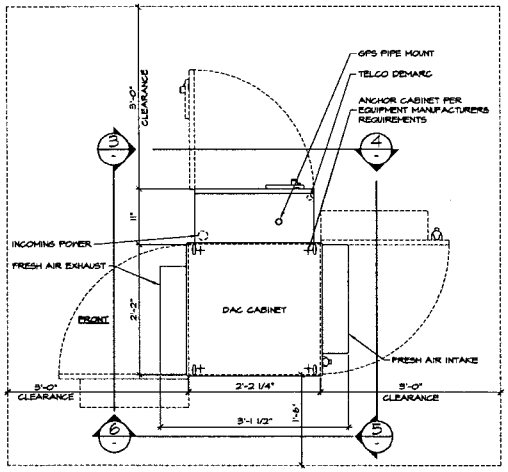
SHEET TITLE
SOUTHWEST AND NORTHEAST ELEVATIONS

SHEET NUMBER
A-3

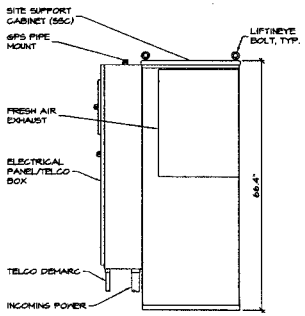
OUTDOOR DAC CABINET	
OUTDOOR SITE SUPPORT CABINET WEIGHT = 1150 LBS	
CABINET DIMENSIONS	58.5"(W) x 57.5"(D) x 84"(H)
MIN. CLEARANCES	
CABINET REAR AND WALL	36"
CABINET RIGHT SIDE AND WALL	18"
CABINET LEFT SIDE AND WALL	36"
ABOVE CABINET	24"
IN FRONT OF CABINET	36"



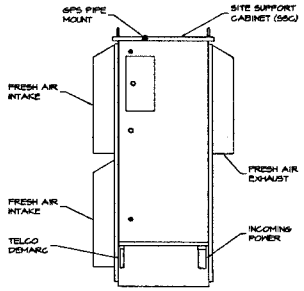
1 CABINET BASE
1/2"=1'-0"



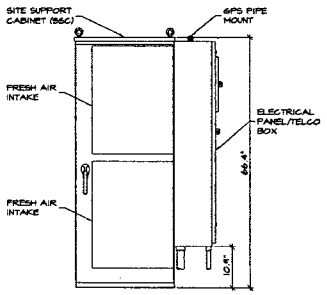
2 SSC EQUIPMENT LAYOUT
1/2"=1'-0"



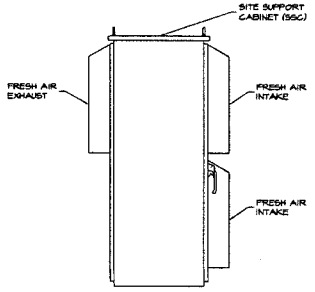
3 SSC EQUIPMENT ELEVATION
5/8"=1'-0"



4 SSC EQUIPMENT ELEVATION
5/8"=1'-0"



5 SSC EQUIPMENT ELEVATION
5/8"=1'-0"



6 SSC EQUIPMENT ELEVATION
5/8"=1'-0"

clearwire
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Cortel, LLC

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PROJECT NO: 1040-048
DRAWN BY: S.A.
CHECKED BY: P.H.
CAD FILE: 1040-048A4

SUBMITTALS

2	OCT 15/10	GENERAL REVISIONS
1	AUG 30/10	REVISED PER CITY
0	JUN 10/10	ZDs REV 0
A	MAY 27/10	ZDs REV A

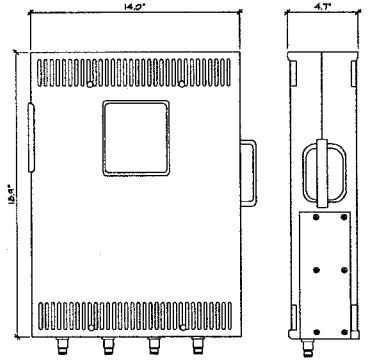
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AHJ SEAL

SITE
55 SANTA CLARA
CA-SF00839A
55 SANTA CLARA AVE
OAKLAND, CA

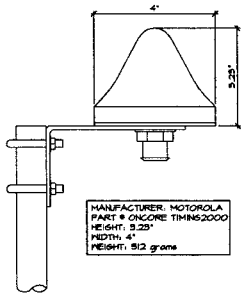
SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-4



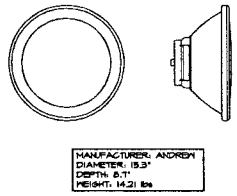
LENGTH: 18.4"
WIDTH: 14.0"
DEPTH: 4.7"
WEIGHT: 55 LBS C/W SOLAR SHIELD AND MOUNTING BRACKETS

1 - RRU SPECIFICATION
N.T.S.



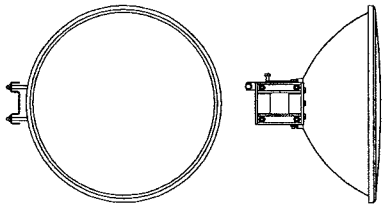
MANUFACTURER: MOTOROLA
PART # ONCORE TIMING2000
HEIGHT: 3.25"
WIDTH: 4"
WEIGHT: 512 grams

2 - GPS SPECIFICATION
N.T.S.



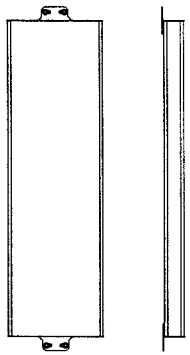
MANUFACTURER: ANDREW
DIAMETER: 15.3"
DEPTH: 8.1"
WEIGHT: 14.21 lbs

3 - I.S.E.P. SPECIFICATION
N.T.S.



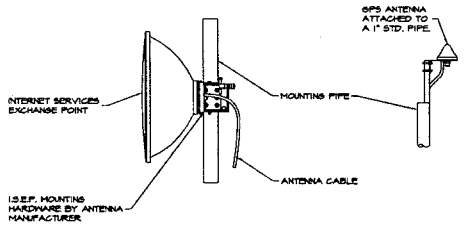
MANUFACTURER: ANDREW
DIAMETER: 26.1"
DEPTH: 15.2"
WEIGHT: 27 lbs

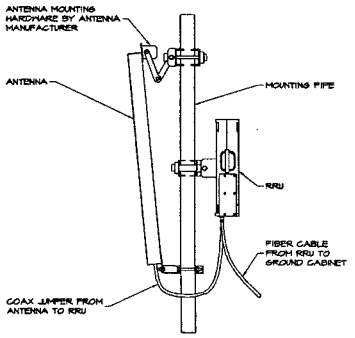
4 - I.S.E.P. SPECIFICATION
N.T.S.



MANUFACTURER: KATHREIN
LENGTH: 45.5"
WIDTH: 12.1"
DEPTH: 3.1"
WEIGHT: 35 lbs

5 - ANTENNA SPECIFICATION
N.T.S.





6 - GENERIC ANTENNA MOUNTING DETAIL
N.T.S.

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

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PROJECT NO: 1040-048
DRAWN BY: S.A.
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CAD FILE: 1040-048A5

SUBMITTALS

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AHJ SEAL

SITE
55 SANTA CLARA
CA-SF00839A
55 SANTA CLARA AVE
OAKLAND, CA

SHEET TITLE
ANTENNA DETAILS

SHEET NUMBER
A-5

TRK ENGINEERING

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMPLIANCE STUDY ON
RADIO FREQUENCY
ELECTROMAGNETIC FIELDS EXPOSURE

Prepared for:

clearwire
wireless broadband

CA-SFO0839A
55 SANTA CLARA
55 SANTA CLARA AVE
OAKLAND, CA

JUNE 11/10, REV. 0

- CMO10-167-

ATTACHMENT D

10/14/10

SITE DESCRIPTION:

Carrier:	Clearwire wireless broadband
Site Address:	55 Santa Clara Ave., Oakland, CA
Type of Service:	MMDS (Multichannel Multipoint Distribution Service)
Sectors:	30°, 130°, 250°
Antenna Type:	Kathrein 840 10054
Number of Antennas:	3
Frequencies *(GHz)*:	2.5 – 2.7
Maximum Power:	969 W ERP (per sector)
Antenna Height:	32'± *(radiation center AGL)*

Table 1. Clearwire RF summary

Clearwire is proposing to construct a wireless broadband facility on a commercial building at the above address (Figure 1). Three panel antennas with horizontal beam width of 87° will be mounted behind RF-transparent screenings on the rooftop. An outdoor site support cabinet will be installed behind the same RF-transparent screening. Access to the facility is restricted to authorized personnel only.

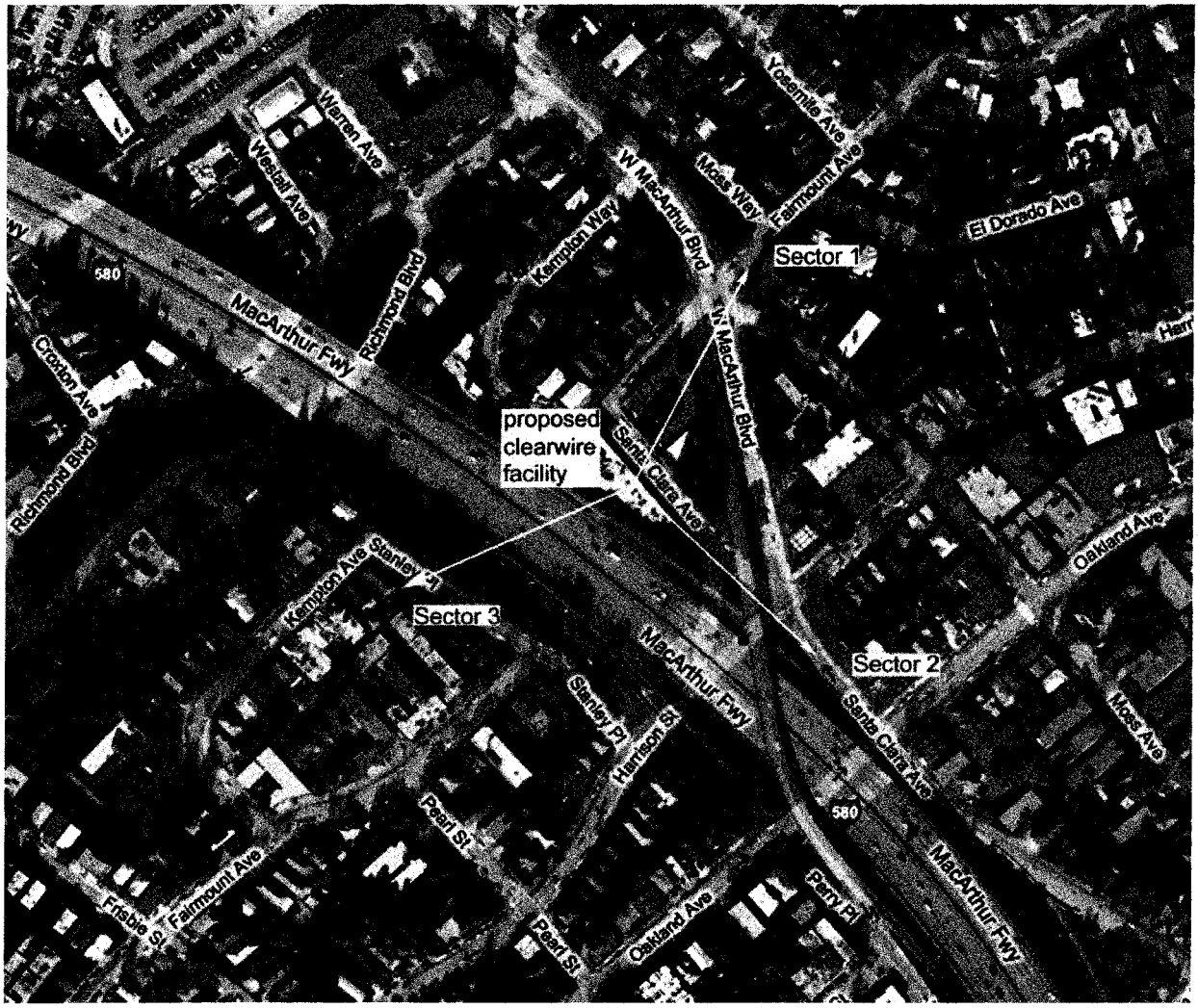


Figure 1. Facility and surrounding area

Clearwire also proposes to install dish antennas or Internet Service Exchange Points (ISEP) at the same level as the panel antennas. The RF power outside the main beam of these ISEP antennas is insignificant compared to the panel antennas (see calculations in Appendix A).

Nextel has a wireless communication facility on the same building rooftop. The RF summary for the facility is shown in the following Table.

Carrier:	Nextel Communications
Type of Service:	850 MHz ESMR
Antenna Quantity:	9 (3 per sector)
Antenna Type:	Andrew DB844H65E-XY, Andrew DB844G65VTASX
Maximum Power:	500 W *(Maximum ERP per sector)*
Antenna Height:	32'± *(Radiation center AGL)*

Table 2. Nextel Communications RF summary

PROTOCOL:

This study, and the calculations performed therein, is based on OET Bulletin 65[1] which adopts ANSI C95.1-1992 and NCRP standards. In particular, equation 10 from section 2 of the guideline is used as a model (in conjunction with known antenna radiation patterns) for calculating the power density at different points of interest. This information will be used to judge the RF exposure level incident upon the general population, and any employee present in the area. It should be noted that ground reflection of RF waves has been taken into account.

FCC'S MAXIMUM PERMISSIBLE EXPOSURE (MPE) LIMIT:

In order to evaluate the RF exposure level, the power densities at different locations of interest have been examined. Equation 10 from Bulletin 65 is reproduced here as equation 1:

$$S = \frac{33.4 F^2 ERP}{R^2} \qquad (1)$$

Where: S = *Power density [$\mu W/cm^2$]*
ERP = *Effective radiated power [W]*
R = *Distance [m]*
F = *Relative field factor (relative numeric gain)*

[1] Cleveland, Robert F, et al. Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields. OET Bulletin 65, Edition 97-01, August 1997.

Scenario 1: *Standing near the facilities on street level*

The RF exposure level of a six-foot tall person standing on street level close to the building is evaluated. For the worst-case scenario, we assume that all the antennas are transmitting the maximum number of channels at the same time, with each channel at its maximum power level. In addition, the azimuths of the antennas of all carriers are assumed to be in the direction of the studied location. Please refer to scenario 1 in appendix A for the complete geometry and analysis. The highest exposure location is found to be approximately 38' from a proposed Clearwire antenna. The calculations of maximum cumulative power density are summarized in Table 3.

Service	Max. ERP	F^2	R (m)	S ($\mu W/cm^2$) (from eq. 1)	MPE %
clearwire (panel)	969 W	-15 dB (0.0316)	13.4	5.6957	0.5696
clearwire ISEP	100 W	-42 dB (0.0001)	13.4	0.0019	0.0002
Nextel	500 W	-8 dB (0.1585)	13.4	14.7413	2.5416
Total					3.1114

Table 3. Worst-case predicted power density values for scenario 1.

The Maximum Permissible Exposure (MPE) limit for 2500 MHz facilities[2] for general population/uncontrolled exposure is 1000 $\mu W/cm^2$, and 580 $\mu W/cm^2$ for 850 MHz facilities[3]. The maximum cumulative power density for the proposed and existing antennas is calculated to be 3.1% of the MPE limit.

Scenario 2: *Nearby building rooftops*

There are various types of buildings in the surrounding area. The RF exposure levels on nearby rooftops are evaluated. We assume again, all antennas within a sector are transmitting with maximum power level. Please refer to scenario 2 in appendix A for the analysis. The highest exposure location is on the rooftop of the nearest building northeast of the subject building. The calculations for the maximum possible power density are summarized in Table 4.

Service	Max. ERP	F^2	R (m)	S ($\mu W/cm^2$) (from eq. 1)	MPE %
clearwire (panel)	969 W	-2 dB (0.6310)	32.4	19.4540	1.9454
clearwire ISEP	100 W	-23 dB (0.0050)	32.4	0.0159	0.0016
Nextel	500 W	0 dB (1.0000)	32.4	15.9084	2.7428
Total					4.6898

Table 4. Worst-case predicted power density values for scenario 2.

The maximum cumulative power density for the Clearwire antennas and the existing antennas is calculated to be 4.7% of the MPE limit. There is a relatively low level of RF energy directed either above or below the horizontal plane of the antennas, and there are no locations in the surrounding areas near the facilities that will have RF exposure levels close to the MPE limit.

[2] Ibid., page 67. are shown
[3] Ibid., page 67.

Scenario 3: *Facilities rooftop*

Only authorized or trained persons will be permitted to access the rooftop and the antennas. The radiation center of a Clearwire antenna is approximately 7'-1" from the roof deck. There are locations where a six-foot tall person may be exposed partially within the main beam path of an antenna. In this situation, the occupational/controlled exposure limits will apply, as long as the exposed person has been made fully aware of the potential for the exposure. The RF exposure level of different locations on the rooftop is evaluated. Please refer to scenario 3 in appendix A for the analysis. The highest exposure location on the facility rooftop is approximately 2' in front of a proposed Clearwire antenna. The calculations for the maximum possible power density are shown in Table 5.

Service	Max. ERP	F^2	R (m)	S (μW/cm²) (from eq. 1)	MPE %
clearwire (panel)	969 W	-15 dB (0.0316)	0.7	2087.1864	41.7437
clearwire ISEP	100 W	-42 dB (0.0001)	0.7	0.6816	0.0136
Total					41.7573

Table 5. Worst-case predicted power density values for scenario 3.

The MPE limit for 2500 MHz MDS facility[4] for occupational/controlled exposure is 5 mW/cm². The maximum power density for an antenna is calculated to be 41.8% of the occupational MPE limit.

[4] Ibid., page 67.

Conclusion:

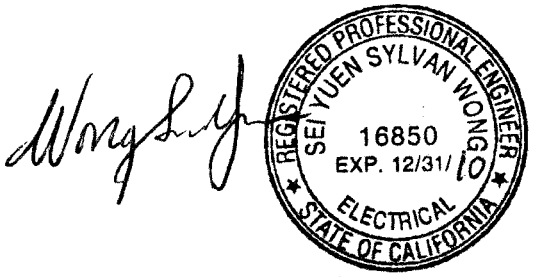
Under "worst-case" conditions, the calculations shown above predict that the maximum possible RF exposure is 4.7% of the MPE limit for general population/uncontrolled exposure. There will be less RF exposure on the ground level or nearby buildings as a person moves away from the site. Therefore, the proposed Clearwire facility and the existing facilities will comply with the general population/uncontrolled limit.

For occupational/controlled exposure to trained persons or transient workers working on the rooftop, the maximum possible RF exposure is 41.8% of the MPE limit. RF exposure warning signage should be posted on the rooftop and near the antennas. This will make trained persons or transient workers fully aware of the potential for RF exposure when there is a necessity to work near the antennas, and allow them to exercise control over their exposure that is within the occupational/controlled limit.

FCC COMPLIANCE:

The general population/uncontrolled exposure near the antennas, including persons on the street level, in nearby open areas, and inside or on existing nearby buildings will have RF exposure much lower than the "worst-case" scenario, which is only a small percentage of the MPE limit.

As for trained persons or transient workers, they will be made fully aware of the potential for RF exposure and can choose to exercise control over their exposure that is within the occupational/controlled limits.

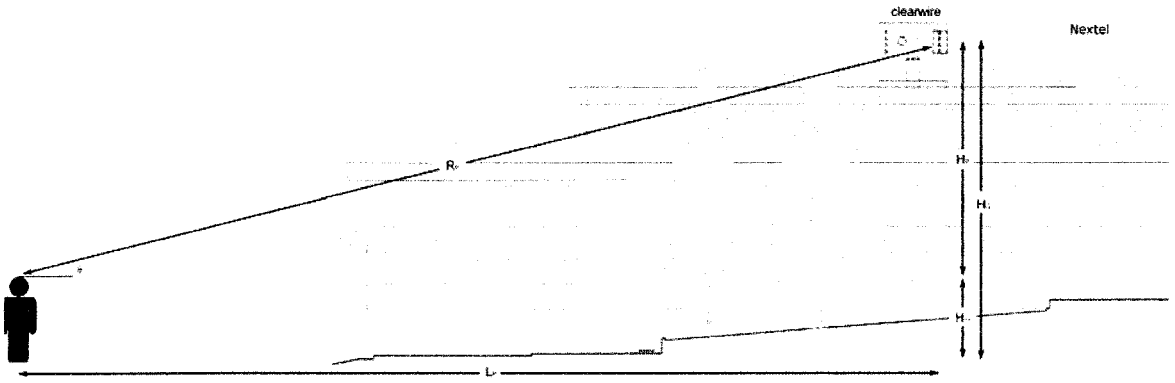


June 16, 2010

Sei Yuen Sylvan Wong, PE
California PE Reg. No. E 16850

APPENDIX A

Scenario 1: Surrounding Area of the Facility



person's height (H_M) = 6 ft

building elevation = 102 ft

Horizontal distance from building L_P is 4 ft at Θ= 80 ° Elevation above sea level: 103 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	25.00	969.0	Θ = 80 °	-30 dB (0.0010)	7.7	0.5459	0.0546
clearwire ISEP	32.00	25.00	100.0	Θ = 80 °	-57 dB (0.0000)	7.7	0.0000	0.0000
Nextel	32.00	25.00	500.0	Θ = 80 °	-30 dB (0.0010)	7.7	0.2817	0.0486
						Total		0.1032

Horizontal distance from building L_P is 14 ft at Θ= 60 ° Elevation above sea level: 104 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	24.00	969.0	Θ = 60 °	-30 dB (0.0010)	8.4	0.4587	0.0459
clearwire ISEP	32.00	24.00	100.0	Θ = 60 °	-46 dB (0.0000)	8.4	0.0000	0.0000
Nextel	32.00	24.00	500.0	Θ = 60 °	-30 dB (0.0010)	8.4	0.2367	0.0408
						Total		0.0867

Horizontal distance from building L_P is 23 ft at Θ= 45 ° Elevation above sea level: 105 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	23.00	969.0	Θ = 45 °	-30 dB (0.0010)	9.9	0.3302	0.0330
clearwire ISEP	32.00	23.00	100.0	Θ = 45 °	-42 dB (0.0001)	9.9	0.0034	0.0003
Nextel	32.00	23.00	500.0	Θ = 45 °	-15 dB (0.0316)	9.9	5.3843	0.9283
						Total		0.9616

Horizontal distance from building L_P is 38 ft at Θ= 30 ° Elevation above sea level: 106 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	22.00	969.0	Θ = 30 °	-15 dB (0.0316)	13.4	5.6957	0.5696
clearwire ISEP	32.00	22.00	100.0	Θ = 30 °	-42 dB (0.0001)	13.4	0.0019	0.0002
Nextel	32.00	22.00	500.0	Θ = 30 °	-8 dB (0.1585)	13.4	14.7413	2.5416
						Total		3.1114

Horizontal distance from building L_P is 90 ft at Θ= 15 ° Elevation above sea level: 104 feet

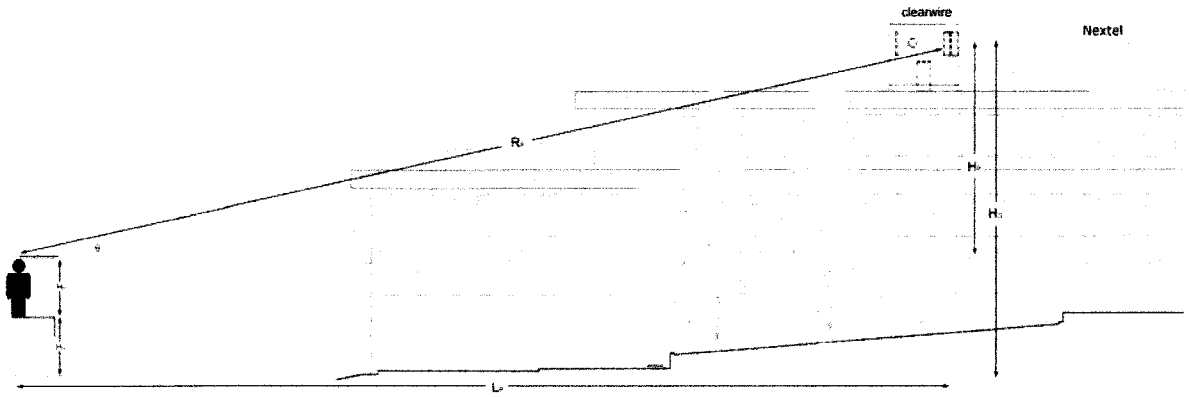
Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	24.00	969.0	Θ = 15 °	-13 dB (0.0501)	28.3	2.0246	0.2025
clearwire ISEP	32.00	24.00	100.0	Θ = 15 °	-37 dB (0.0002)	28.3	0.0008	0.0001
Nextel	32.00	24.00	500.0	Θ = 15 °	-8 dB (0.1585)	28.3	3.3050	0.5698
						Total		0.7724

Horizontal distance from building L_P is 142 ft at Θ= 10 ° Elevation above sea level: 103 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	25.00	969.0	Θ = 10 °	-13 dB (0.0501)	43.9	0.8414	0.0841
clearwire ISEP	32.00	25.00	100.0	Θ = 10 °	-31 dB (0.0008)	43.9	0.0014	0.0001
Nextel	32.00	25.00	500.0	Θ = 10 °	-4 dB (0.3981)	43.9	3.4497	0.5948
						Total		0.6790

Horizontal distance from building L_P is 297 ft at Θ= 5 ° Elevation above sea level: 102 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	26.00	969.0	Θ = 5 °	-3 dB (0.5012)	91.0	1.9588	0.1959
clearwire ISEP	32.00	26.00	100.0	Θ = 5 °	-25 dB (0.0032)	91.0	0.0013	0.0001
Nextel	32.00	26.00	500.0	Θ = 5 °	-1 dB (0.7943)	91.0	1.6018	0.2762
						Total		0.4722



person's height (H_M) = 6 ft

Building elevation = 102 ft

Location 1: Nearest building within Sector 1

H_B= 24.0 ft, L_P is 106 ft Elevation above sea level: 99 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	5.00	969.0	Θ = 3 °	-2 dB (0.6310)	32.4	19.4540	1.9454
clearwire ISEP	32.00	5.00	100.0	Θ = 3 °	-23 dB (0.0050)	32.4	0.0159	0.0016
Nextel	32.00	5.00	500.0	Θ = 3 °	0 dB (1.0000)	32.4	15.9084	2.7428
						Total		4.6898

Location 2: Nearest building surface within Sector 2

H_B= 15.0 ft, L_P is 590 ft Elevation above sea level: 83 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	30.00	969.0	Θ = 3 °	-2 dB (0.6310)	180.1	0.6296	0.0630
clearwire ISEP	32.00	30.00	100.0	Θ = 3 °	-23 dB (0.0050)	180.1	0.0005	0.0001
Nextel	32.00	30.00	500.0	Θ = 3 °	0 dB (1.0000)	180.1	0.5149	0.0888
						Total		0.1519

Location 3: building surface within Sector 3

H_B= 24.0 ft, L_P is 504 ft Elevation above sea level: 123 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	32.00	-19.00	969.0	Θ = -2 °	-2 dB (0.6310)	153.8	0.8634	0.0863
clearwire ISEP	32.00	-19.00	100.0	Θ = -2 °	-23 dB (0.0050)	153.8	0.0007	0.0001
Nextel	32.00	-19.00	500.0	Θ = -2 °	0 dB (1.0000)	153.8	0.7060	0.1217
						Total		0.2081

Scenario 3: Facility Rooftop

Horizontal distance from antenna L_P is 0 ft at Θ= 80 °

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	7.10	1.10	969.0	Θ = 80 °	-30 dB (0.0010)	0.3	359.6067	7.1921
clearwire ISEP	7.10	1.10	100.0	Θ = 80 °	-57 dB (0.0000)	0.3	0.0000	0.0000
						Total		7.1921

Horizontal distance from antenna L_P is 1 ft at Θ= 60 °

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	7.10	1.10	969.0	Θ = 60 °	-30 dB (0.0010)	0.4	202.2788	4.0456
clearwire ISEP	7.10	1.10	100.0	Θ = 60 °	-46 dB (0.0000)	0.4	0.0000	0.0000
						Total		4.0456

Horizontal distance from antenna L_P is 1 ft at Θ= 45 °

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	7.10	1.10	969.0	Θ = 45 °	-30 dB (0.0010)	0.5	129.4584	2.5892
clearwire ISEP	7.10	1.10	100.0	Θ = 45 °	-42 dB (0.0001)	0.5	1.3360	0.0267
						Total		2.6159

Horizontal distance from antenna L_P is 2 ft at Θ= 30 °

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	7.10	1.10	969.0	Θ = 30 °	-15 dB (0.0316)	0.7	2087.1864	41.7437
clearwire ISEP	7.10	1.10	100.0	Θ = 30 °	-42 dB (0.0001)	0.7	0.6816	0.0136
						Total		41.7573

Horizontal distance from antenna L_P is 4 ft at Θ= 15 °

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	7.10	1.10	969.0	Θ = 15 °	-13 dB (0.0501)	1.3	959.4476	19.1890
clearwire ISEP	7.10	1.10	100.0	Θ = 15 °	-37 dB (0.0002)	1.3	0.3953	0.0079
						Total		19.1969

Horizontal distance from antenna L_P is 6 ft at Θ= 10 °

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	7.10	1.10	969.0	Θ = 10 °	-14 dB (0.0398)	1.9	356.8175	7.1364
clearwire ISEP	7.10	1.10	100.0	Θ = 10 °	-31 dB (0.0008)	1.9	0.7402	0.0148
						Total		7.1512

Horizontal distance from antenna L_P is 13 ft at Θ= 5 °

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	7.10	1.10	969.0	Θ = 5 °	-3 dB (0.5012)	3.8	1123.3475	22.4670
clearwire ISEP	7.10	1.10	100.0	Θ = 5 °	-25 dB (0.0032)	3.8	0.7402	0.0148
						Total		22.4818

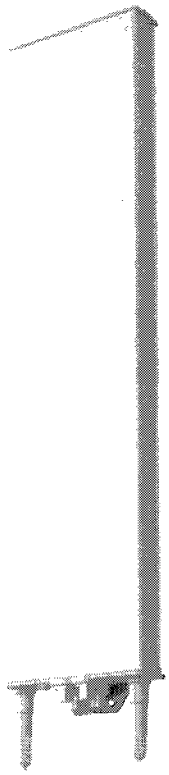
KATHREIN
SCALA DIVISION

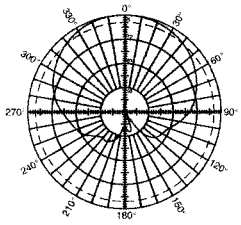
840 10054

87° XX-pol Panel Antenna
2496–2690 MHz

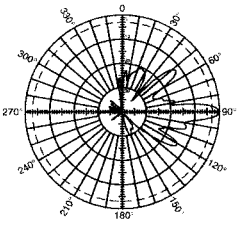
Kathrein Scala's XX-polarized adjustable electrical downtilt antennas offer the carrier the ability to tailor sites for optimum performance. Using variable downtilt, only a few models need be procured to accommodate the needs of widely varying conditions. Remotely controlled downtilt is available as a retrofitable option.

- 0–10° electrical downtilt range.
- DC Grounded metallic parts for impulse suppression.
- No moving electrical connections.
- Optional remote downtilt control.

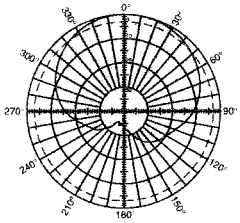




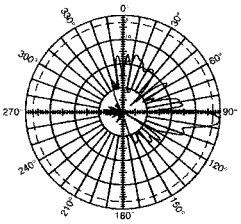
Horizontal pattern
±45°- polarization
0° electrical downtilt



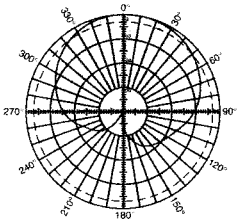
Vertical pattern
±45°- polarization
0° electrical downtilt



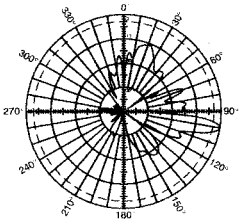
Horizontal pattern
±45°- polarization
5° electrical downtilt



Vertical pattern
±45°- polarization
5° electrical downtilt



Horizontal pattern
±45°- polarization
10° electrical downtilt



Vertical pattern
±45°- polarization
10° electrical downtilt

Specifications:

Frequency range	2496–2690 MHz
Gain	2 x 16 dBi
Impedance	50 ohms
VSWR	< 1.5:1
Intermodulation (2x20w)	IM3:< -150 dBc
Polarization	+45° and -45°
Front-to-back ratio	>23 dB typical
Maximum input power	300 watts (at 50°C)
+45° and -45° polarization horizontal beamwidth	87 degrees at midband (half power)
+45° and -45° polarization vertical beamwidth	7 degrees at midband (half power)
Electrical downtilt continously adjustable	0–10 degrees
Connector	4 x 7-16 DIN female
Sidelobe suppression for first sidelobe above horizon	0° 4° 8° 10° 15 15 15 15 dB (typical)
Null fill	> -1 dBi to 12° below horizon (typical) (17 dB below 16 dBi main beam)
Isolation	>30 dB
Weight	30 lb (13.6 kg)
Dimensions	42 x 12.7 x 2.8 inches (1067 x 323 x 71 mm)
Equivalent flat plate area	4.8 ft² (0.45 m²)
Wind survival rating*	120 mph (200 kph)
Shipping dimensions	48 x 13.3 x 5.1 inches (1220 x 337 x 130 mm)
Shipping weight	34 lb (15.4 kg)
Mounting	Fixed and tilt-mount options are available for 2 to 5.7 inch (50 to 145 mm) OD masts.

See reverse for order information.

*Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

TÜV

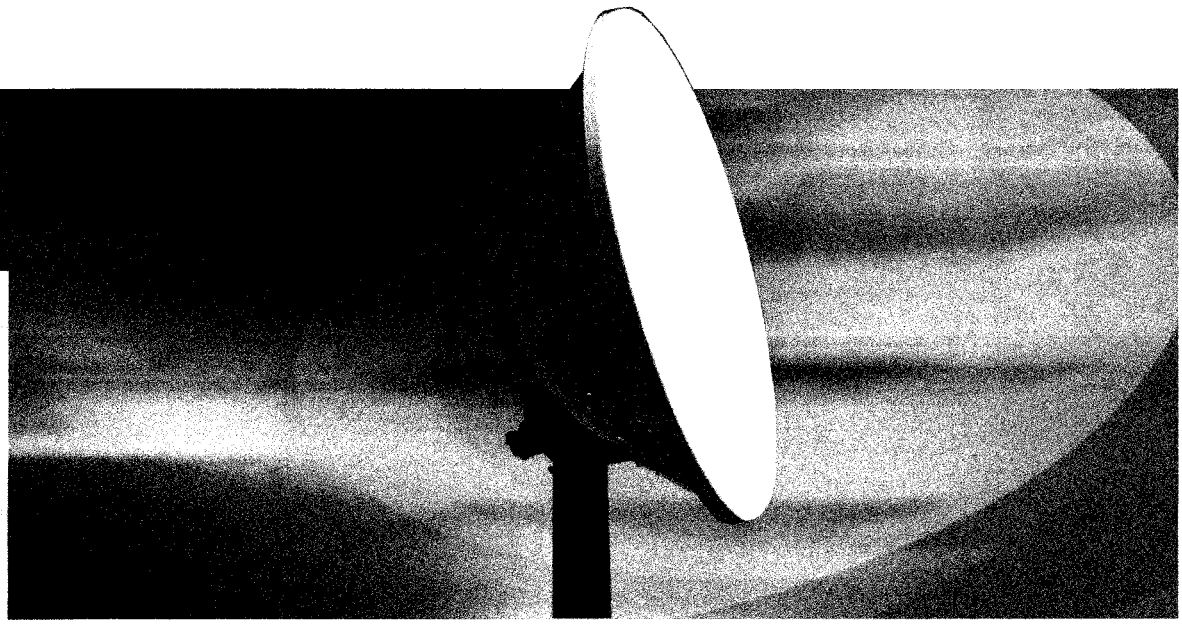
RoHS
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11098-A

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

ANDREW®

PRODUCT SPECIFICATION



ValuLine® III Next Generation Antennas
VHLP2

SPECIFICATIONS

	VHLP2-7W	VHLP2-10W	VHLP2-11	VHLP2-13	VHLP2-15	VHLP2-18	VHLP2-23	VHLP2-26	VHLP2-28	VHLP2-32	VHLP2-38
Frequency Band, GHz	7.125–8.5	10.55–10.68	10.7–11.7	12.70–13.25	14.25–15.35	17.7–19.7	21.2–23.6	24.25–26.5	27.5–29.5	31.8–33.4	37.0–40.0
Bottom Band Gain, dBi	29.5	33.7	34.0	35.6	36.5	38.3	39.8	40.8	41.8	43.4	44.6
Mid Band Gain, dBi	30.7	33.8	34.4	35.8	36.8	38.7	40.4	41.2	42.2	43.7	45.2
Top Band Gain, dBi	31.9	34.3	35.0	36.0	37.2	39.1	41.0	41.8	42.7	44.0	45.8
Beamwidth, degrees	4.7	3.7	3.3	2.7	2.5	2.1	1.7	1.5	1.3	1.0	0.9
Front/Back, dB	57	56	60	62	65	67	66	68	68	61	66
XPD, dB	32	30	30	30	30	30	30	30	30	30	30
Return Loss, dB	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7
Regulatory Compliance											
ETSI Class	R1 C3	R1 C2	R1 C3	R1 C3	R2 C3	R2 C3	R3 C3	R4 C3	R4 C3	R5 C3B	R5 C3B
FCC Part 101	N/A	CAT A*	CAT B	N/A	N/A	CAT A	CAT A	CAT A	N/A	N/A	CAT A
Brazil Anatel	N/A	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2
Canada SRSP	N/A	310.5	N/A	312.7B	314.5A	Note 1	Note 2	N/A	N/A	N/A	338.6A
Andrew RPE Number	7075A	7085B, 7086B*	7083A	7004	7008	7012A	7016A	7020A	7024A	7028	7032A

Note 1: Meets Canada SRSP 317.8A, 318.5, 318.8
Note 2: Meets Canada SRSP 312.2A, 321.8B

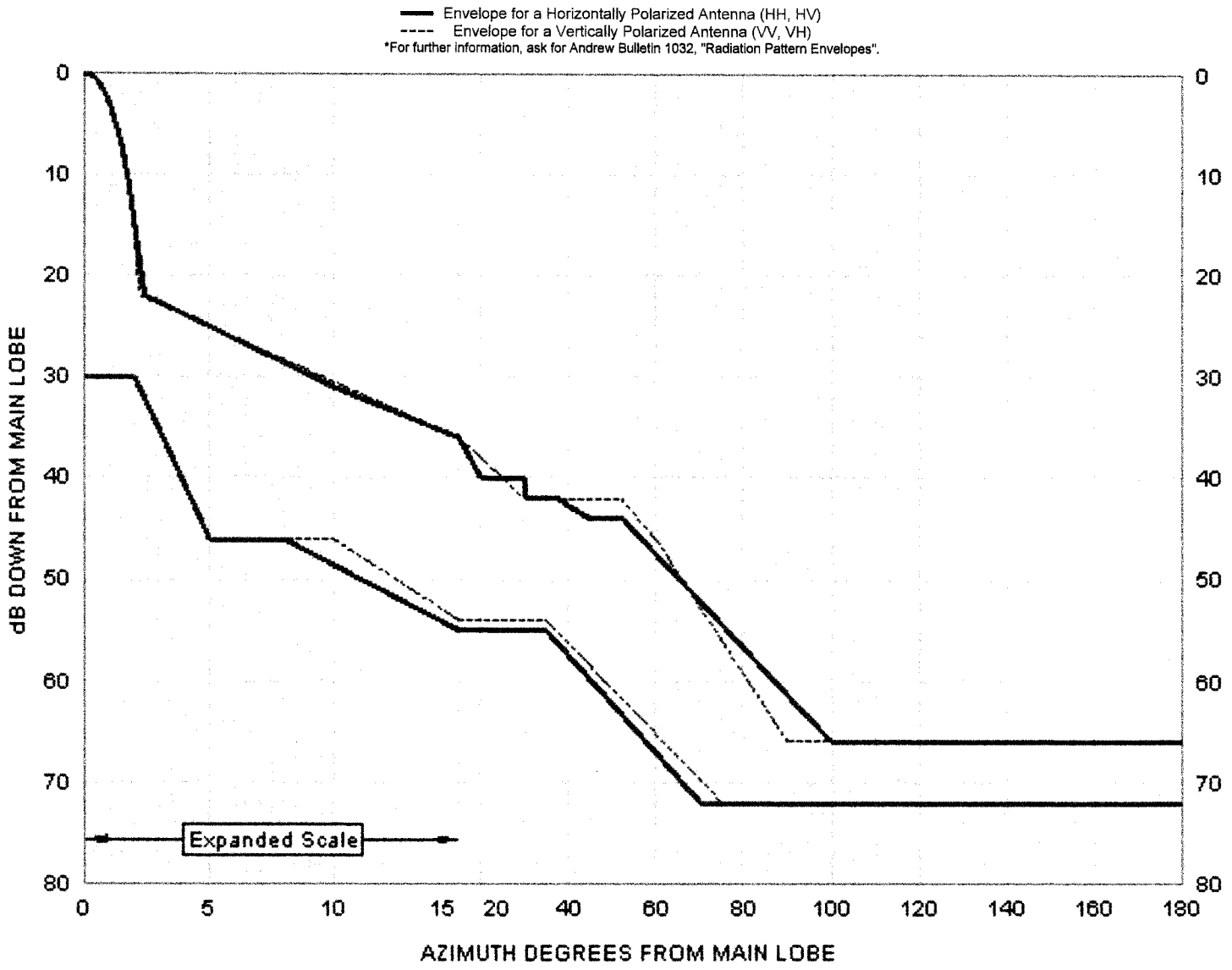
** Use for FCC band (10.5–10.7 GHz)*

One Company. A World of Solutions.

VHLP2-23 - Radiation Pattern Envelope

RPE: 7016

Engineering Approved:
25 October 2004

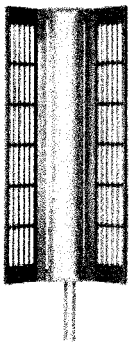


Product Specifications

ANDREW®
A CommScope Company

DB844H65E-XY

Directed Dipole™ Antenna, 806–960 MHz, 65° horizontal beamwidth, fixed electrical tilt



- Excellent azimuth pattern shaping, 15–20 percent reduction in cell-to-cell overlap
- Superior front-to-back ratio
- Low profile for ease of zoning approval
- Outstanding field record—thousands of units deployed worldwide

CHARACTERISTICS

General Specifications

Antenna Type	Directed Dipole™
Brand	Directed Dipole™
Operating Frequency Band	806 – 960 MHz

Electrical Specifications

Frequency Band, MHz	**806–896**	**870–960**
Beamwidth, Horizontal, degrees	65	65
Gain, dBd	13.1	13.3
Gain, dBi	15.2	15.4
Beamwidth, Vertical, degrees	15.0	15.0
Beam Tilt, degrees	0	0
Upper Sidelobe Suppression (USLS), typical, dB	15	15
Front-to-Back Ratio at 180°, dB	40	40
VSWR	1.5:1	1.5:1
5th Order IMD at 2 x 20 W, dBc	-150	-150
Input Power, maximum, watts	500	500
Polarization	Vertical	Vertical
Impedance, ohms	50	50
Lightning Protection	dc Ground	dc Ground

From North America, toll free
Telephone: 1-800-255-1479
Fax: 1-800-349-5444

Outside North America
Telephone: +1-708-873-2307
Fax: +1-779-435-8579

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Product Specifications

ANDREW
A CommScope Company

Mechanical Specifications

Color	Light gray
Connector Interface	7-16 DIN Female
Connector Location	Back
Connector Quantity	1
Wind Area, maximum	0.4 m² | 4.3 ft²
Wind Loading, maximum	1072.0 N @ 100 mph | 241.0 lbf @ 100 mph
Wind Speed, maximum	201.2 km/h | 125.0 mph

Dimensions

Depth	228.6 mm | 9.0 in
Length	1219.2 mm | 48.0 in
Width	520.7 mm | 20.5 in
Net Weight	9.1 kg | 20.0 lb

Regulatory Compliance/Certifications

Agency	Classification
RoHS 2002/95/EC	Compliant by Exemption
China RoHS SJ/T 11364-2006	Logo 2





Included Products



DB5083
Downtilt Mounting Kit for 4.5 in (114.3 mm) OD round members



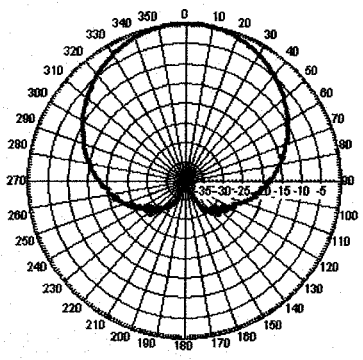
DB380
Pipe Mounting Kit for 4.5 in (114.3 mm) OD round members

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Product Specifications

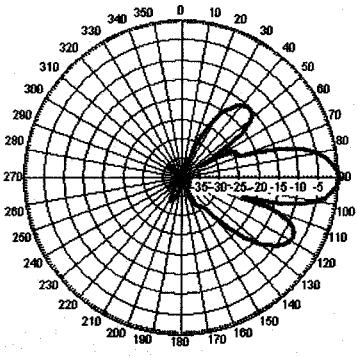
ANDREW®
A CommScope Company

Horizontal Pattern



Freq: 835 MHz, Tilt: 0

Vertical Pattern



Freq: 835 MHz, Tilt: 0

From North America, toll free
Telephone: 1-800-255-1479
Fax: 1-800-349-5444

Outside North America
Telephone: +1-708-873-2307
Fax: +1-779-435-8579

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Vertically Polarized Directed Dipole® Panel Antennas

ANDREW®

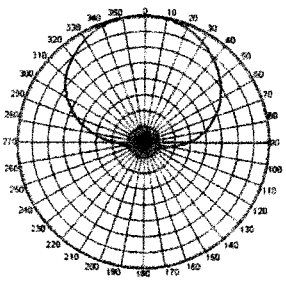
806 - 960 MHz

HORIZONTAL BEAMWIDTH	65°	65°	65°
FREQUENCY RANGE	806-960 MHz	806-896 MHz	806-869 MHz
	13.3 & 13.7 dBd / 6° Tilt	13 dBd / 0° to 16° Tilt	13.5 dBd / 0° Tilt
MODEL	**844G65T6ZAXY**	**844G65VTZASX**	**DB845N65ZAXT**
TYPE	**Directed Dipole®, No Screen**	**Directed Dipole®, No Screen**	**Directed Dipole®, No Screen**
ELECTRICAL SPECIFICATIONS			
Frequency Range (MHz)	806-896	870-960	806-896	806-869
Gain (dBd/dBi)	13.3 / 15.4	13.7 / 15.8	13 / 15.1	13.5 / 15.6
Horizontal Beamwidth (Deg.)	65	65	65	65
Elevation Beamwidth (Deg.)	16	15	14.5	13.5
USLS (dB)	>15	>15	>15	>20
Null Fill (dB) – Below Peak	N/A	N/A	N/A	N/A
Beam Tilt (Deg.)	6	6	0-16	0
VSWR	<1.33:1	<1.33:1	<1.4:1	<1.33:1
Front-To-Back Ratio (dB)	40	40	40	40
Isolation (dB)	N/A	N/A	N/A	N/A
Max. Input Power (Watts)	500	500	500	500
Polarization	Vertical	Vertical	Vertical	Vertical
Connector Location	Back	Back	Back	Back
Connector Type	7-16 DIN - Female	7-16 DIN - Female	7-16 DIN - Female	7-16 DIN - Female
Optional Connectors	N/A	N/A	N/A	N/A
MECHANICAL SPECIFICATIONS			
Length (inch/mm)	48 / 1,219	48 / 1,219	48 / 1,219	60 / 1,524
Width (inch/mm)	10 / 254	10 / 254	12.5 / 318	10 / 254
Depth (inch/mm)	8.5 / 216	8.5 / 216	8.5 / 216	8.5 / 216
Net Weight (lbs/kg)	12 / 5.4	12 / 5.4	16 / 7.2	19 / 8.6
Max. Flat Plate Area (ft^2/m^2)	0.97 / 0.09	0.97 / 0.09	1.40 / 0.13	1.29 / 0.12
Max. Wind Load at 100 mph (lbf/N)	53 / 233	53 / 233	80 / 356	70 / 308
Max. Wind Speed (mph/kmh)	125 / 201	125 / 201	125 / 201	125 / 201
Radome Material	ABS, UV Resistant	ABS, UV Resistant	ABS, UV Resistant	ABS, UV Resistant
Reflector Material	Pass. Aluminum	Pass. Aluminum	Pass. Aluminum	Pass. Aluminum
Radiator Material	Aluminum	Aluminum	Aluminum	Aluminum
Hardware Material	Galvanized Steel	Galvanized Steel	Galvanized Steel	Galvanized Steel
Color	Light Gray	Light Gray	Light Gray	Light Gray
Std. Mounting Hardware	DB380	DB380	DB380	DB380
Optional Downtilt Kit	DB5083	DB5083	DB5083	DB5083
Optional Special Mounting	DB5084-AZ	DB5084-AZ	DB5084-AZ	DB5084-AZ

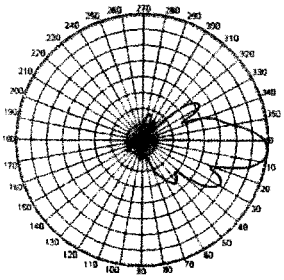
Specifications are subject to change. Please see our website for the latest information.

844G65T6ZAXY

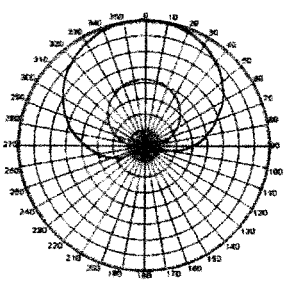
Azimuth Pattern

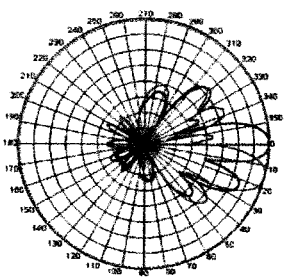


Elevation Pattern

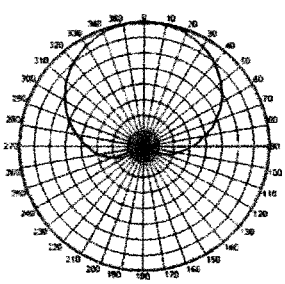


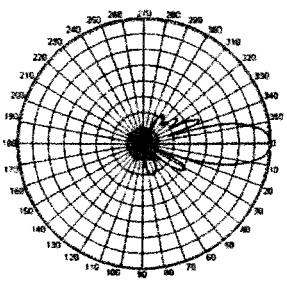
844G65VTZASX





DB845N65ZAXT



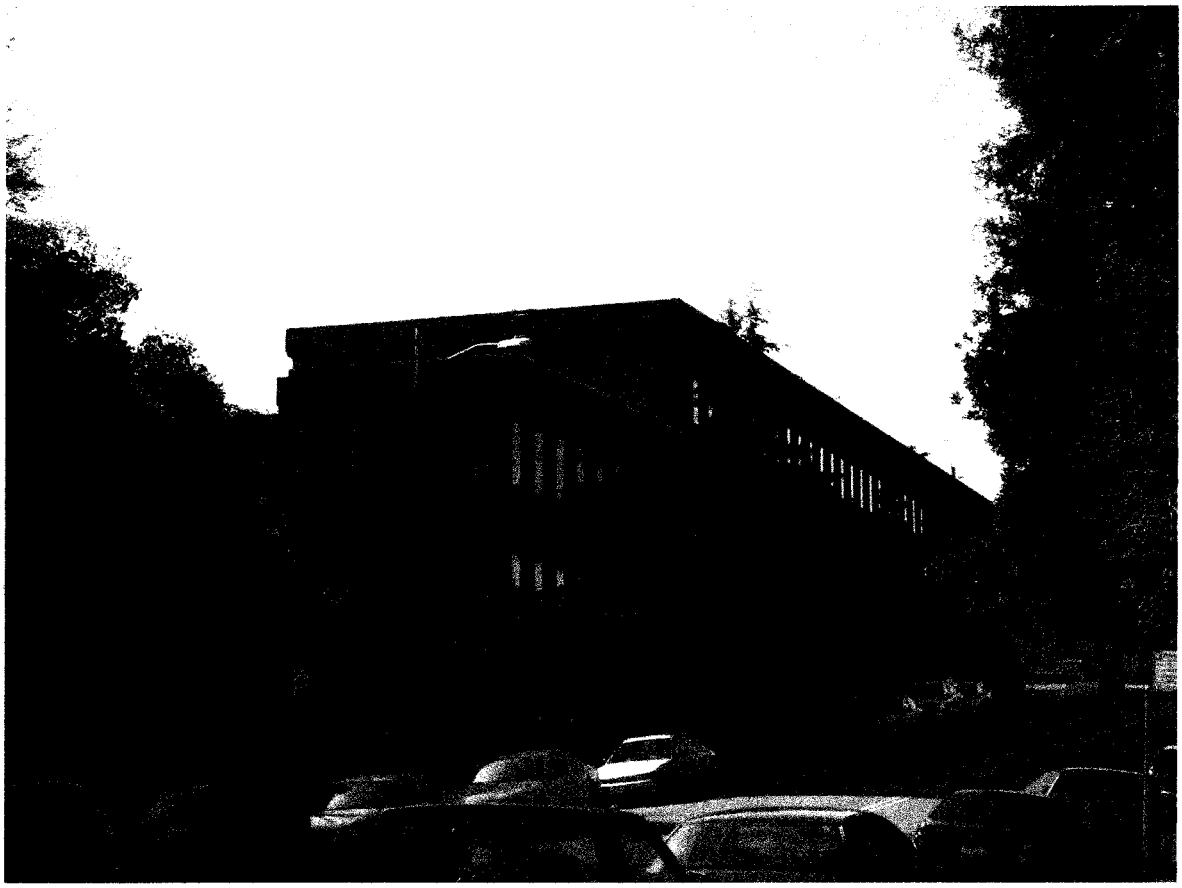


Scale: 10° radials, 5 dB per division

- CMD 10-167 -

Existing

October 13, 2010



Proposed



East Elevation
(Nothing Visible

ATTACHMENT E
- Photosims -

CA-SFO0839A
55 Santa Clara

TRK ENGINEERING

Existing

October 13, 2010



Proposed



North Elevation

CA-SFO0839A
55 Santa Clara

TRK ENGINEERING

Photos from Northbound MacArthur Freeway/HY-580

(Site view of 55 Santa Clara Ave)

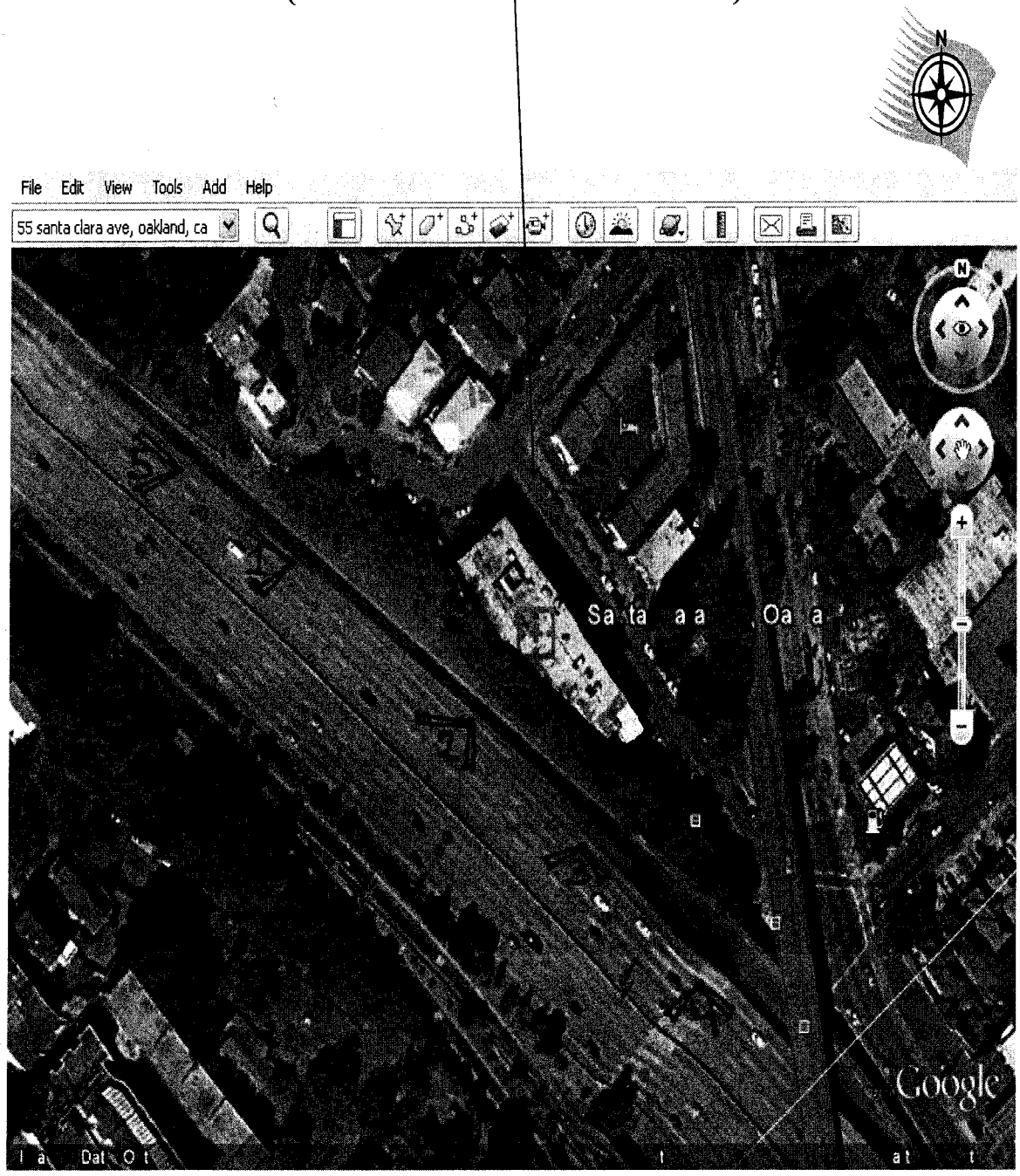


PHOTO 1 **PHOTO 2** **PHOTO 3** **PHOTO 4** **PHOTO 5**

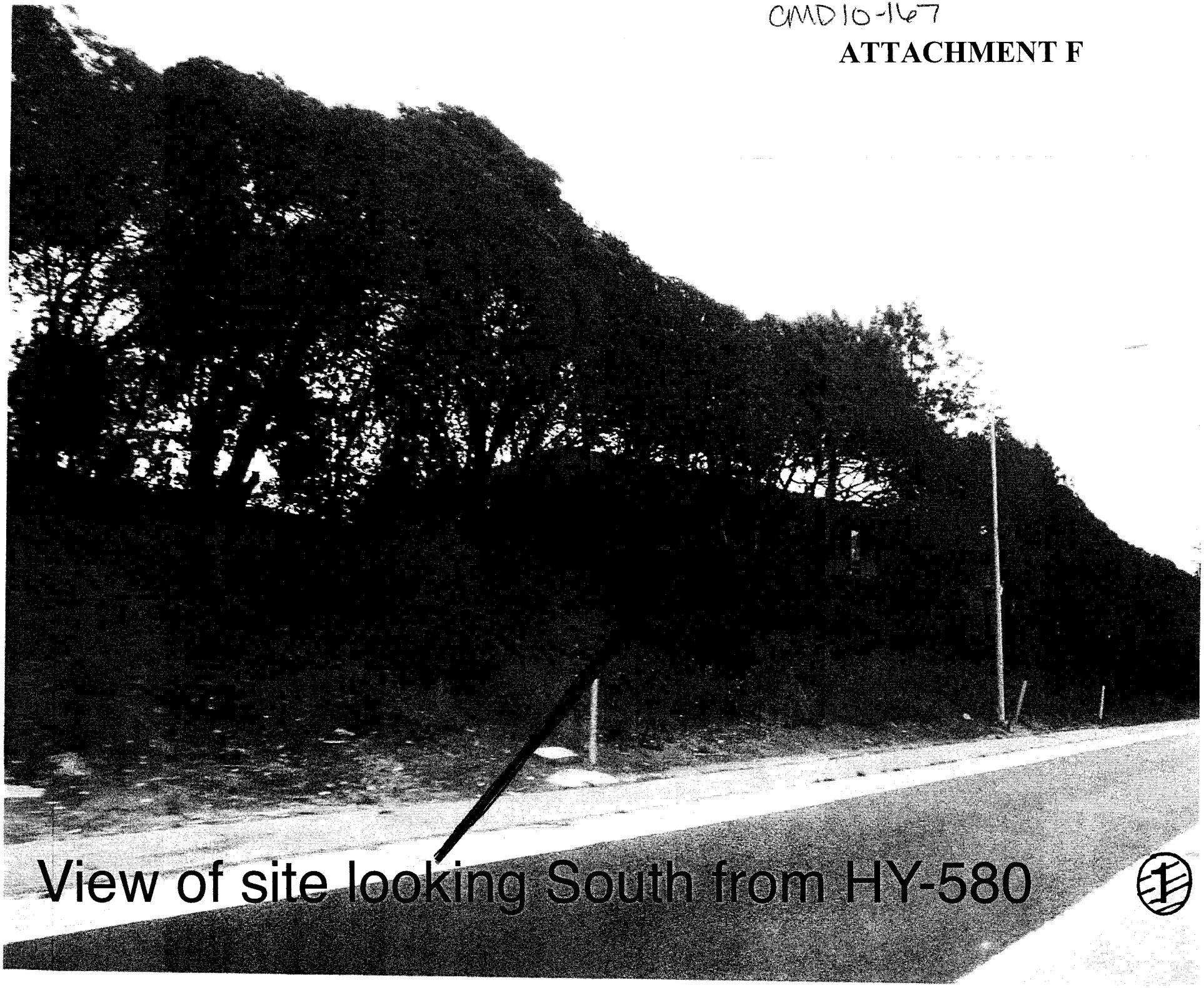
(See street views from freeway on the next sheets)

– CMO 10-167 –

ATTACHMENT F

CMD10-167

ATTACHMENT F



CBS NEWS
Viewpoint
Viewpoint

View of site looking Northeast from Fire Station

View of site looking North from HY-580

View of site looking South from HY-580

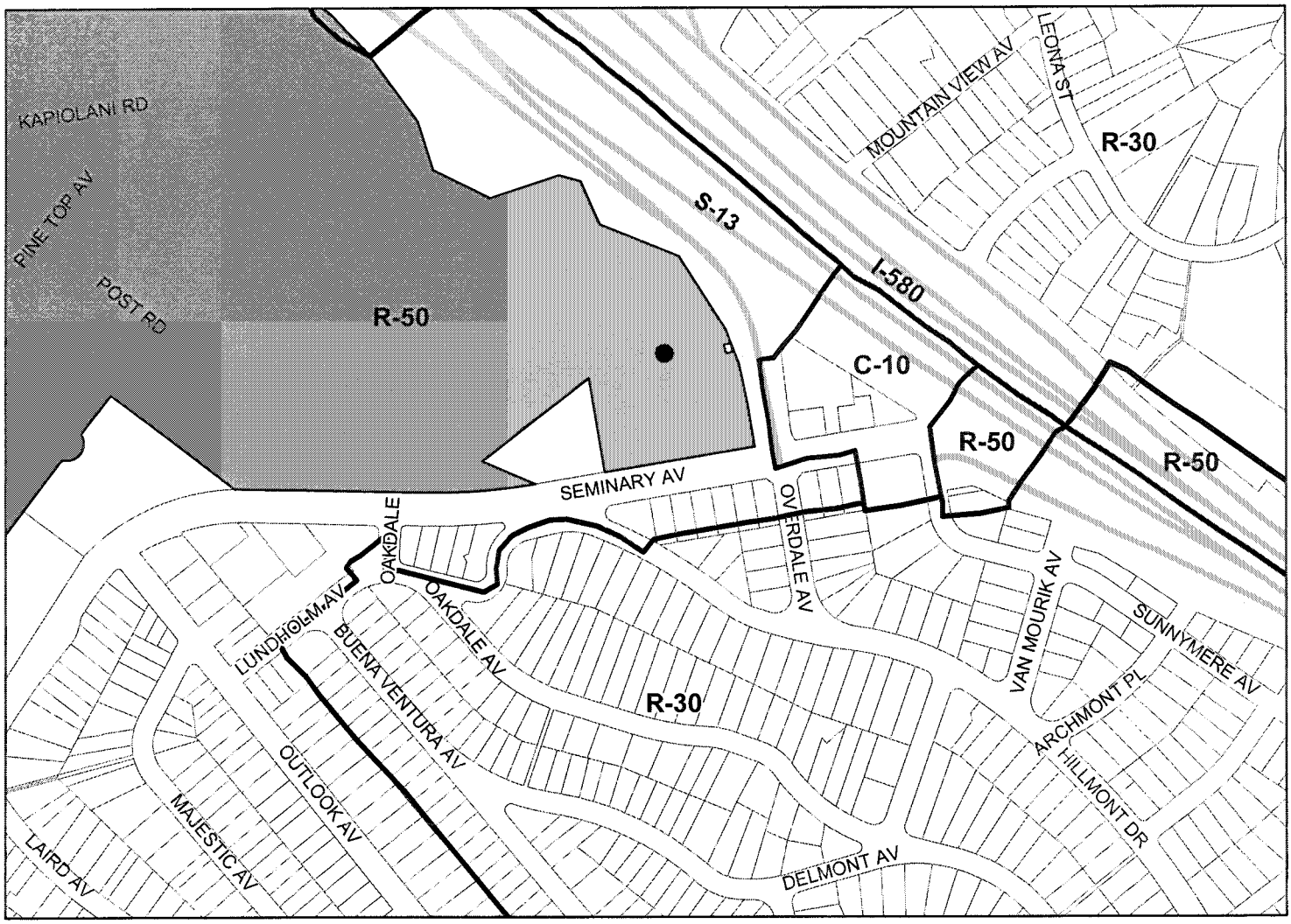
5

Location:	**5000 MacArthur Boulevard (See map on reverse)**
Assessors Parcel Numbers:	**(037A-2701-029-03)**
Proposal:	To install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one equipment cabinet at a site with existing antennas.
Applicant:	Clearwire, Michelle Weller of Cortel, LLC
Contact Person/ Phone Number:	Michelle Weller of Cortel, LLC (925)997-1312
Owner:	Mills College
Case File Number:	CMDV10-201
Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one equipment cabinet. Major Conditional Use Permit for the installation of additional antennas and dishes on an existing Monopole telecommunication facility within one hundred (100) feet of a residential zone. Minor Variance for a Monopole Facility (existing) of 77 feet where 45 feet is permitted.
General Plan:	Institutional
Zoning:	R-50 Medium Density Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, General Plan or zoning.
Historic Status:	Potential Designated Historic Property; Survey Rating: B+1+
Service Delivery District:	5
City Council District:	6
Date Filed:	7/22/10
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner **Michael Bradley** at **(510) 238-6935** or mbradley@oaklandnet.com

SUMMARY

The following staff report addresses the proposal for additional unmanned wireless telecommunication facilities located on an existing monopole, with an associated equipment cabinet located behind a fenced area on the ground and near the pole. The project site already contains 36 telecommunication antennas and associated equipment shelters and this project would add three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one equipment cabinet. Given the number of antennas and the type of structure, this would be considered a "Monopole" Telecommunications Facility. The site is located within an institutional and residential area, in a wooded area on the Mills College campus. The site is

CITY OF OAKLAND PLANNING COMMISSION



Case File:	CMDV10-201
Applicant:	Clearwire, Michelle Weller of Cortel, LLC
Address:	5000 MacArthur Boulevard
Zone:	R-50

located in the R-50 Medium Density Residential Zone. The General Plan designation for the site is Institutional.

PROJECT DESCRIPTION

The applicant (Clearwire) is proposing a co-location for the install of three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one equipment cabinet at a site with 36 existing antennas. The proposal for the equipment shelters is to locate the cabinet with other existing cabinets on the ground near to the monopole. All proposed antennas and associated equipment will not be accessible to the public. **(See Attachment A)**

PROPERTY DESCRIPTION

The subject property is a lot of approximately 112.04 acres, with frontage on Seminary Avenue, MacArthur Boulevard, and the 580 Freeway. The subject property has fully functioning College on the site. The property was first developed in 1860's (based on Alameda County Assessors Data). Currently there is a monopole telecommunication facility with five (5) other separate telecommunication providers (T-Mobile, Metro PCS, AT&T, Verizon, and Sprint) on the property including 36 antennas and multiple equipment cabinets and shelters on the ground near to the monopole.

GENERAL PLAN ANALYSIS

The subject property is located within the Institutional General Plan designation. The Institutional land use classification is intended to create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character. The proposed unmanned wireless telecommunication facility will not adversely affect and detract from the civic, commercial or residential characteristics of the neighborhood, because the antennas will be mounted on an existing monopole telecommunication facility located in an unpopulated area on the Mills College campus.

ZONING ANALYSIS

The subject property is located in the R-50 Medium Density Residential Zone. The R-50 zone is intended to create, preserve, and enhance areas for apartment living at medium densities in desirable settings, and is typically appropriate to areas of existing medium density residential development.

The proposal is for a new unmanned wireless telecommunication facility on an existing monopole telecommunication facility and requires a Major Conditional Use Permit since the project is within one hundred (100) feet of a residential zone and a minor variance for a monopole facility within one hundred (100) feet of a residential zone. Staff finds that the proposed application meets applicable R-50 zoning and City of Oakland Telecommunication regulations.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, additions and alterations to existing facilities, and 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit

Section 17.24.080 of the City of Oakland Planning Code requires a conditional use permit to install a Monopole Telecommunication facility in the R-50 zone. Furthermore, Section 17.134.020 defines a major and minor conditional use permit. Subsections (A)(3)(i) lists a major conditional use permit: "Any telecommunication facility in or within one hundred (100) feet of the boundary of any residential zone. The required findings for a major conditional use permit are listed and included in staff's evaluation as part of this report.

2. Project Site

Section 17.128.110 of the City of Oakland Telecommunication Regulations indicate that new wireless facilities shall generally be located on designated properties or facilities in the following order of preference:

A. Co-located on an existing structure or facility with existing wireless antennas.
B. City owned properties or other public or quasi-public facilities.
C. Existing commercial or industrial structures in non-residential zones.
D. Existing commercial or industrial structures in residential zones.
E. Other non-residential uses in residential zones.
F. Residential uses in non-residential zones.
G. Residential uses in residential zones.

*Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis.

Since the proposed project involves co-locating the installation of new antennas and associated equipment cabinets on an existing facility, the proposed project meets (A) co-locating on an existing structure or facility with existing wireless antennas.

3. Project Design

Section 17.128.120 of the City of Oakland Telecommunications Regulations indicates that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas completely concealed from view.
B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.

C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure.
D. Building or structure mounted antennas above roof line visible from public right of-way.
E. Monopoles.
F. Towers.

* Facilities designed to meet an A or B ranked preference do not require a site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:

a. Written evidence indicating why each higher preference design alternative can not be used. Such evidence shall be in sufficient detail that independent verification could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. inability to provide utilities, construction or structural impediments).

City of Oakland Planning staff has reviewed and determined that the site selected is conforming to all other telecommunication regulation requirements. The project location is appropriate because the existing monopole already has 36 telecommunication antennas and the co-location of three (3) new antennas and three (3) new internet services exchange point dishes will not create a significant visual change. Further, the proposal is to co-locate on an existing monopole located in an unpopulated wooded area on the Mills College campus, which is an appropriate location for the antennas to provide service to the adjacent residential zone without being constructed within the residential neighborhood, as well as provide service to the on-site campus facilities. The applicant has looked at other sites and based on the residential neighborhood and in order to co-locate the antennas on an existing monopole, this is the most suitable site for the proposed antennas. **(See Attachment C)**

4. Project Radio Frequency Emissions Standards

Section 17.128.130 of the City of Oakland Telecommunication Regulations require that the applicant submit the following verifications including requests for modifications to existing facilities:

a. With the initial application, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.
b. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
c. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

The applicant states that the proposed project meets the radio frequency (RF) emissions standards as required by the regulatory agency. Submitted with the initial application was a RF emissions report, prepared by TRK Engineering, **(attachment B)**. The report states that the

proposed project will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause a significant impact on the environment. Additionally, staff recommends that prior to the final building permit sign off, the applicant submits certified RF emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

CONCLUSION

City of Oakland planning staff believes that the proposed project and subject property can be developed to meet the established zoning and telecommunication regulations that were created and adopted to set certain criteria minimums and maximums for similar types of developments. Staff believes that the findings for approval can be made to support the Conditional Use Permit, Minor Variance and Design Review.

RECOMMENDATIONS:

1. Affirm staff's environmental determination

2. Approve Conditional Use Permit, Minor Variance and Design Review application CMDV10-201 subject to the attached findings and conditions of approval.

Prepared by:

Michael Bradley
Planner I

Approved by:

Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission

Eric Angstadt, Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

A. Project Plans & Photo simulations
B. TRK Engineering RF Emissions Report
C. Site Alternative Analysis and Coverage Maps

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:
This proposal meets all the required findings under Section 17.134.050, of the General Use Permit criteria; all the required findings under Section 17.136.050.(B), of the Non-Residential Design Review criteria; all the required findings under Section 17.148.050.(A), of the Minor Variance criteria; all the required findings under Section 17.128.080(B), of the telecommunication facilities (Monopole) Design Review criteria; and all the required findings under Section 17.128.080.(C), of the telecommunication facilities (Monopole) Conditional Use Permit criteria; and as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The location, size, design and operational characteristics of the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. Consideration was given to the harmony in scale, bulk, and coverage; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development. The proposed telecommunications antennas will be co-located with 36 existing antennas on an existing monopole in an unpopulated, wooded area on the Mills College campus and will not adversely affect the operating characteristic or livability of the existing area. The facility will be unmanned and will not create additional vehicular traffic in the area.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The location, design and site planning of the proposed development will provide a convenient and functional working and shopping environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. The proposal will preserve a convenient and functional working and living environment; therefore it would not affect the general quality and character of the neighborhood.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposed development will enhance the successful operation of the surrounding area in its basic community function and will provide an essential service to the community or region. This will be achieved by improving the functional use of the site by providing a regional telecommunication facility for the community and will be available to police, fire, public safety organizations and the general public.

D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136 of the Oakland Planning Code, as outlined below.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposal conforms in all significant aspects with the Oakland General Plan and with any other applicable plan or zoning maps adopted by the City of Oakland. The proposed monopole telecommunication facility expansion in the Institutional General Plan designation will enhance and improve communication service for a mixture of civic, commercial, residential and institutional uses in the area.

17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposal is the addition to a monopole telecommunications facility with 36 exiting telecommunication antennas which includes the addition of three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one equipment cabinet. The three (3) proposed antennas and three (3) proposed internet service dishes shall be placed on an existing monopole which is located in an unpopulated, wooded area of the Mills College campus and therefore is consistent and well related to the surrounding area in scale, bulk, height, materials, and textures. Through the design and conditions of approval the existing monopole, antennas, all associated equipment, and all proposed antennas and equipment will be paint green to match the trees and foliage that surround the monopole.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The design will be appropriate and compatible with current zoning and general plan land use designations. The proposal protects and preserves the surrounding neighborhood context by adding additional wireless telecommunication antennas to a residential and institutional area. The antennas will be co-located and will not have any visual impact on the adjacent neighborhood.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposal conforms with the City of Oakland Comprehensive General Plan meeting specific General Plan policies and the Supplemental Report and Recommendations on Revisions to the Citywide Telecommunications Regulations. The proposal will conform to performance standards for noise set forth in Section 17.120.050 for decibels levels in residential areas for both day and nighttime use. The Project conforms to all monopole-facility definitions set forth in Section 17.128.080 and meets all design review criteria to minimize all impacts throughout the neighborhood.

17.148.050(A) – MINOR VARIANCE FINDINGS:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographical circumstances or conditions of design; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution improving the livability, operational efficiency, or appearance.

The subject property is a 112.04 acre institutional lot located in a residential and small scale commercial area serving as the Mills College campus. The proposed project entails the co-location of three (3) telecommunication antennas and three (3) internet services exchange point dishes to an existing 100' Monopole. The panel antennas and dishes will be located at 77', in which all the new antennas exceed the maximum height of 45' for antennas when located on a Monopole. The proposal will improve the operational efficiency of the existing Monopole by co-locating and improve the appearance by setting the standard for new telecommunications antennas to be painted green to match the surrounding trees and foliage. Furthermore by placing the antennas at the proposed heights it will remove the antennas from the natural view plane from the public right of way.

2. 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 strict compliance of the zoning regulations would preclude an effective design solution for the proposed unmanned telecommunications facility. The existing Monopole exceeds the established standards for new telecommunication Monopoles and was erected as a radio communications tower several years ago. The proposal will co-locate the antennas at 77' on the pole where the antennas can maximize their effectiveness and be placed outside the natural view plan of vehicles and pedestrians at the street level. Based on the current pattern of development

and the scope of the proposal the project will be compatible in size and scale and will fulfill the basic intent of the zoning and general plan regulations.

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.

The proposed development will not affect the character or livability of the area since no change is proposed to the existing Mills College service yard and all related equipment on the ground will be located inside a dedicated equipment area, and the base of the monopole is a secure area that is not accessible to the public. The subject monopole is located in an unpopulated, wooded area on the Mills College campus, thus the proposal will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area.

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.

The Variance will not negatively impact the character of the neighborhood nor affect the appropriate development of abutting properties. The subject property is a large college campus containing a 100' Monopole with existing unmanned telecommunications facilities where the existing antennas are located at 55'to 100' above the ground. Furthermore when viewed in its entirety the proposal will improve the existing conditions by requiring that the monopole, cables, and all existing and new antennas be painted green to match the surrounding trees and foliage.

5. That the proposal; conforms to all applicable design review criteria set forth in the Design Review Procedures at section 17.20.070.

The proposal conforms to all applicable design review criteria. Please see findings above.

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 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

The proposal does not involve one or two residential units, therefore this finding does not apply.

17.128.080(B) DESIGN REVIEW CRITERIA FOR MONOPOLE FACILITIES

1. Collocation is to be encouraged when it will decrease visual impact and collocation is to be discouraged when it will increase negative visual impact:

The proposed project entails the co-location of three (3) telecommunication antennas and three (3) internet services exchange point dishes to an existing 100' Monopole and will not increase negative visual impacts. Furthermore when viewed in its entirety the proposal will improve the existing conditions by requiring that the monopole, cables, and all existing and new antennas be painted green to match the surrounding trees and foliage.

2. Monopoles should not be sited to create visual clutter or negatively affect specific views:

The proposed antennas will be co-located on an existing monopole which is currently located in an unpopulated, wooded area of the Mills College campus. Based on the co-location on the monopole at 77' with existing Sprint antennas no specific views will be impacted and visual clutter will not occur.

3. Monopoles shall be screened from the public view wherever possible:

The proposed antennas will be co-located on an existing monopole which is currently located in an unpopulated, wooded area of the Mills College campus. Only the portion of the monopole that extends higher than the existing trees and foliage will be in public view.

4. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained:

The associated equipment will be co-located with the existing equipment shelters and located on the ground with in the Mills College service yard. The equipment will be placed where it will not be in public view.

5. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized,

unless such disturbance would result in less visual impact of the site to the surrounding area:

The proposed antennas will be co-located on an exiting monopole with 36 antennas in an unpopulated, wooded area of the Mills College campus. Based on the wooded area, and the co-location on the monopole the proposal will not result in a visual impact and will blend in with the existing characteristics of the site. Further the existing monopole, equipment, antennas, proposed antennas, and all associated equipment attached to the monopole will be painted green to match the color of the surrounding trees and foliage.

6. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices:

The antennas will be mounted on an existing monopole and will not be accessible to the public due to its location. The existing monopole is located behind a fenced in area with no public access. The equipment cabinet will be located with other existing cabinets in the Mills College service area which is only accessible to maintenance workers and not to the public.

Section 17.128.080(C) CONDITIONAL USE PERMIT (CUP) FINDINGS FOR MONOPOLE FACILITIES

1. The project must meet the special design review criteria listed in subsection B of this section (17.128.080C):

The proposed project meets the special design review criteria listed in section 17.128.080B.

2. Monopoles should not be located any closer than one thousand five hundred (1,500) feet from existing monopoles unless technologically required or visually preferable:

The site is appropriate because the proposed antennas will be co-located on an exiting monopole with 36 antennas in an unpopulated, wooded area of the Mills College campus. The existing monopole, equipment, antennas, proposed antennas, and all associated equipment attached to the monopole will be painted green to match the color of the surrounding trees and foliage thus making it visually preferable.

3. The proposed project must not disrupt the overall community character:

Due to the proposed project co-locating with other existing telecommunication antennas and equipment, it will not disrupt the overall community character of the site.

4. *If a Major Conditional Use Permit is required,* the Planning Director or the Planning Commission may request independent expert review regarding site location, collocation and facility configuration. Any party may request that the Planning Commission consider making such request for independent expert review.
a. If there is any objection to the appointment of an independent expert engineer, the applicant must notify the Planning Director within ten days of the Commission request.

The Commission will hear arguments regarding the need for the independent expert and the applicant's objection to having one appointed. The Commission will rule as to whether an independent expert should be appointed.

b. Should the Commission appoint an independent expert, the Commission will direct the Planning Director to pick an expert from a panel of licensed engineers, a list of which will be compiled, updated and maintained by the Planning Department.

c. No expert on the panel will be allowed to review any materials or investigate any application without first signing an agreement under penalty of perjury that the expert will keep confidential any and all information learned during the investigation of the application. No personnel currently employed by a telecommunication company are eligible for inclusion on the list.

d. An applicant may elect to keep confidential any proprietary information during the expert's investigation. However, if an applicant does so elect to keep confidential various items of proprietary information, that applicant may not introduce the confidential proprietary information for the first time before the Commission in support of the application.

e. The Commission shall require that the independent expert prepare the report in a timely fashion so that it will be available to the public prior to any public hearing on the application.

f. Should the Commission appoint an independent expert, the expert's fees will be paid by the applicant through the application fee, imposed by the city.

CONDITIONS OF APPROVAL
CMDV10-201

STANDARD CONDITIONS:

1. Approved Use
Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **CMDV10-201**, and the plans dated **July 26, 2010** and submitted on **August 11, 2010** 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 required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **To install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one equipment cabinet at a site with 36 existing antennas at 5000 MacArthur Blvd. (APN: 037A-2701-029-03), under Oakland Municipal Code 17.128, 17.136, 17.148 and 17.134.**

2. Effective Date, Expiration, Extensions and Extinguishment
Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two 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 a one-year extension 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.

3. Scope of This Approval; Major and Minor Changes
Ongoing

The project is approved pursuant to the **Oakland 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 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.

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.

5. 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 approval, 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 plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.

c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and conditions shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect)action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and

the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or Conditions of Approval that may be imposed by the City.

8. Compliance with Conditions of Approval
Ongoing
The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability
Ongoing
Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if any one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans
Ongoing throughout demolition, grading, and/or construction
At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management
Prior to issuance of a demolition, grading, and/or construction permit
The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. 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 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm 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:

i. 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.

ii. 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.

13. Landscape Maintenance

Ongoing

All new landscaping shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements.

14. Operational Noise-General

Ongoing

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

PROJECT SPECIFIC CONDTIONS:

15. Radio Frequency Emissions

Prior to the final building permit sign off

The applicant shall submit a certified RF emissions report stating the facility is operating within the acceptable standards established by the regulatory Federal Communications Commission.

16. Sinking Fund for Facility Removal or Abandonment.

Prior to issuance of a building permit

The applicant shall provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. The word "abandoned" shall mean a facility that has not been operational for a six (6) month period, except where non-operation is the result of maintenance of renovation activity pursuant to valid City permits. The sinking fund shall be established to cover a two year period, at a financial institution approved by the City's Office of Budget and Finance. The sinking fund payment shall be adequate to determined by the office of Budget and Finance and shall be adequate to defray expenses associated with the removal of the telecommunication facility.

17. Architectural Detailing and Painting

Prior to the final building permit sign off

The applicant shall paint the existing monopole, all existing antennas, cables and related equipment attached to the monopole, all proposed antennas, dishes and other related equipment attached to the monopole a muted forest-green, to blend into the wooded site.

ATTACHMENT A

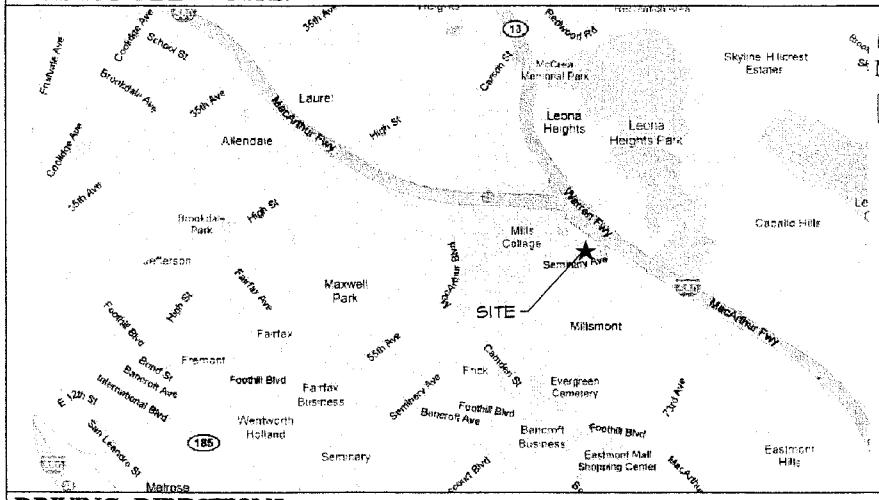
clearwire®

MILLS COLLEGE
CA-SFO0829C
5000 MACARTHUR BLVD, OAKLAND, CA

SIGNATURE BLOCK

ZONING MANAGER	DATE
SITE ACQ. MANAGER	DATE
RF MANAGER	DATE
MICROWAVE MANAGER	DATE
CONSTRUCTION MANAGER	DATE
CLEARWIRE CONSTRUCTION MANAGER	DATE

VICINITY MAP - N.T.S.

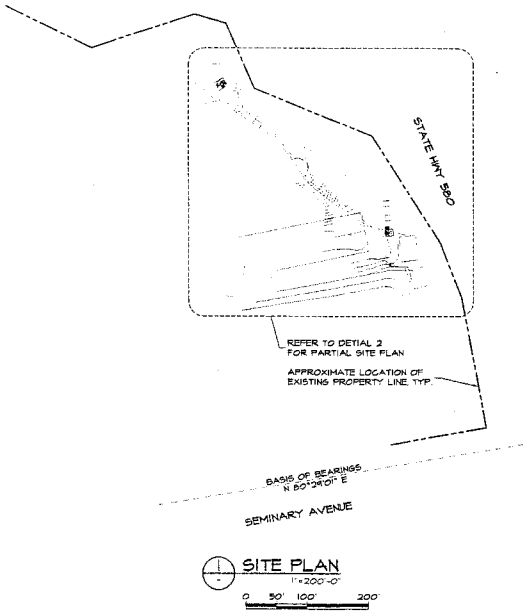

N
SITE
Mills College
Seminary Ave
MacArthur Fwy
Foothill Blvd
Fairfax
Maxwell Park
Millsmont
Allendale
Laurel
Leona Heights
Leona Heights Park
Skyline Hillcrest Estates
Canada Hills
Evergreen Cemetery
Eastmont Mall Shopping Center
Eastmont Hills
Fruitvale Ave
Coolidge Ave
School St
Broadway Ave
35th Ave
High St
Foothill Blvd
Brand St
Bancroft Ave
International Blvd
E 12th St
San Leandro St
Seminary
Melrose
Fremont
Webster St
Fairfax Business
Bancroft Business
Redwood Rd
Canon St
Broadway
Park Blvd
Campus Dr
Chandler St
Fruit St
73rd Ave
Seminary Ave
Bancroft Ave
Foothill Blvd
MacArthur Blvd
Edwards Ave
Broadway Terrace
Piedmont Ave
Dwight Way
Ashby Ave
Claremont Ave
Alcatraz Ave
Webster St
Harrison St
Oakland Ave
Grand Ave
Lake Park Ave
Lakeshore Ave
Trestle Glen Rd
Park Blvd
Fruitvale Ave
Coolidge Ave
Crocker Ave
Foothill Blvd
Seminary Ave
Bancroft Ave
Foothill Blvd
Bancroft Business
Eastmont Mall Shopping Center
MacArthur Blvd
Eastmont Hills

NOTES:

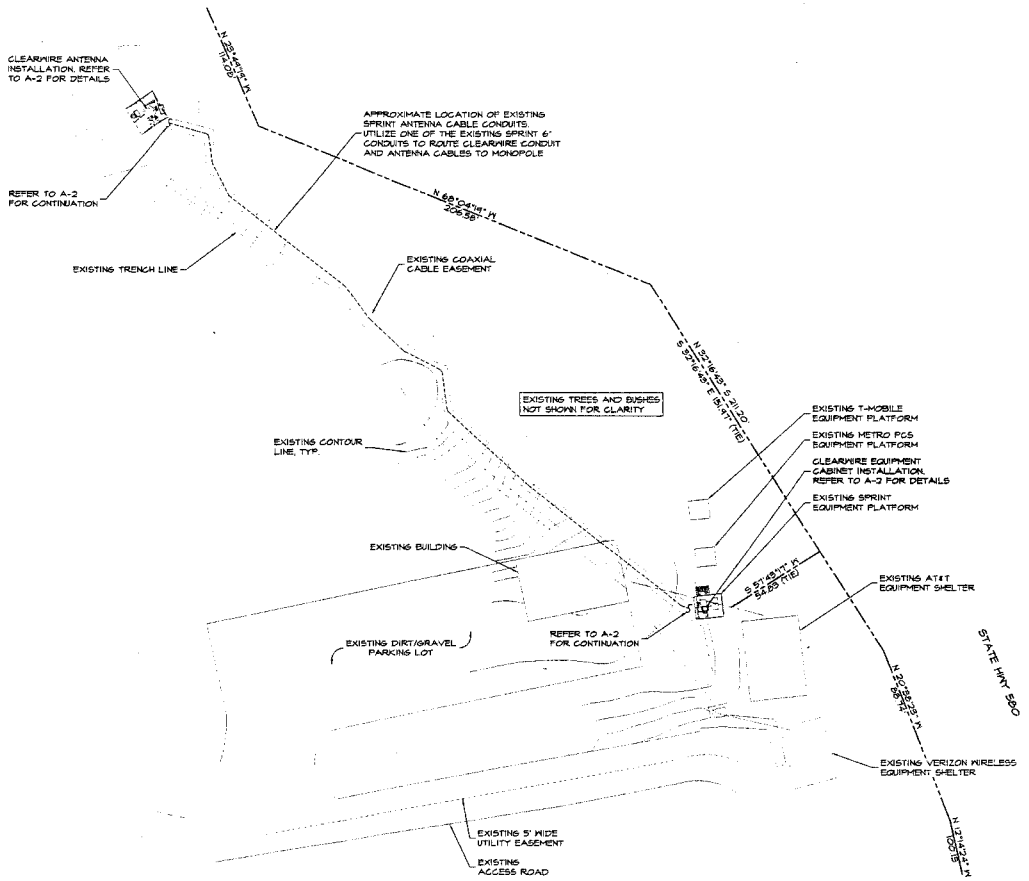
1. SITE PLAN INFORMATION WAS OBTAINED FROM A DRAWING PREPARED BY J.E. SCHWIGHT & ASSOCIATES, DATED OCTOBER 15, 1998. THIS DRAWING DOES NOT REPRESENT A SURVEY. ALL DIMENSIONS TO PROPERTY LINES ARE APPROXIMATE ONLY.

N

TRUE NORTH ARROW SHOWN ON THIS DRAWING IS APPROXIMATE ONLY AND MUST BE VERIFIED BY CONTRACTOR



1 SITE PLAN
1"=200'-0"
0 50' 100' 200'



2 PARTIAL SITE PLAN
1"=60'-0"
0 15' 30' 60'

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17688 66TH AVE
SURREY, BC V3S 7X1, CANADA
TEL: (604) 574-6432
FAX: (604) 574-6431
TOLL FREE: 1-877-345-4045
EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-038
DRAWN BY: S.A.
CHECKED BY: F.M.
CAD FILE: 1040-038A1

SUBMITTALS

3	SEP 24/10	REVISED PER CITY
2	AUG 3/10	REVISED PER SPRINT
1	JUL 28/10	REVISED PER AT&T
0	JUL 15/10	ZDs REV 0
A	JUN 30/10	ZDs REV A

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AHJ SEAL

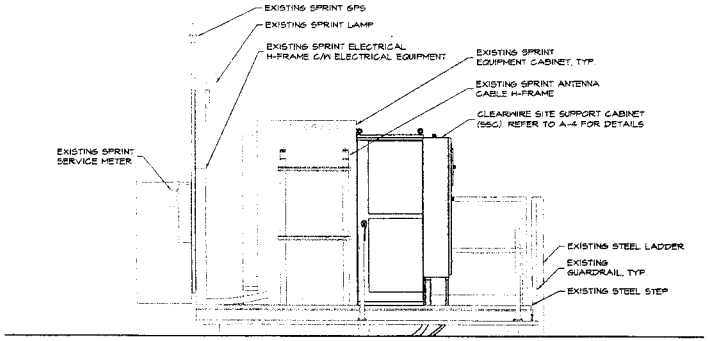
SITE
MILLS COLLEGE
CA-SF00829C
5000 MACARTHUR BLVD
OAKLAND, CA

SHEET TITLE
SITE PLAN

SHEET NUMBER
A-1

N

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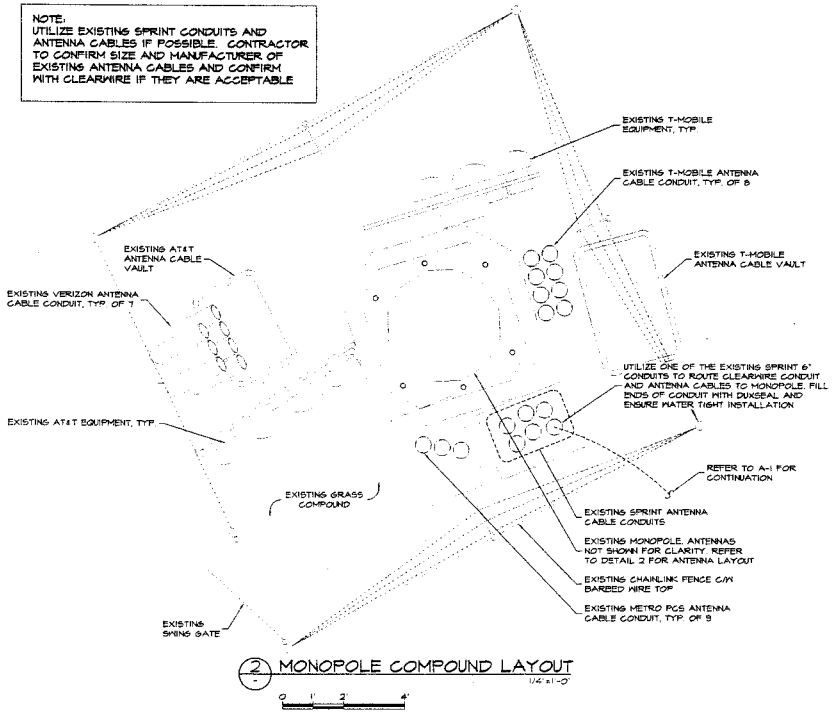
1 SOUTHWEST EQUIPMENT ELEVATION
1/4"=1'-0"
0 1' 2' 4'

NOTES:

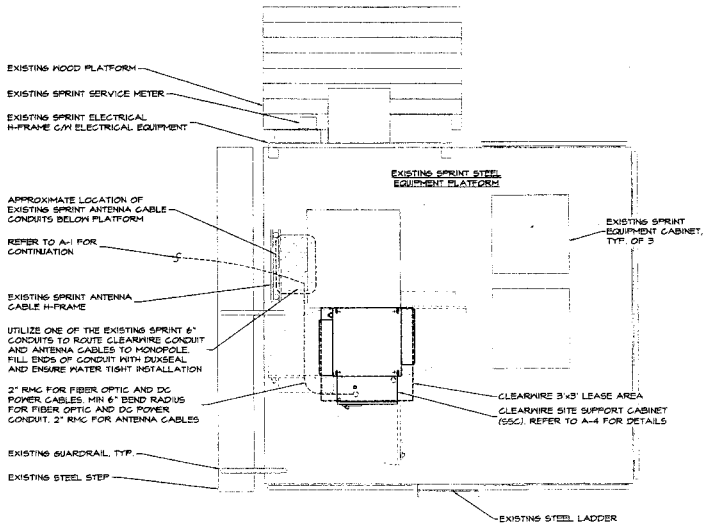
1. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
2. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
3. PAINT ANTENNA MOUNT, ANTENNA CABLES, CONDUITS AND MOUNTING HARDWARE TO MATCH EXISTING MONOPOLE.

EXISTING MONOPOLE, COAX, ANTENNAS, ANTENNA MOUNTS AND JUMPERS TO BE PAINTED GREEN

NOTE:
UTILIZE EXISTING SPRINT CONDUITS AND ANTENNA CABLES IF POSSIBLE. CONTRACTOR TO CONFIRM SIZE AND MANUFACTURER OF EXISTING ANTENNA CABLES AND CONFIRM WITH CLEARWIRE IF THEY ARE ACCEPTABLE



2 MONOPOLE COMPOUND LAYOUT
1/4"=1'-0"
0 1' 2' 4'



3 EQUIPMENT COMPOUND LAYOUT
1/4"=1'-0"
0 1' 2' 4'

clearwire
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PROJECT NO: 1040-038
DRAWN BY: S.A.
CHECKED BY: F.M.
CAD FILE: 1040-038A2

SUBMITTALS

5	SEP 24/10	REVISED PER CITY
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2	JUL 15/10	ZDs REV 0
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AHJ SEAL

SITE
MILLS COLLEGE
CA-SF00829C
5000 MACARTHUR BLVD
OAKLAND, CA

SHEET TITLE
COMPOUND LAYOUTS

SHEET NUMBER
A-2

PANEL ANTENNA INFORMATION

SECTOR	AZIMUTH	ANTENNA	QUANTITY	FIBER OPTIC/ DC POWER LENGTH	RAD CENTER
1	0°	KATHREIN	1	675'-0"±	77'-0"±
2	120°	KATHREIN	1	675'-0"±	77'-0"±
3	240°	KATHREIN	1	675'-0"±	77'-0"±

GPS ANTENNA LOCATION OPTIONS: (1) EQUIPMENT CABINET, (2) ANTENNA MAST, (3) SUPPORT POST, FIELD VERIFY

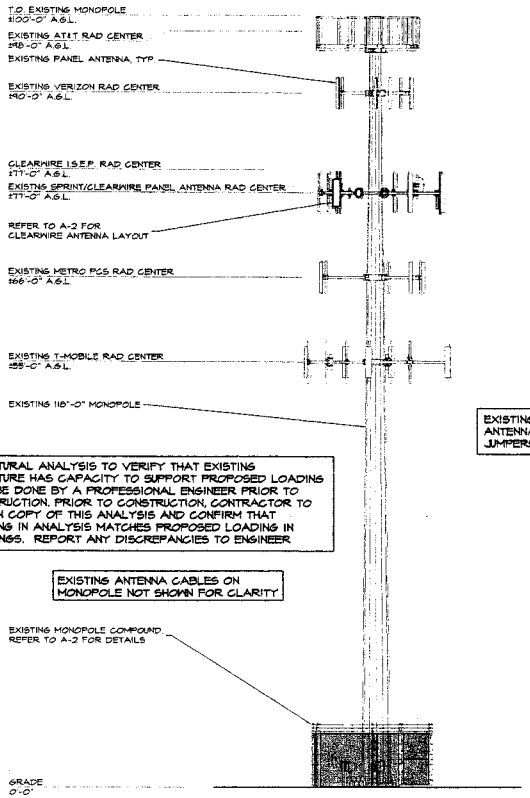
LABEL MARKINGS SHALL BE PLACED:
A. WITHIN 12" OF CABLE AT BOTH ENDS.
B. AT/NEAR TOWER GROUND BAR.
C. EITHER PRIOR TO ENTRY INTO CABINET OR AT CABLE SUPPORT BRIDGE.

INTERNET SERVICES EXCHANGE POINT INFORMATION

SECTOR	AZIMUTH	DISH SIZE	ANTENNA	QUANTITY	ANTENNA CABLE LENGTH	RAD CENTER
A	29°	1'-0"	ANDREW	1	(1 5/8") 675'-0"±	71'-0"±
B (FUTURE)	120°	2'-0"	ANDREW	1	-	71'-0"±
C	217°	1'-0"	ANDREW	1	(1 5/8") 675'-0"±	71'-0"±

NOTES:

1. ELEVATION IS DIAGRAMMATIC ONLY.
2. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
3. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
4. PAINT ANTENNA MOUNT, ANTENNA CABLES, CONDUITS AND MOUNTING HARDWARE TO MATCH EXISTING MONOPOLE.



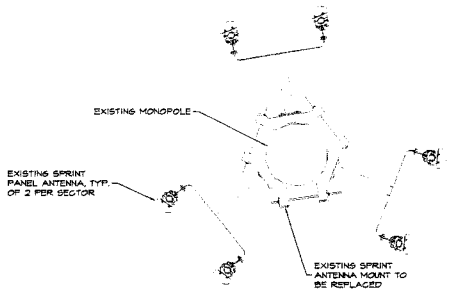
STRUCTURAL ANALYSIS TO VERIFY THAT EXISTING STRUCTURE HAS CAPACITY TO SUPPORT PROPOSED LOADING MUST BE DONE BY A PROFESSIONAL ENGINEER PRIOR TO CONSTRUCTION. PRIOR TO CONSTRUCTION, CONTRACTOR TO OBTAIN COPY OF THIS ANALYSIS AND CONFIRM THAT LOADING IN ANALYSIS MATCHES PROPOSED LOADING IN DRAWINGS. REPORT ANY DISCREPANCIES TO ENGINEER

EXISTING MONOPOLE, COAX, ANTENNAS, ANTENNA MOUNTS AND JUMPERS TO BE PAINTED GREEN

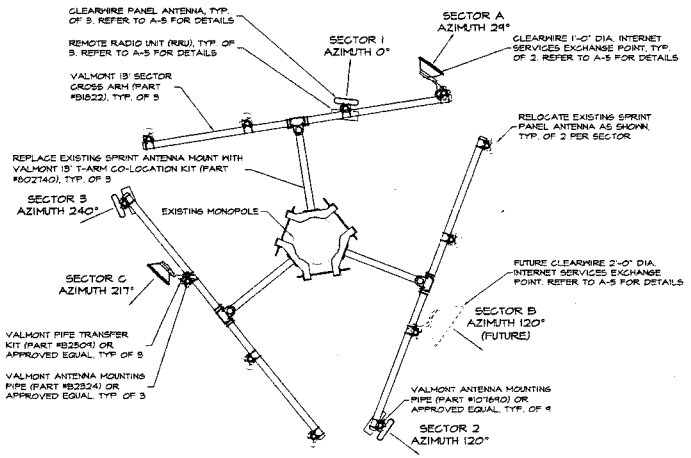
EXISTING ANTENNA CABLES ON MONOPOLE NOT SHOWN FOR CLARITY

1 SOUTHWEST ELEVATION
1/16" = 1'-0"
0 4' 8' 16'

TRUE NORTH ARROW SHOWN ON THIS DRAWING IS APPROXIMATE ONLY AND MUST BE VERIFIED BY CONTRACTOR



2 EXISTING SPRINT ANTENNA LAYOUT
N.T.S



3 PROPOSED CLEARWIRE ANTENNA LAYOUT
N.T.S.

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17686 66TH AVE
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PROJECT NO: 1040-038
DRAWN BY: S.A.
CHECKED BY: F.M.
CAD FILE: 1040-038A3

SUBMITTALS

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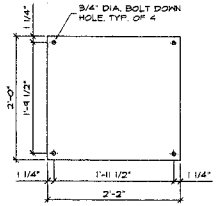
AHJ SEAL

SITE
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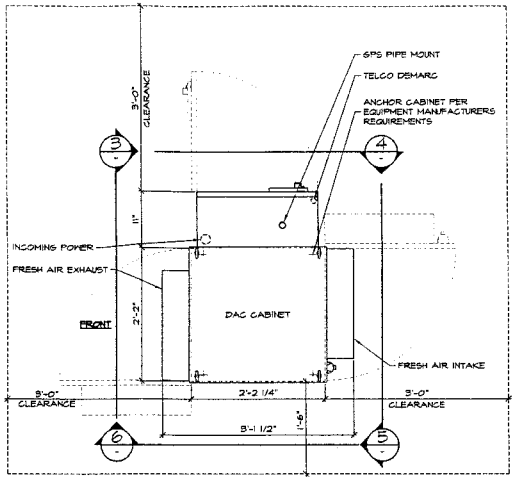
SHEET TITLE
SOUTHWEST ELEVATION AND ANTENNA LAYOUT

SHEET NUMBER
A-3

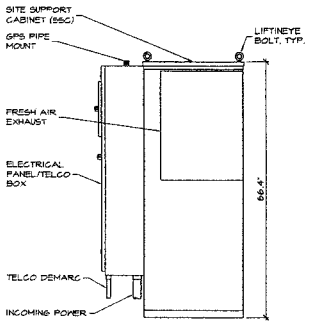
OUTDOOR DAC CABINET	
OUTDOOR SITE SUPPORT CABINET WEIGHT = 1150 LBS	
CABINET DIMENSIONS	38.5"(W) x 37.5"(D) x 69"(H)
MIN. CLEARANCES	
CABINET REAR AND WALL	36"
CABINET RIGHT SIDE AND WALL	18"
CABINET LEFT SIDE AND WALL	36"
ABOVE CABINET	24"
IN FRONT OF CABINET	36"



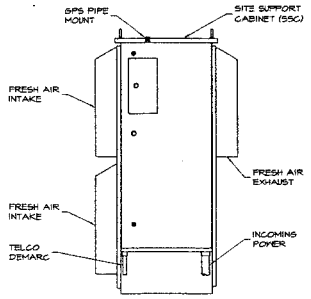
1 CABINET BASE
1/2"=1'-0"



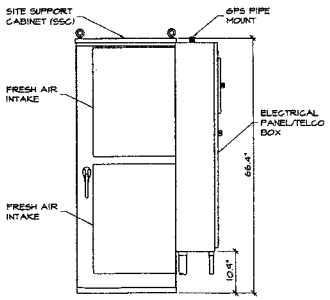
2 SSC EQUIPMENT LAYOUT
1/2"=1'-0"



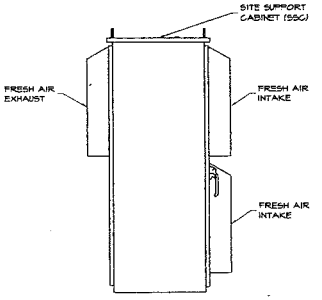
3 SSC EQUIPMENT ELEVATION
3/8"=1'-0"



4 SSC EQUIPMENT ELEVATION
3/8"=1'-0"



5 SSC EQUIPMENT ELEVATION
3/8"=1'-0"



6 SSC EQUIPMENT ELEVATION
3/8"=1'-0"

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

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EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-038
DRAWN BY: S.A.
CHECKED BY: F.M.
CAD FILE: 1040-038A4

SUBMITTALS

5	SEP 24/10	REVISED PER CITY
2	AUG 3/10	REVISED PER SPRINT
1	JUL 28/10	REVISED PER AT&T
0	JUL 15/10	ZDs REV 0
A	JUN 30/10	ZDs REV A

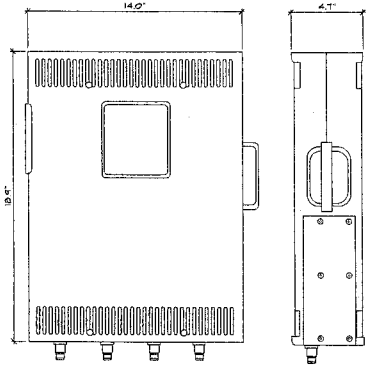
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AHJ SEAL

SITE
MILLS COLLEGE
CA-SF00829C
5000 MACARTHUR BLVD
OAKLAND, CA

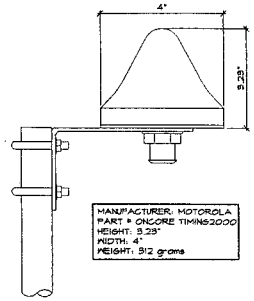
SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-4



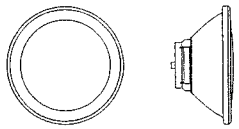
LENGTH: 18.9"
WIDTH: 14.0"
DEPTH: 4.1"
WEIGHT: 55 LBS C/M SOLAR SHIELD AND MOUNTING BRACKETS

1 - RRU SPECIFICATION
N.T.S.



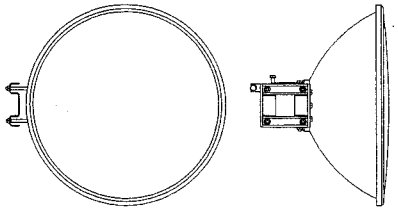
MANUFACTURER: MOTOROLA
PART # ONCORE TIMING2000
HEIGHT: 3.28"
WIDTH: 4"
WEIGHT: 312 grams

2 - GPS SPECIFICATION
N.T.S.



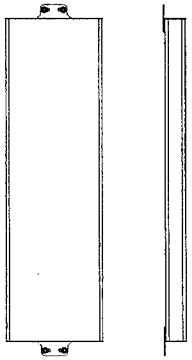
MANUFACTURER: ANDREW
DIAMETER: 15.3"
DEPTH: 8.1"
WEIGHT: 14.21 lbs

3 - I.S.E.P. SPECIFICATION
N.T.S.



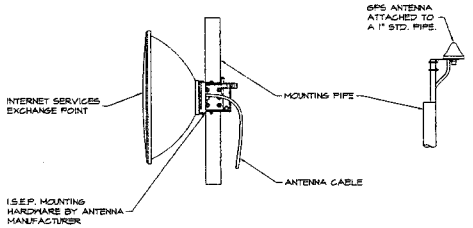
MANUFACTURER: ANDREW
DIAMETER: 26.1"
DEPTH: 13.2"
WEIGHT: 27 lbs

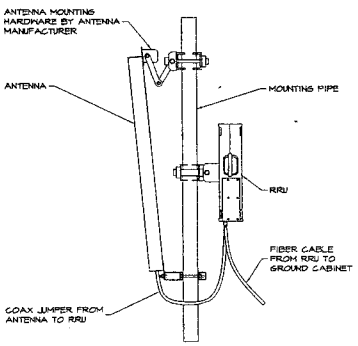
4 - I.S.E.P. SPECIFICATION
N.T.S.



MANUFACTURER: KATHREIN
LENGTH: 45.3"
WIDTH: 12.7"
DEPTH: 3.9"
WEIGHT: 35 lbs

5 - ANTENNA SPECIFICATION
N.T.S.





6 - GENERIC ANTENNA MOUNTING DETAIL
N.T.S.

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

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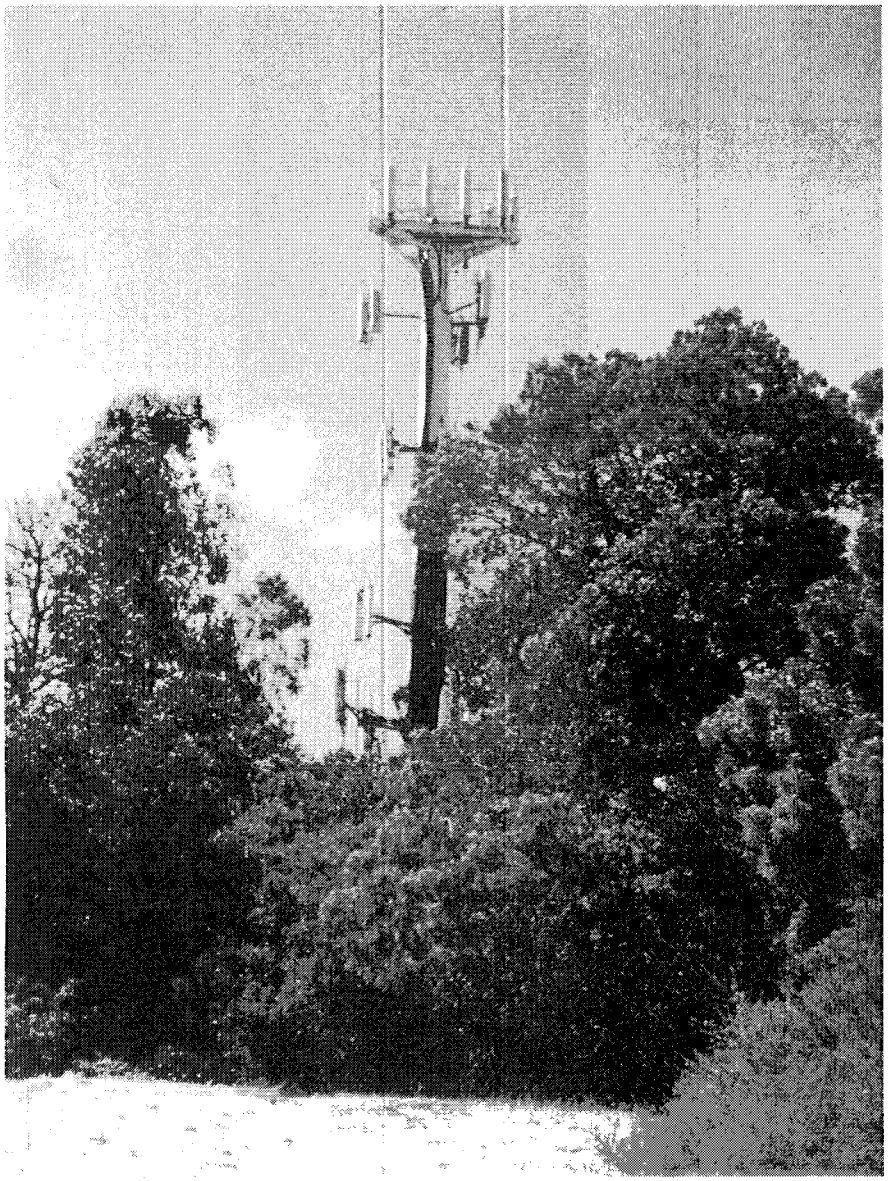
ARE SEAL

SITE
MILLS COLLEGE
CA-SF00824C
5000 MACARTHUR BLVD
OAKLAND, CA

SHEET TITLE
ANTENNA DETAILS

SHEET NUMBER
A-5

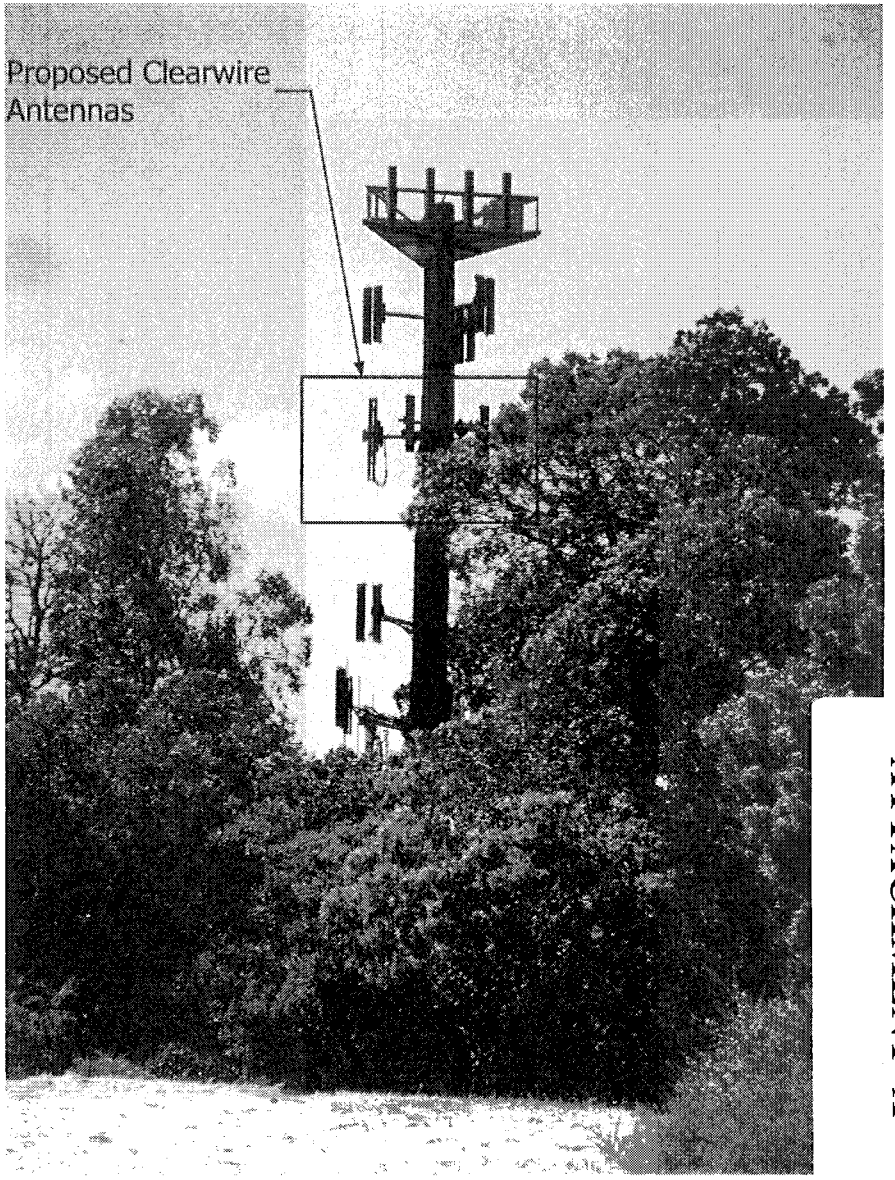
Existing



Southeast Elevation

Proposed

September 03, 2010



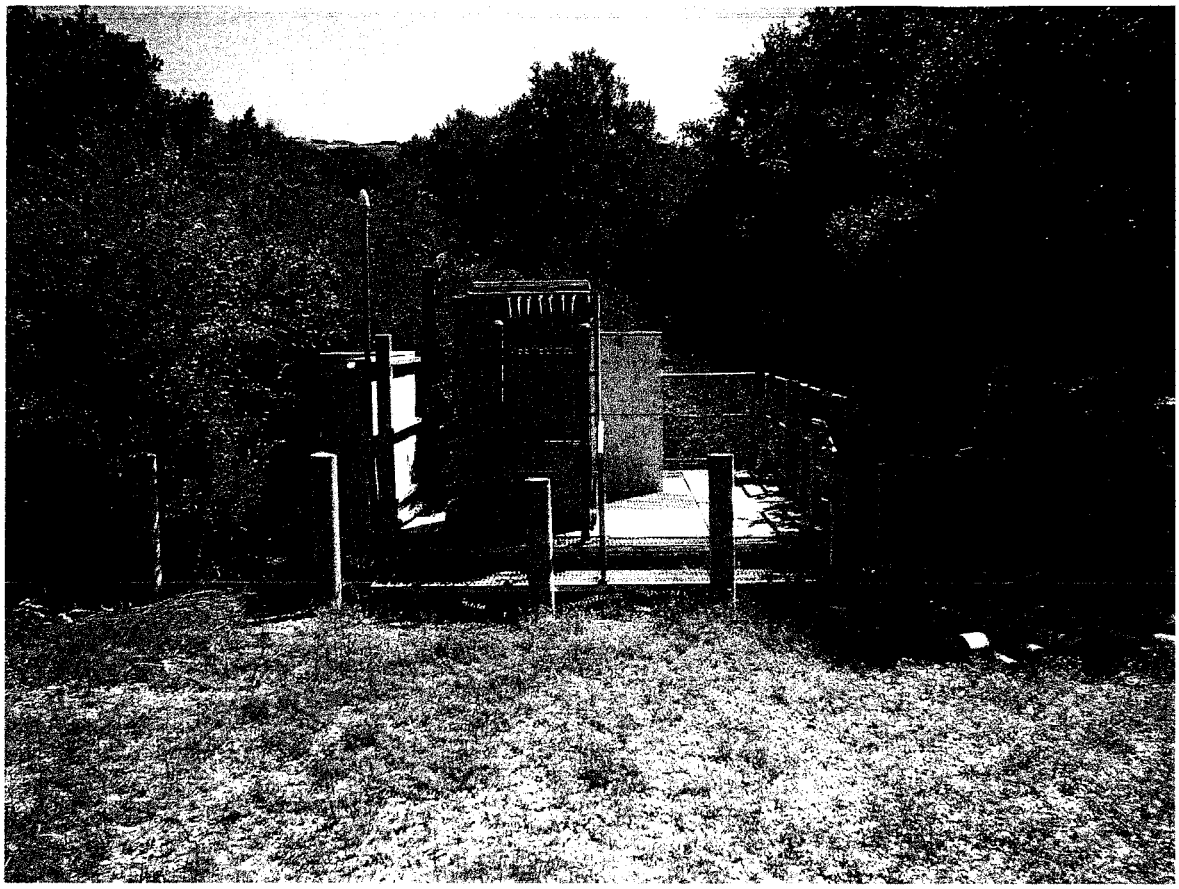
CA-SFO0829C
MILLS COLLEGE

TRK ENGINEERING

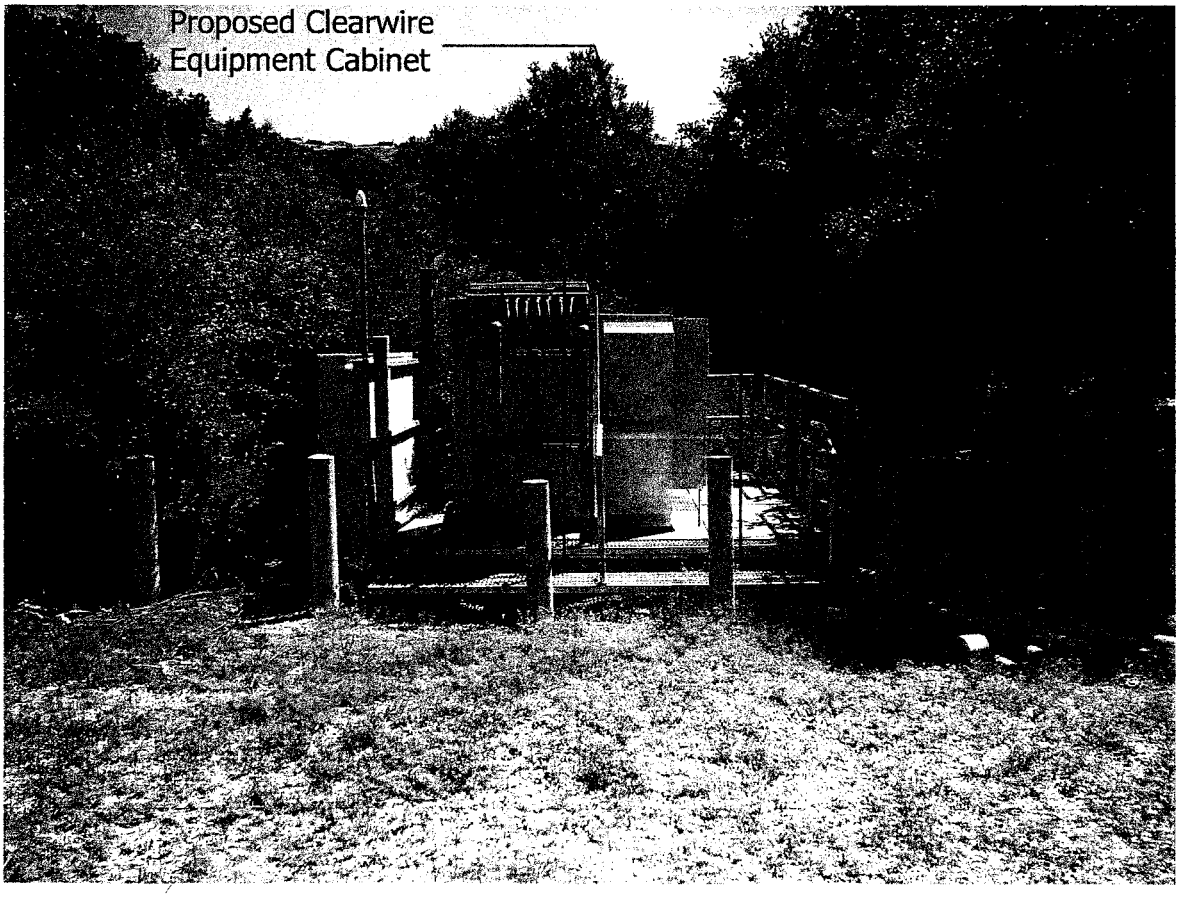
ATTACHMENT A

Existing

September 03, 2010



Proposed



West Elevation

CA-SFO0829C
MILLS COLLEGE

TRK ENGINEERING

ATTACHMENT B

FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE STUDY ON RADIO FREQUENCY ELECTROMAGNETIC FIELDS EXPOSURE

Prepared for:

clearwire
wireless broadband

CA-SFO0829C
MILLS COLLEGE
5000 MACARTHUR BLVD
OAKLAND, CA

AUGUST 10/10, REV. 1

SITE DESCRIPTION:

Carrier:	Clearwire wireless broadband
Site Address:	5000 MacArthur Blvd., Oakland, CA
Type of Service:	MMDS (Multichannel Multipoint Distribution Service)
Sectors:	0°, 120°, 240°
Antenna Type:	Kathrein 840 10054
Number of Antennas:	3
Frequencies *(GHz)*:	2.5 – 2.7
Maximum Power:	969 W ERP (per sector)
Antenna Height:	77'± *(radiation center AGL)*

Table 1. Clearwire RF summary

Clearwire is proposing to construct a wireless broadband facility utilizing an existing monopole located on the east side of Mills College campus (Figure 1). Three panel antennas with horizontal beam width of 87° will be mounted on the monopole at 77' above ground level. An outdoor site support cabinet will be installed inside Sprint's existing equipment compound. Access to the facility is restricted to authorized personnel only.

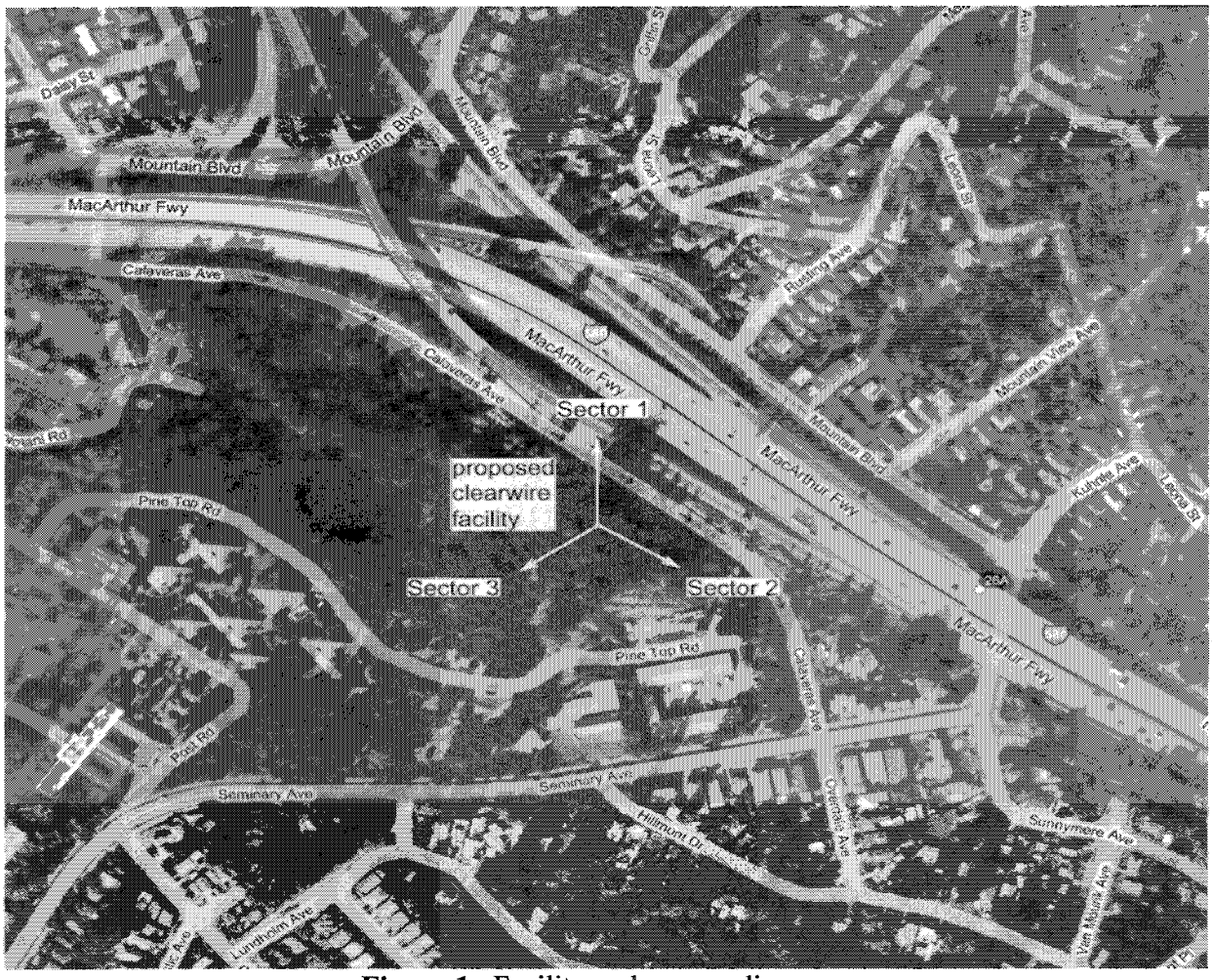


Figure 1. Facility and surrounding area

Clearwire also proposes to install dish antennas or Internet Service Exchange Points (ISEP) at the same level as the panel antennas. The RF power outside the main beam of these ISEP antennas is insignificant compared to the panel antennas (see calculations in Appendix A).

There are five other existing wireless telecommunication facilities with panel antennas on the same monopole. The RF summaries are shown in the following Tables.

Carrier:	T-Mobile
Type of Service:	1900 MHz GSM/UMTS *(Broadband PCS)*
Antenna Quantity:	6 (2 per sector)
Antenna Type:	RFS APX16DWV-16DWVS-E-A20
Maximum Power:	1000 W *(Maximum ERP per sector)*
Antenna Height:	55'± *(Radiation center AGL)*

Table 2. T-Mobile RF summary

Carrier:	AT&T
Type of Service:	1900 MHz & 850 MHz GSM/UMTS
Antenna Quantity:	12 (4 per sector)
Antenna Type:	Kathrein 742-264
Maximum Power:	1000 W *(Maximum ERP per technology, per sector)*
Antenna Height:	98'± *(Radiation center AGL)*

Table 3. AT&T RF summary

Carrier:	Metro PCS
Type of Service:	1900 MHz CDMA *(Broadband PCS)*
Antenna Quantity:	6 (2 per sector)
Antenna Type:	Allgon 7250.02 *(typical)*
Maximum Power:	500 W *(Maximum ERP per sector)*
Antenna Height:	66'± *(Radiation center AGL)*

Table 4. Metro PCS RF summary

Carrier:	Verizon Wireless
Type of Service:	i) CDMA ii) EVDO
Antenna Quantity:	6 (2 per sector)
Antenna Type:	Andrew DBXLH-6565A-VTM
Maximum Power:	500 W *(Maximum ERP per technology, per sector)*
Antenna Height:	90'± *(Radiation center AGL)*

Table 5. Verizon Wireless RF summary

Carrier:	Sprint PCS
Type of Service:	1900 MHz CDMA *(Broadband PCS)*
Antenna Quantity:	3 (1 per sector)
Antenna Type:	EMS RR65-18XX-DPL
Maximum Power:	1000 W *(Maximum ERP per sector)*
Antenna Height:	77'± *(Radiation center AGL)*

Table 6. Sprint PCS RF summary

PROTOCOL:

This study, and the calculations performed therein, is based on OET Bulletin 65[1] which adopts ANSI C95.1-1992 and NCRP standards. In particular, equation 10 from section 2 of the guideline is used as a model (in conjunction with known antenna radiation patterns) for calculating the power density at different points of interest. This information will be used to judge the RF exposure level incident upon the general population, and any employee present in the area. It should be noted that ground reflection of RF waves has been taken into account.

ENVIRONMENTAL EVALUATION:

According to Table 2 in Appendix A of Bulletin 65, an MDS facility is subject to routine environmental evaluation if the height above ground level to the lowest point on a non-building mounted antenna is less than 10 m, **and** the total power of all channels in a given sector is in excess of 1000 W ERP. The height above ground level to the lowest point of the antenna in question is 75'± (22.9 m); therefore, this facility is exempt from routine environmental evaluation.

FCC'S MAXIMUM PERMISSIBLE EXPOSURE (MPE) LIMIT:

In order to evaluate the RF exposure level, the power densities at different locations of interest have been examined. Equation 10 from Bulletin 65 is reproduced here as equation 1:

$$S = \frac{33.4 F^2 ERP}{R^2} \qquad (1)$$

Where: S = *Power density [$\mu W/cm^2$]*
ERP = *Effective radiated power [W]*
R = *Distance [m]*
F = *Relative field factor (relative numeric gain)*

Scenario 1: *Standing near the facility on street level*

The RF exposure level of a six-foot tall person standing on street level close to the facilities is evaluated. For the worst-case scenario, we assume that all the antennas are transmitting the maximum number of channels at the same time, with each channel at its maximum power level. In addition, the azimuths of the antennas of all carriers are assumed to be in the direction of the studied location. Please refer to scenario 1 in appendix A for the complete geometry and analysis. The highest exposure location is found to be approximately 80' from the monopole. The calculations of maximum cumulative power density are summarized in Table 7.

[1] Cleveland, Robert F, et al. Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields. OET Bulletin 65, Edition 97-01, August 1997.

Service	Max. ERP	F^2	R (m)	S (μW/cm²) (from eq. 1)	MPE %
clearwire (panel)	969 W	-30 dB (0.0010)	34.5	0.0272	0.0027
clearwire ISEP	100 W	-42 dB (0.0001)	34.5	0.0003	0.0000
T-Mobile	1000 W	-25 dB (0.0032)	30.1	0.1180	0.0118
Sprint PCS	1000 W	-22 dB (0.0063)	34.5	0.1768	0.0177
AT&T 1900 MHz	1000 W	-30 dB (0.0010)	39.3	0.0216	0.0022
AT&T 850 MHz	1000 W	-16 dB (0.0251)	39.3	0.5428	0.0936
Metro PCS	500 W	-22 dB (0.0063)	32.2	0.1015	0.0102
Verizon CDMA	500 W	-17 dB (0.0200)	37.4	0.2388	0.0412
Verizon EVDO	500 W	-22 dB (0.0063)	37.4	0.0752	0.0075
Total					0.1869

Table 7. Worst-case predicted power density values for scenario 1.

The Maximum Permissible Exposure (MPE) limit for 1900 MHz and 2500 MHz facilities[2] for general population/uncontrolled exposure is 1000 μW/cm², 580 μW/cm² for 850 MHz facilities[3]. The maximum cumulative power density for the proposed and existing antennas is calculated to be 0.19% of the MPE limit.

Scenario 2: *Nearby building rooftops*

There are various types of buildings in the surrounding area. The RF exposure levels on nearby rooftops are evaluated. We assume again, all antennas within a sector are transmitting with maximum power level. Please refer to scenario 2 in appendix A for the analysis. The highest exposure location is on the rooftop of the nearest building north of the proposed facility. The calculations for the maximum possible power density are summarized in Table 8.

Service	Max. ERP	F^2	R (m)	S (μW/cm²) (from eq. 1)	MPE %
clearwire (panel)	969 W	-5 dB (0.3162)	275.7	0.1346	0.0135
clearwire ISEP	100 W	-25 dB (0.0032)	275.7	0.0001	0.0000
T-Mobile	1000 W	-3 dB (0.0032)	275.2	0.2210	0.0221
Sprint PCS	1000 W	-4 dB (0.3981)	275.7	0.1749	0.0175
AT&T 1900 MHz	1000 W	-5 dB (0.3162)	276.4	0.1382	0.0138
AT&T 850 MHz	500 W	-2 dB (0.6310)	276.4	0.2759	0.0476
Metro PCS	500 W	-5 dB (0.3162)	275.5	0.0696	0.0070
Verizon CDMA	500 W	-1 dB (0.7943)	276.1	0.1740	0.0300
Verizon EVDO	500 W	-5 dB (0.3162)	276.1	0.0693	0.0069
Total					0.1584

Table 8. Worst-case predicted power density values for scenario 2.

The maximum cumulative power density for the Clearwire antennas and the existing antennas is calculated to be 0.16% of the MPE limit. There is a relatively low level of RF energy directed either above or below the horizontal plane of the antennas, and there are no locations in the surrounding areas near the facilities that will have RF exposure levels close to the MPE limit.

[2] Ibid., page 67. are shown
[3] Ibid., page 67.

Conclusion:

Under "worst-case" conditions, the calculations shown above predict that the maximum possible RF exposure is 0.19% of the MPE limit for general population/uncontrolled exposure. There will be less RF exposure on the ground level or nearby buildings as a person moves away from the site. Therefore, the proposed Clearwire facility in co-location with the existing facilities will comply with the general population/uncontrolled limit.

FCC COMPLIANCE:

The general population/uncontrolled exposure near the antennas, including persons on the street level, in nearby open areas, and inside or on existing nearby buildings will have RF exposure much lower than the "worst-case" scenario, which is only a small percentage of the MPE limit.

As for trained persons or transient workers, they will be made fully aware of the potential for RF exposure and can choose to exercise control over their exposure that is within the occupational/controlled limits.

The proposed site will operate within the current acceptable thresholds as established by FCC.

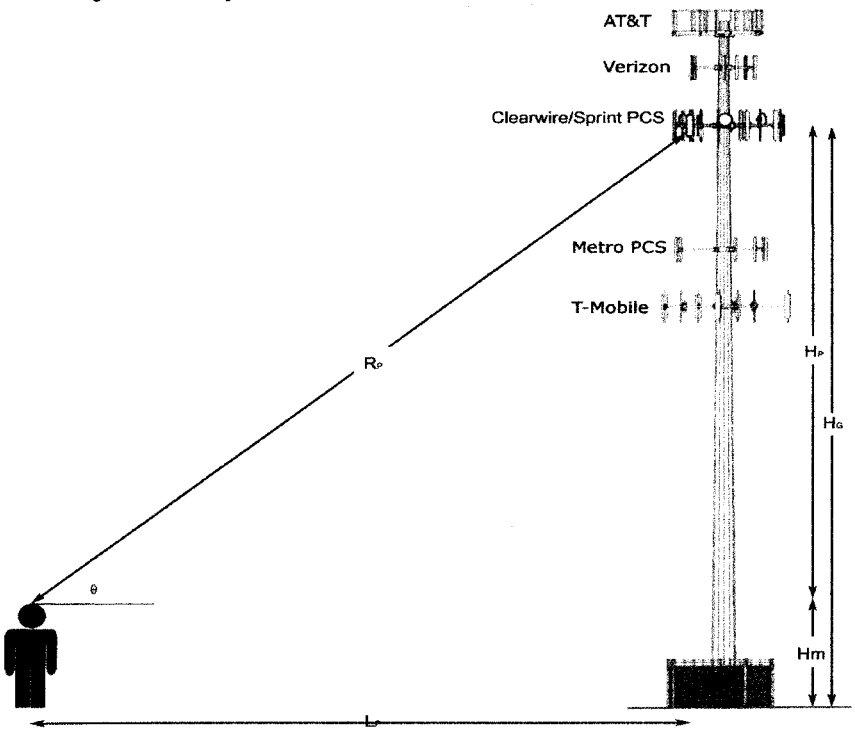
REGISTERED PROFESSIONAL ENGINEER
SEI YUEN SYLVAN WONG
16850
EXP. 12/31/10
ELECTRICAL
STATE OF CALIFORNIA

August 18, 2010

Sei Yuen Sylvan Wong, PE
California PE Reg. No. E 16850

APPENDIX A

Scenario 1: Surrounding Area of the Facility



person's height (H_M) = 6 ft

monopole elevation = 318 ft

Horizontal distance from monopole L_P is 13 ft at Θ= 80 ° Elevation above sea level: 318 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	71.00	969.0	Θ = 80 °	-30 dB (0.0010)	22.0	0.0669	0.0067
clearwire ISEP	77.00	71.00	100.0	Θ = 80 °	-57 dB (0.0000)	22.0	0.0000	0.0000
T-Mobile	55.00	49.00	1000.0	Θ = 76 °	-30 dB (0.0010)	15.4	0.1408	0.0141
Sprint PCS	77.00	71.00	1000.0	Θ = 80 °	-26 dB (0.0025)	22.0	0.1725	0.0173
AT&T 1900 MHz	98.00	92.00	1000.0	Θ = 82 °	-18 dB (0.0158)	28.3	0.6589	0.0659
AT&T 850 MHz	98.00	92.00	1000.0	Θ = 82 °	-23 dB (0.0050)	28.3	0.2085	0.0359
Metro PCS	66.00	60.00	500.0	Θ = 78 °	-30 dB (0.0010)	18.7	0.0478	0.0048
Verizon CDMA	90.00	84.00	500.0	Θ = 82 °	-30 dB (0.0010)	25.9	0.0249	0.0043
Verizon EVDO	90.00	84.00	500.0	Θ = 82 °	-30 dB (0.0010)	25.9	0.0249	0.0025
						Total		0.1515

Horizontal distance from monopole L_P is 42 ft at Θ= 60 ° Elevation above sea level: 316 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	73.00	969.0	Θ = 60 °	-30 dB (0.0010)	25.7	0.0490	0.0049
clearwire ISEP	77.00	73.00	100.0	Θ = 60 °	-46 dB (0.0000)	25.7	0.0000	0.0000
T-Mobile	55.00	51.00	1000.0	Θ = 50 °	-28 dB (0.0016)	20.2	0.1310	0.0131
Sprint PCS	77.00	73.00	1000.0	Θ = 60 °	-28 dB (0.0016)	25.7	0.0809	0.0081
AT&T 1900 MHz	98.00	94.00	1000.0	Θ = 66 °	-17 dB (0.0200)	31.4	0.6775	0.0678
AT&T 850 MHz	98.00	94.00	1000.0	Θ = 66 °	-22 dB (0.0063)	31.4	0.2134	0.0368
Metro PCS	66.00	62.00	500.0	Θ = 56 °	-22 dB (0.0063)	22.9	0.2006	0.0201
Verizon CDMA	90.00	86.00	500.0	Θ = 64 °	-30 dB (0.0010)	29.2	0.0196	0.0034
Verizon EVDO	90.00	86.00	500.0	Θ = 64 °	-25 dB (0.0032)	29.2	0.0627	0.0063
						Total		0.1605

Horizontal distance from monopole L_P is 80 ft at Θ= 45 ° Elevation above sea level: 309 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	80.00	969.0	Θ = 45 °	-30 dB (0.0010)	34.5	0.0272	0.0027
clearwire ISEP	77.00	80.00	100.0	Θ = 45 °	-42 dB (0.0001)	34.5	0.0003	0.0000
T-Mobile	55.00	58.00	1000.0	Θ = 36 °	-25 dB (0.0032)	30.1	0.1180	0.0118
Sprint PCS	77.00	80.00	1000.0	Θ = 45 °	-22 dB (0.0063)	34.5	0.1768	0.0177
AT&T 1900 MHz	98.00	101.00	1000.0	Θ = 52 °	-30 dB (0.0010)	39.3	0.0216	0.0022
AT&T 850 MHz	98.00	101.00	1000.0	Θ = 52 °	-16 dB (0.0251)	39.3	0.5428	0.0936
Metro PCS	66.00	69.00	500.0	Θ = 41 °	-22 dB (0.0063)	32.2	0.1015	0.0102
Verizon CDMA	90.00	93.00	500.0	Θ = 49 °	-17 dB (0.0200)	37.4	0.2388	0.0412
Verizon EVDO	90.00	93.00	500.0	Θ = 49 °	-22 dB (0.0063)	37.4	0.0752	0.0075
						Total		0.1869

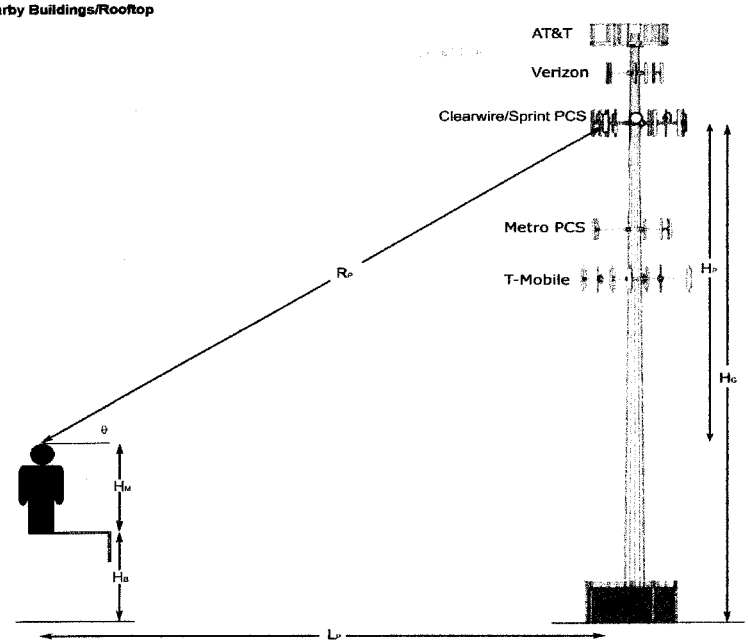
Horizontal distance from monopole L_P is 189 ft at Θ= 30 ° Elevation above sea level: 280 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	109.00	969.0	Θ = 30 °	-15 dB (0.0316)	66.5	0.2313	0.0231
clearwire ISEP	77.00	109.00	100.0	Θ = 30 °	-42 dB (0.0001)	66.5	0.0001	0.0000
T-Mobile	55.00	87.00	1000.0	Θ = 25 °	-20 dB (0.0100)	63.4	0.0831	0.0083
Sprint PCS	77.00	109.00	1000.0	Θ = 30 °	-22 dB (0.0063)	66.5	0.0476	0.0048
AT&T 1900 MHz	98.00	130.00	1000.0	Θ = 35 °	-20 dB (0.0100)	69.9	0.0684	0.0068
AT&T 850 MHz	98.00	130.00	1000.0	Θ = 35 °	-20 dB (0.0100)	69.9	0.0684	0.0118
Metro PCS	66.00	98.00	500.0	Θ = 27 °	-15 dB (0.0316)	64.9	0.1253	0.0125
Verizon CDMA	90.00	122.00	500.0	Θ = 33 °	-20 dB (0.0100)	68.5	0.0356	0.0061
Verizon EVDO	90.00	122.00	500.0	Θ = 33 °	-17 dB (0.0200)	68.5	0.0712	0.0071
						Total		0.0805

Horizontal distance from monopole L_P is 496 ft at Θ= 15 ° Elevation above sea level: 256 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	133.00	969.0	Θ = 15 °	-13 dB (0.0501)	156.7	0.0660	0.0066
clearwire ISEP	77.00	133.00	100.0	Θ = 15 °	-36 dB (0.0003)	156.7	0.0000	0.0000
T-Mobile	55.00	111.00	1000.0	Θ = 13 °	-15 dB (0.0316)	155.1	0.0439	0.0044
Sprint PCS	77.00	133.00	1000.0	Θ = 15 °	-16 dB (0.0251)	156.7	0.0341	0.0034
AT&T 1900 MHz	98.00	154.00	1000.0	Θ = 17 °	-15 dB (0.0316)	158.4	0.0421	0.0042
AT&T 850 MHz	98.00	154.00	1000.0	Θ = 17 °	-15 dB (0.0316)	158.4	0.0421	0.0073
Metro PCS	66.00	122.00	500.0	Θ = 14 °	-12 dB (0.0631)	155.8	0.0434	0.0043
Verizon CDMA	90.00	146.00	500.0	Θ = 16 °	-14 dB (0.0398)	157.7	0.0267	0.0046
Verizon EVDO	90.00	146.00	500.0	Θ = 16 °	-20 dB (0.0100)	157.7	0.0067	0.0007
						Total		0.0355

Scenario 2: Nearby Buildings/Rooftop



person's height (H_M) = 6 ft

Location 1: Nearest building surface within Sector 1

H_B= 24.0 ft, L_P is 901 ft Elevation above sea level: 286 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	79.00	969.0	Θ = 5 °	-5 dB (0.3162)	275.7	0.1346	0.0135
clearwire ISEP	77.00	79.00	100.0	Θ = 5 °	-25 dB (0.0032)	275.7	0.0001	0.0000
T-Mobile	55.00	57.00	1000.0	Θ = 4 °	-3 dB (0.5012)	275.2	0.2210	0.0221
Sprint PCS	77.00	79.00	1000.0	Θ = 5 °	-4 dB (0.3981)	275.7	0.1749	0.0175
AT&T 1900 MHz	98.00	100.00	1000.0	Θ = 6 °	-5 dB (0.3162)	276.4	0.1382	0.0138
AT&T 850 MHz	98.00	100.00	1000.0	Θ = 6 °	-2 dB (0.6310)	276.4	0.2759	0.0476
Metro PCS	66.00	68.00	500.0	Θ = 4 °	-5 dB (0.3162)	275.5	0.0696	0.0070
Verizon CDMA	90.00	92.00	500.0	Θ = 6 °	-1 dB (0.7943)	276.1	0.1740	0.0300
Verizon EVDO	90.00	92.00	500.0	Θ = 6 °	-5 dB (0.3162)	276.1	0.0693	0.0069
						Total		0.1584

Location 2: Nearest building surface within Sector 2

H_B= 12.0 ft, L_P is 700 ft Elevation above sea level: 253 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	124.00	969.0	Θ = 10 °	-14 dB (0.0398)	216.7	0.0274	0.0027
clearwire ISEP	77.00	124.00	100.0	Θ = 10 °	-30 dB (0.0010)	216.7	0.0001	0.0000
T-Mobile	55.00	102.00	1000.0	Θ = 8 °	-10 dB (0.1000)	215.7	0.0718	0.0072
Sprint PCS	77.00	124.00	1000.0	Θ = 10 °	-13 dB (0.0501)	216.7	0.0356	0.0036
AT&T 1900 MHz	98.00	145.00	1000.0	Θ = 12 °	-15 dB (0.0316)	217.9	0.0222	0.0022
AT&T 850 MHz	98.00	145.00	1000.0	Θ = 12 °	-10 dB (0.1000)	217.9	0.0703	0.0121
Metro PCS	66.00	113.00	500.0	Θ = 9 °	-8 dB (0.1585)	216.2	0.0566	0.0057
Verizon CDMA	90.00	137.00	500.0	Θ = 11 °	-5 dB (0.3162)	217.5	0.1116	0.0192
Verizon EVDO	90.00	137.00	500.0	Θ = 11 °	-14 dB (0.0398)	217.5	0.0141	0.0014
						Total		0.0541

Location 3: Nearest building surface within Sector 3

H_B= 24.0 ft, L_P is 612 ft Elevation above sea level: 211 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	77.00	154.00	969.0	Θ = 14 °	-14 dB (0.0398)	192.4	0.0348	0.0035
clearwire ISEP	77.00	154.00	100.0	Θ = 14 °	-35 dB (0.0003)	192.4	0.0000	0.0000
T-Mobile	55.00	132.00	1000.0	Θ = 12 °	-15 dB (0.0316)	190.9	0.0290	0.0029
Sprint PCS	77.00	154.00	1000.0	Θ = 14 °	-16 dB (0.0251)	192.4	0.0226	0.0023
AT&T 1900 MHz	98.00	175.00	1000.0	Θ = 16 °	-15 dB (0.0316)	194.1	0.0280	0.0028
AT&T 850 MHz	98.00	175.00	1000.0	Θ = 16 °	-15 dB (0.0316)	194.1	0.0280	0.0048
Metro PCS	66.00	143.00	500.0	Θ = 13 °	-12 dB (0.0631)	191.6	0.0287	0.0029
Verizon CDMA	90.00	167.00	500.0	Θ = 15 °	-15 dB (0.0316)	193.4	0.0141	0.0024
Verizon EVDO	90.00	167.00	500.0	Θ = 15 °	-15 dB (0.0316)	193.4	0.0141	0.0014
						Total		0.0230

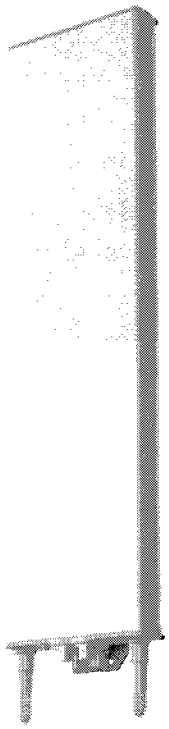
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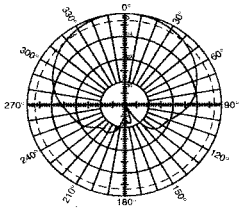
840 10054

87° XX-pol Panel Antenna
2496–2690 MHz

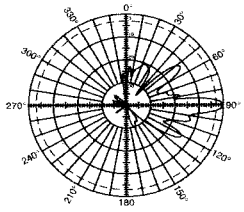
Kathrein Scala's XX-polarized adjustable electrical downtilt antennas offer the carrier the ability to tailor sites for optimum performance. Using variable downtilt, only a few models need be procured to accommodate the needs of widely varying conditions. Remotely controlled downtilt is available as a retrofitable option.

- 0–10° electrical downtilt range.
- DC Grounded metallic parts for impulse suppression.
- No moving electrical connections.
- Optional remote downtilt control.

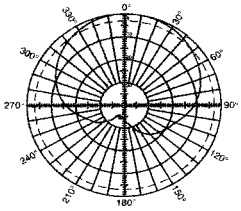




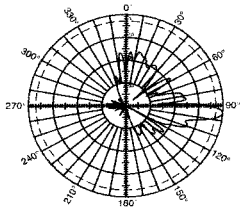
Horizontal pattern
±45°- polarization
0° electrical downtilt



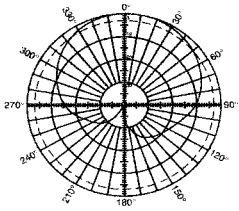
Vertical pattern
±45°- polarization
0° electrical downtilt



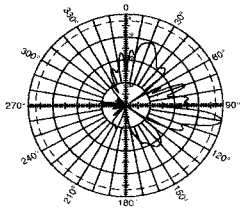
Horizontal pattern
±45°- polarization
5° electrical downtilt



Vertical pattern
±45°- polarization
5° electrical downtilt



Horizontal pattern
±45°- polarization
10° electrical downtilt



Vertical pattern
±45°- polarization
10° electrical downtilt

Specifications:

Frequency range	2496–2690 MHz
Gain	2 x 16 dBi
Impedance	50 ohms
VSWR	< 1.5:1
Intermodulation (2x20w)	IM3:< -150 dBc
Polarization	+45° and -45°
Front-to-back ratio	>23 dB typical
Maximum input power	300 watts (at 50°C)
+45° and -45° polarization horizontal beamwidth	87 degrees at midband (half power)
+45° and -45° polarization vertical beamwidth	7 degrees at midband (half power)
Electrical downtilt continously adjustable	0–10 degrees
Connector	4 x 7-16 DIN female
Sidelobe suppression for first sidelobe above horizon	0° 4° 8° 10° 15 15 15 15 dB (typical)
Null fill	> -1 dBi to 12° below horizon (typical) (17 dB below 16 dBi main beam)
Isolation	>30 dB
Weight	30 lb (13.6 kg)
Dimensions	42 x 12.7 x 2.8 inches (1067 x 323 x 71 mm)
Equivalent flat plate area	4.8 ft² (0.45 m²)
Wind survival rating*	120 mph (200 kph)
Shipping dimensions	48 x 13.3 x 5.1 inches (1220 x 337 x 130 mm)
Shipping weight	34 lb (15.4 kg)
Mounting	Fixed and tilt-mount options are available for 2 to 5.7 inch (50 to 145 mm) OD masts.

See reverse for order information.

* Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

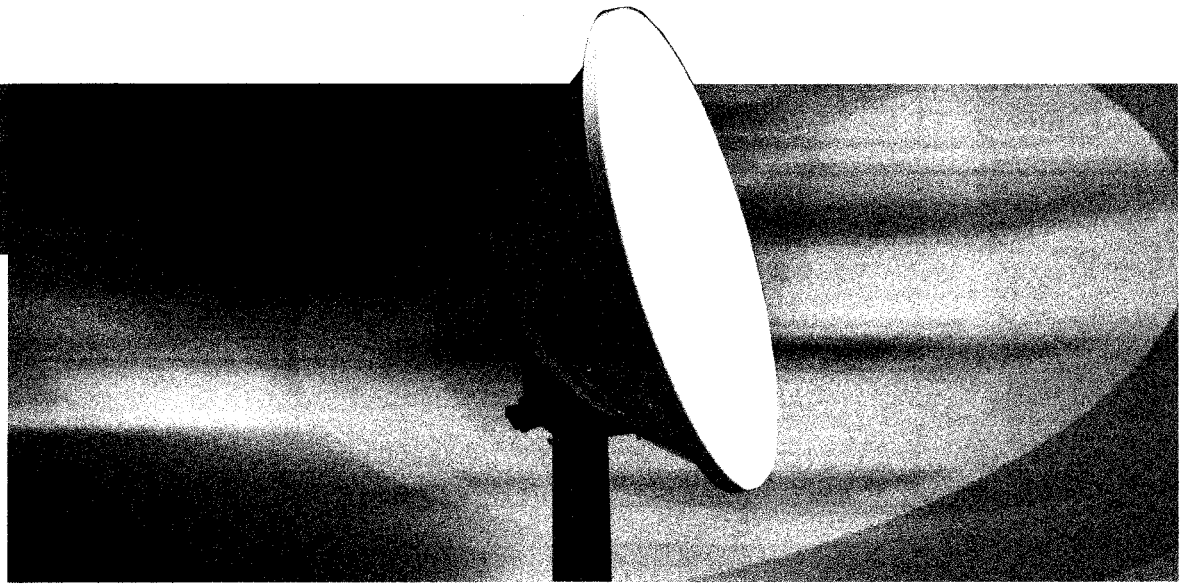
TÜV
11098-A

RoHS
Pb
Lead-Free

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

ANDREW®

PRODUCT SPECIFICATION



ValuLine® III Next Generation Antennas
VHLP2

SPECIFICATIONS

	VHLP2-7W	VHLP2-10W	VHLP2-11	VHLP2-13	VHLP2-15	VHLP2-18	VHLP2-23	VHLP2-26	VHLP2-28	VHLP2-32	VHLP2-38
Frequency Band, GHz	7.125–8.5	10.55–10.68	10.7–11.7	12.70–13.25	14.25–15.35	17.7–19.7	21.2–23.6	24.25–26.5	27.5–29.5	31.8–33.4	37.0–40.0
Bottom Band Gain, dBi	29.5	33.7	34.0	35.6	36.5	38.3	39.8	40.8	41.8	43.4	44.6
Mid Band Gain, dBi	30.7	33.8	34.4	35.8	36.8	38.7	40.4	41.2	42.2	43.7	45.2
Top Band Gain, dBi	31.9	34.3	35.0	36.0	37.2	39.1	41.0	41.8	42.7	44.0	45.8
Beamwidth, degrees	4.7	3.7	3.3	2.7	2.5	2.1	1.7	1.5	1.3	1.0	0.9
Front/Back, dB	57	56	60	62	65	67	66	68	68	61	66
XPD, dB	32	30	30	30	30	30	30	30	30	30	30
Return Loss, dB	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7
Regulatory Compliance											
ETSI Class	R1 C3	R1 C2	R1 C3	R1 C3	R2 C3	R2 C3	R3 C3	R4 C3	R4 C3	R5 C3B	R5 C3B
FCC Part 101	N/A	CAT A*	CAT B	N/A	N/A	CAT A	CAT A	CAT A	N/A	N/A	CAT A
Brazil Anatel	N/A	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2
Canada SRSP	N/A	310.5	N/A	312.7B	314.5A	Note 1	Note 2	N/A	N/A	N/A	338.6A
Andrew RPE Number	7075A	7085B, 7086B*	7083A	7004	7008	7012A	7016A	7020A	7024A	7028	7032A

Note 1: Meets Canada SRSP 317.8A, 318.5, 318.8
Note 2: Meets Canada SRSP 312.2A, 321.8B

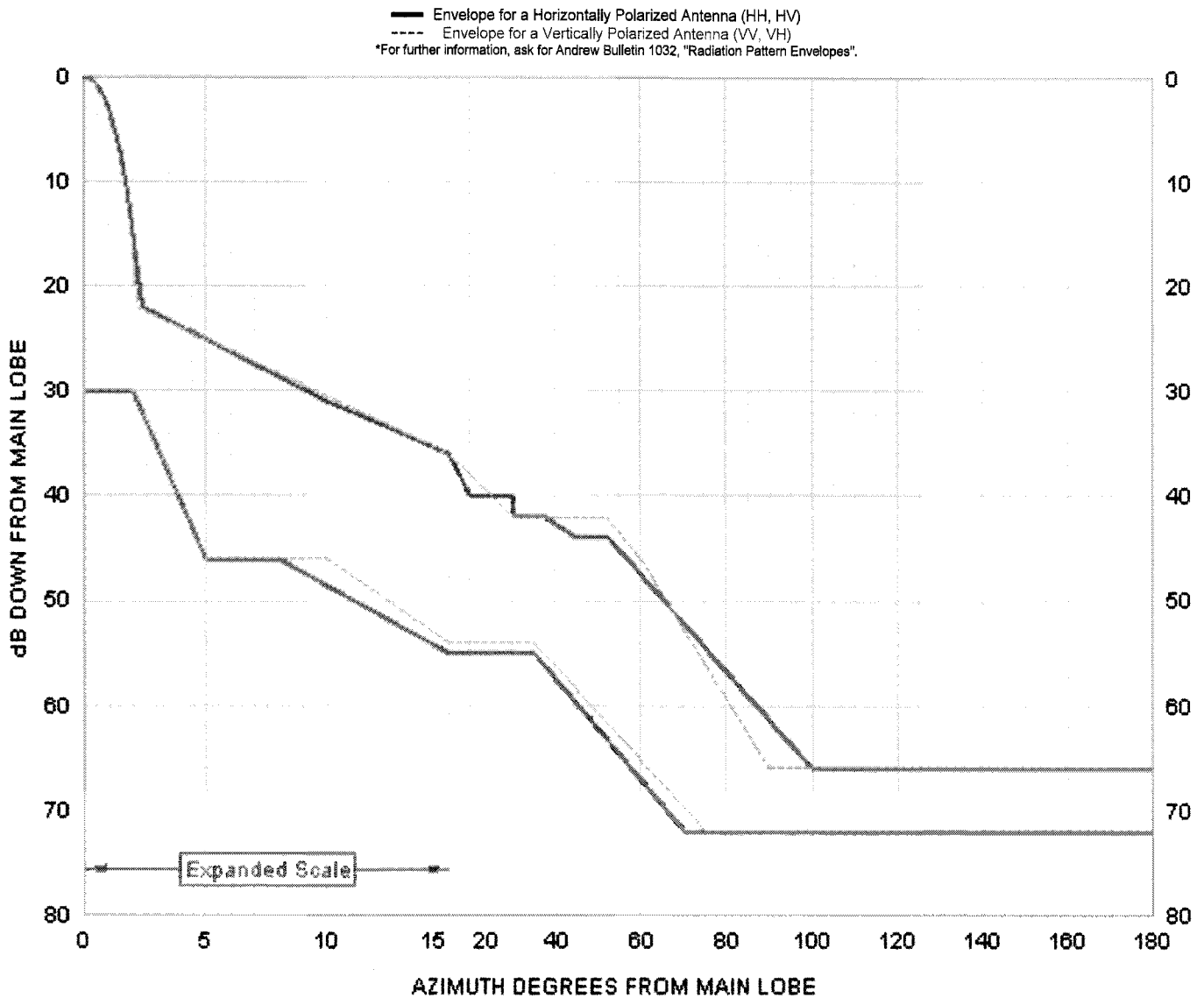
** Use for FCC band (10.5–10.7 GHz)*

One Company. A World of Solutions.

VHLP2-23 - Radiation Pattern Envelope

RPE: 7016

Engineering Approved:
25 October 2004

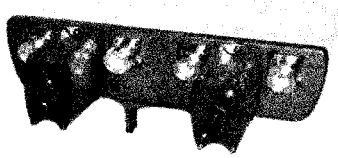


Product Data Sheet APX16DWV-16DWV-S-E-A20

Optimizer® Panel Dual Polarized Antenna equipped with (2) AISG 2.0 ACU motors

Product Description

A combination of two X-Polarized antennas in a single radome, this pair of variable tilt antennas provides exceptional suppression of all upper sidelobes at all downtilt angles. It also features a wide downtilt range. This antenna is optimized for performance across the entire AWS frequency band (1710-2155 MHz). The antenna comes pre-connected with two antenna control units (ACU).



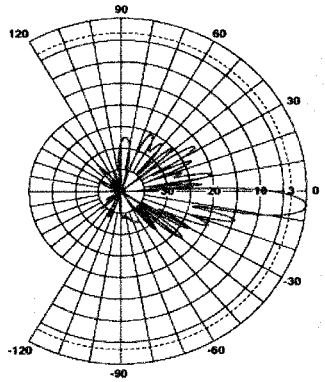
Features/Benefits

- **Variable electrical downtilt - provides enhanced precision in controlling intercell interference. The tilt is infield adjustable 0-10 deg.**
- **High Suppression of all Upper Sidelobes (Typically <-20dB).**
- **Gain tracking – difference between AWS UL (1710-1755 MHz) and DL (2110-2155 MHz) <1dB.**
- **Two X-Polarised panels in a single radome.**
- **Azimuth horizontal beamwidth difference <4deg between AWS UL (1710-1755 MHz) and DL (2110-2155 MHz)**
- **Low profile for low visual impact.**
- **Dual polarization; Broadband design.**
- **Includes (2) AISG 2.0 Compatible ACU-A20-N antenna control units**

Technical Specifications

Electrical Specifications

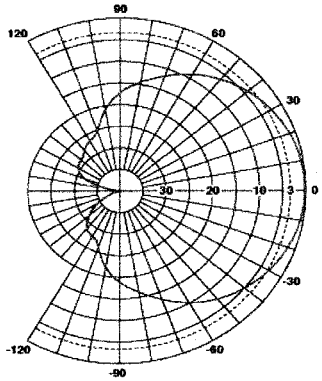
Frequency Range, MHz	1710-2170
Antenna Type	Panel Dual Polarized
Electrical Down Tilt Option	Variable
Gain, dBi (dBd)	18.4 (16.3)
Electrical Downtilt, deg	0-10 , 0-10
Horizontal Beamwidth, deg	65
VSWR	< 1.5:1
Vertical Beamwidth, deg	5.9 to 7.7
1st Upper Sidelobe Suppression, dB	> 18 (typically > 20)
Upper Sidelobe Suppression, dB	> 18 all (typically > 20)
Polarization	Dual pol +/-45°
Front-To-Back Ratio, dB	>26 (typically 28)
Maximum Power Input, W	300
Isolation between Ports, dB	> 30
Lightning Protection	Direct Ground
3rd Order IMP @ 2 x 43 dBm, dBc	> 150 (155 Typical)



Vertical Pattern

Mechanical Specifications

Rated Wind Speed, km/h (mph)	160 (100)
Survival Wind Speed, km/h (mph)	200 (125)
Max Wind Loading Area, m² (ft²)	0.64 (6.6)
Maximum Thrust @ Rated Wind, N (lbf)	787 (177)
Front Thrust @ Rated Wind, N (lbf)	787 (177)
Reflector Material	Aluminum
Radiating Element Material	Brass
Radome Material	Fiberglass
Connector Type	(4) 7-16 DIN Female
Connector Location	Bottom
Mount Type	Downtilt Kit w/Scissor Kit
Mounting Hardware	APM40-2 + APM40-E2
Weight w/o Mtg Hardware, kg (lb)	18.5 (40.7)
Packing Dimensions, HxWxD, mm (in)	1550 x 420 x 260 (61 x 16.5 x 10.3)
Overall Length, m (ft)	1.42 (4.6)
Dimensions - HxWxD, mm (in)	1420 x 337 x 80 (55.9 x 13.3 x 3.15)
Shipping Weight, kg (lb)	25 (55)



Horizontal Pattern

* This data is provisional and subject to change.

All information contained in the present datasheet is subject to confirmation at time of ordering.

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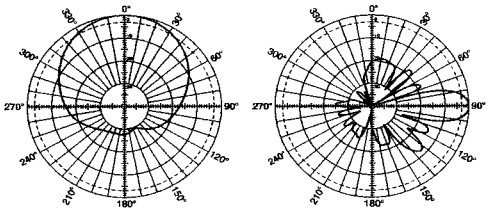
742 264

65° Dualband Directional Antenna

Kathrein's dual band antennas are ready for 3G applications, covering all existing wireless bands as well as all spectrum under consideration for future systems, AMPS, PCS and 3G/UMTS. These cross-polarized antennas offer diversity operation in the same space as a conventional 800 MHz antenna, and are mountable on our compact sector brackets.

- Wide band operation.
- Exceptional intermodulation characteristics.
- Remote control ready.
- Various gain, beamwidth and downtilt ranges.
- AISG compatible.
- High strength pultruded fiberglass radome.

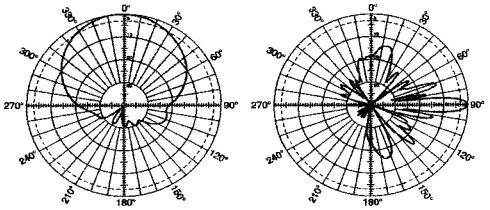
824–960 MHz



Horizontal pattern
±45°- polarization

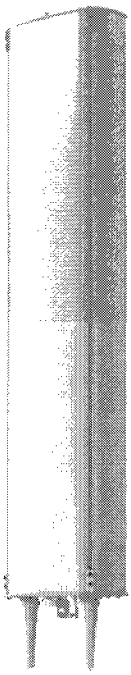
Vertical pattern
±45°- polarization
0°–14° electrical downtilt

1710–2180 MHz



Horizontal pattern
±45°- polarization

Vertical pattern
±45°- polarization
0°–8° electrical downtilt



General specifications:

Frequency range	824–960 MHz 1710–2180 MHz
Impedance	50 ohms
VSWR	<1.5:1
Intermodulation (2x20w)	IM3: -150 dBc
Polarization	+45° and -45°
Connector	4 x 7/16 DIN female (long neck)
Isolation intrasystem intersystem	>30 dB >50 dB (824–960 // 1710–2180 MHz)
Weight	36.4 lb (16.5 kg)
Dimensions	51.8 x 10.3 x 5.5 inches (1316 x 262 x 139 mm)
Equivalent flat plate area	4.13 ft² (0.384 m²)
Wind survival rating*	120 mph (200 kph) sustained 150 mph (240 kph) in a 3 second burst
Shipping dimensions	63.6 x 11.9 x 7.6 inches (1615 x 302 x 192 mm)
Shipping weight	45 lb (20.4 kg)
Mounting	Fixed mount options are available for 2 to 4.6 inch (50 to 115 mm) OD masts.
See reverse for order information.	

Specifications:	**824–894 MHz**	**870–960 MHz**	**1710–1880 MHz**	**1850–1990 MHz**	**1920–2180 MHz**
Gain	14 dBi	14 dBi	16.5 dBi	16.8 dBi	17 dBi
Front-to-back ratio	>26 dB (co-polar)	>26 dB (co-polar)	>25 dB (co-polar)	>25 dB (co-polar)	>25 dB (co-polar)
Maximum input power per input total power	500 watts (at 50°C) 1000 watts (at 50°C)	500 watts (at 50°C) 1000 watts (at 50°C)	250 watts (at 50°C)	250 watts (at 50°C) 500 watts (at 50°C)	250 watts (at 50°C)
+45° and -45° polarization horizontal beamwidth	68° (half-power)	65° (half-power)	65° (half-power)	65° (half-power)	63° (half-power)
+45° and -45° polarization vertical beamwidth	16° (half-power)	14.5° (half-power)	7.8° (half-power)	7.3° (half-power)	6.8° (half-power)
Electrical downtilt continuously adjustable	0°–14°	0°–14°	0°–8°	0°–8°	0°–8°
Sidelobe suppression for first sidelobe above main beam	0° 7° 14° T 14 14 13 dB	0° 7° 14° T 14 14 13 dB	0° 4° 8° T 14 14 14 dB	0° 4° 8° T 16 16 15 dB	0° 4° 8° T 15 16 15 dB
Cross polar ratio Main direction 0° Sector ±60°	 20 dB (typical) >10 dB	 20 dB (typical) >10 dB	 16 dB (typical) >10 dB	 18 dB (typical) >10 dB	 20 dB (typical) >10 dB

*Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

TÜV
10633-K
936.2887/b

RoHS
Pb
Lead-Free

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

7250.02 XM-1900-65-18.5i-0-D

Electrical Specifications

Gain	16.5dBd (18.5dBi)
Polarization	linear, dual slant 45
VSWR, 50Ω	<1.3:1 (1850MHz to 1990MHz)
Horizontal 3dB beamwidth	65°
Vertical 3dB beamwidth	5.5°
Custom electrical downtilts	0°
40 degree cone Front-to-back ratio	> 25dB co-polar, > 20dB total power
Cross-polar discrimination, boresite	>20dB
Polarization Quality Ratio	20dB (3dB beamwidth) / 10dB (forward sector)
Suppression of first upper side lobe	> 20dB
First lower null fill	N/A
Maximum CW input power	500W total at 250W per input
Two tone intermodulation 3rd order	< -110dBm for 2x10W (150dBc at 2x40dBm)
Isolation between ports	>30dB

Mechanical Specifications

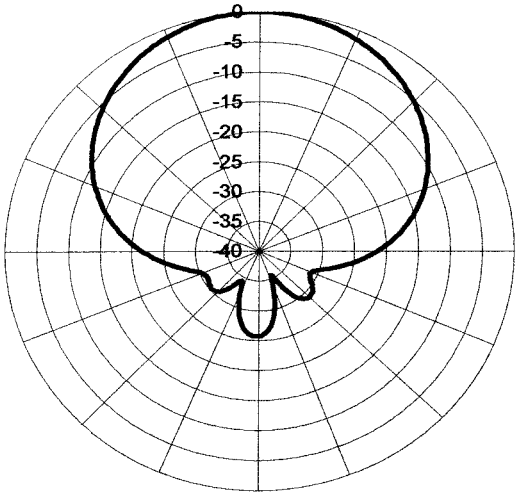
Connector	7/16 DIN bottom mount
Height	61.3" (1560mm)
Width	6.3" (160mm)
Depth	2.2" (55mm)
Weight	15.4lbs (7kg)
Survival wind speed	156mph (70m/s)
Maximum wind area	2.74sq.ft (0.25sq.m)
Frontal wind load @100mph (C=1)	71.9lbf (320N)

*All metallic components DC grounded for Lightning Protection

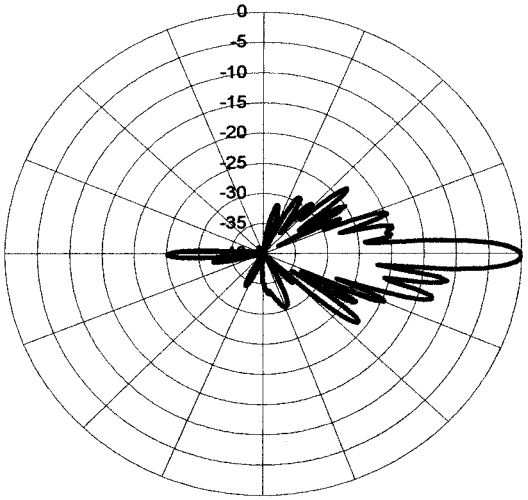
Mounting Hardware Options for Installation

1) 2165.10 pole mount (1" minimum to 5" maximum diameter)

2) 7254.10 combined pole mount and downtilt bracket (-0.6° to +13°)



Horizontal Pattern



Vertical Pattern

Future on Demand. ALLGON

www.us.allgon.com

DBXLH-6565A-VTM

±45° Dual Band Panel Antenna

DECIBEL
Base Station Antennas

- Provides two independent dual pol antennas under one radome
- Interlaced dipole technology providing for attractive, low wind load mechanical package
- Each antenna is independently capable of field adjustable electrical down tilt
- Fully compatible with Andrew TELETILT® remote control antenna system

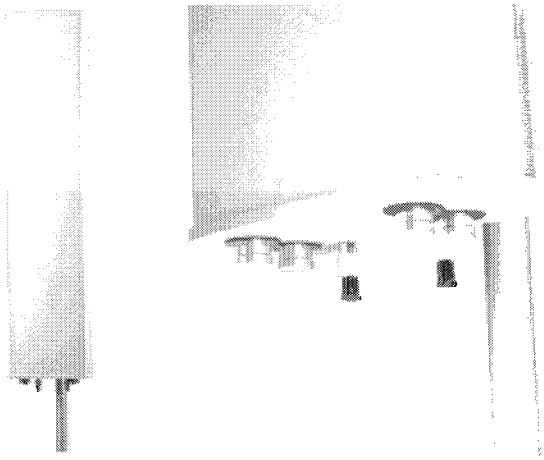
ELECTRICAL

Frequency (MHz) :	824 - 896	870 - 960	1710 - 1880	1850 - 1990	1920 - 2180
Polarization :	±45°	±45°	±45°	±45°	±45°
Gain (dBd/dBi) :	11.9/14	11.9/14	14.4/16.5	14.7/16.8	14.9/17
Azimuth BW (Deg.):	68	65	65	64	63
Elevation BW (Deg.):	16	15	7	6.5	6
Beam Tilt (Deg.):	0-15	0-15	0-8	0-8	0-8
USLS* (dB) :	>15	>15	>15	>15	>15
Front-To-Back Ratio* (dB) :	25	25	25	25	25
Isolation (dB) :	>30	>30	>30	>30	>30
VSWR :	<1.5:1	<1.5:1	<1.5:1	<1.5:1	<1.5:1
PIM3 @ 2 x 20w (dBc) :	-150	-150	-150	-150	-150
Max. Input Power (Watts) :	250	250	200	200	200
Impedance (Ohms) :	50	50	50	50	50
Lightning Protection :	DC Ground	DC Ground	DC Ground	DC Ground	DC Ground

Notes: Same as ADFD0920-6565A-XDM. In band 824-960, isolation for 0-1 degrees is >28dB. At maximum tilt angles, gain may be slightly reduced.

MECHANICAL

Weight :	12.7 kg (28 lb)
Dimensions (LxWxD) :	1,295 x 266 x 132 mm (51 x 10.5 x 5.2 in)
Max. Wind Area :	0.16 m² (1.7 ft²)
Max. Wind Load (@ 100 mph) :	425.2 N (95.6 lbf)
Max. Wind Speed :	201 km/h (125 mph)
Hardware Material :	Galvanized Steel
Connector Type :	7-16 DIN - Female (4, Bottom)
Color :	Off White
Standard Mounting Hardware :	600899A-2



RET Ordering Information

Field Installed:	**DBXLH-6565A-VTM**
Factory Installed, ATM100 Series:	**DBXLH-6565A-R1M**
Factory Installed, ATM200 Series:	**DBXLH-6565A-R2M**

Andrew Corporation
2601 Telecom Parkway
Richardson, Texas U.S.A 75082-3521
Tel: 214.631.0310

Fax: 214.631.4706
Toll Free Tel: 1.800.676.5342
Fax: 1.800.229.4706
www.andrew.com

* - Indicates Typical

3/25/2005

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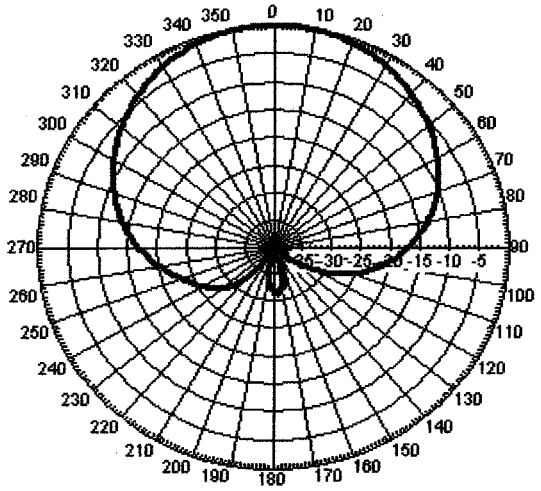
Information correct at date of issue but may be subject to change without notice.

DBXLH-6565A-VTM

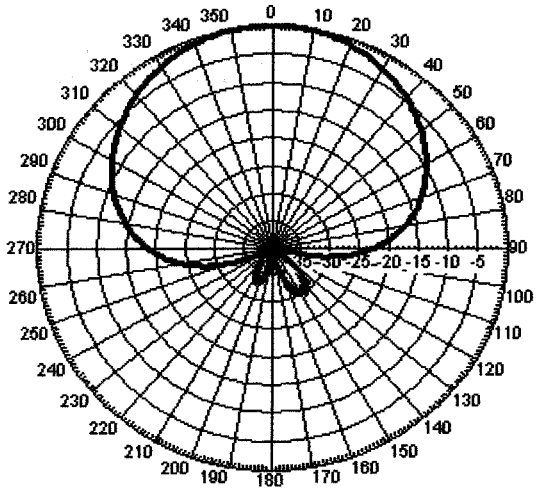
±45° Dual Band Panel Antenna

DECIBEL®
Base Station Antennas

AZIMUTH PATTERN

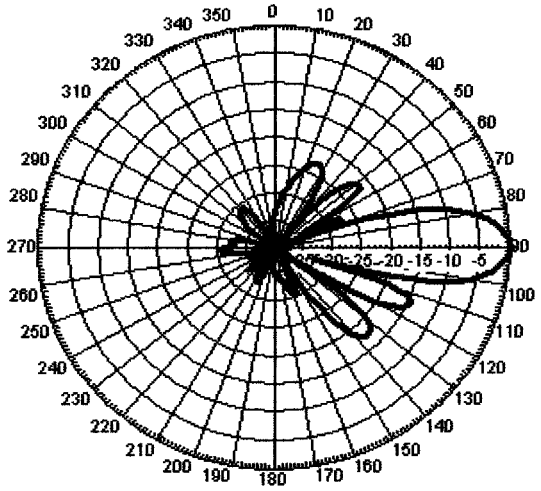


Freq: 850 MHz, Tilt: 0

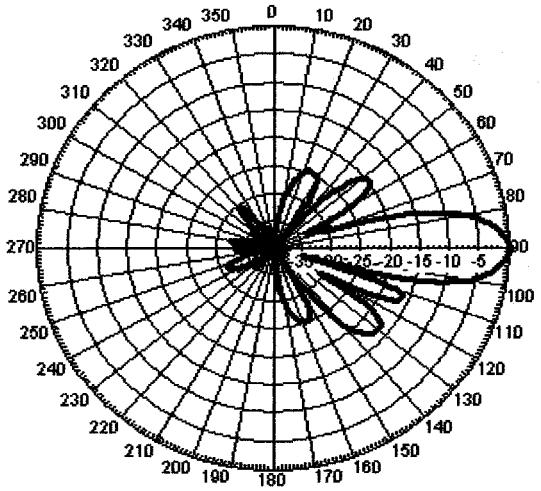


Freq: 940 MHz, Tilt: 0

ELEVATION PATTERN



Freq: 850 MHz, Tilt: 0



Freq: 940 MHz, Tilt: 0

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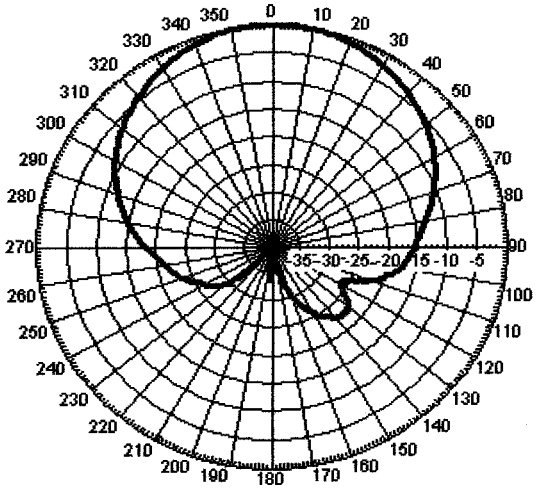
dbtech@andrew.com

Information correct at date of issue but may be subject to change without notice.

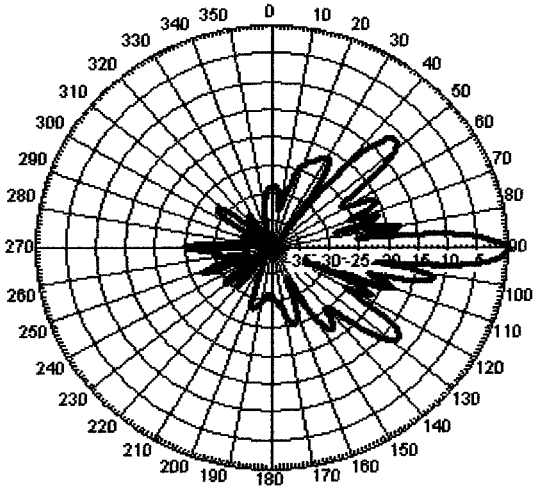
DBXLH-6565A-VTM

±45° Dual Band Panel Antenna

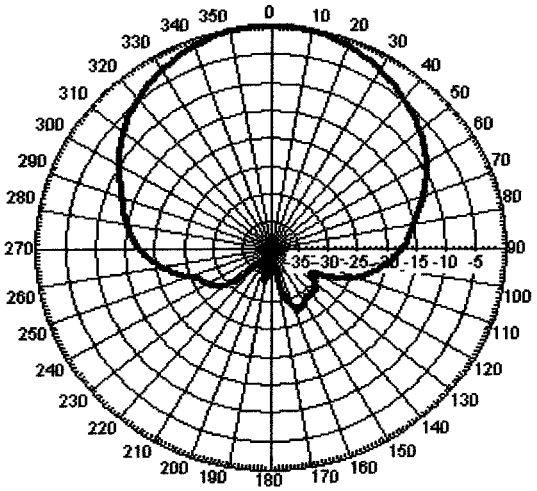
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Base Station Antennas



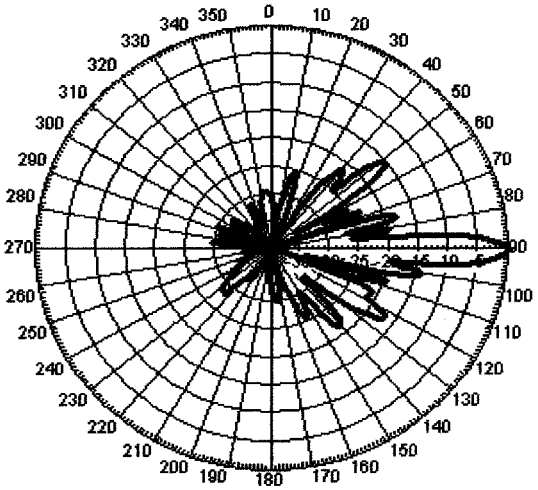
Freq: 1785 MHz, Tilt: 0



Freq: 1785 MHz, Tilt: 0



Freq: 1920 MHz, Tilt: 0



Freq: 1920 MHz, Tilt: 0

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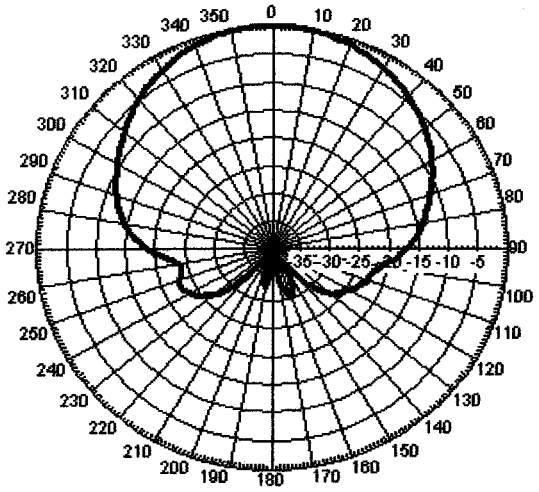
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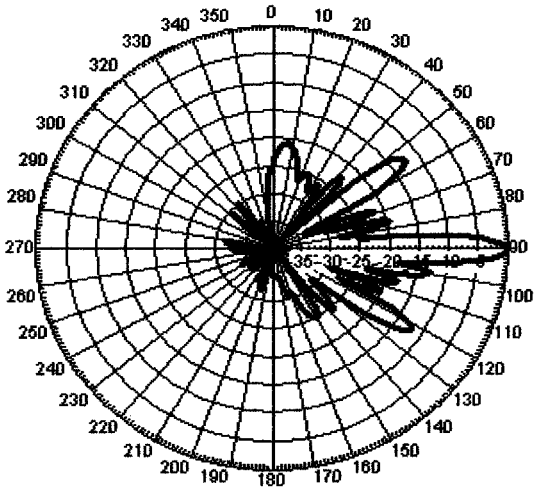
DBXLH-6565A-VTM

±45° Dual Band Panel Antenna

DECIBEL®
Base Station Antennas



Freq: 2110 MHz, Tilt: 0



Freq: 2110 MHz, Tilt: 0

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EMS Wireless

RR65-18-XXDPL2

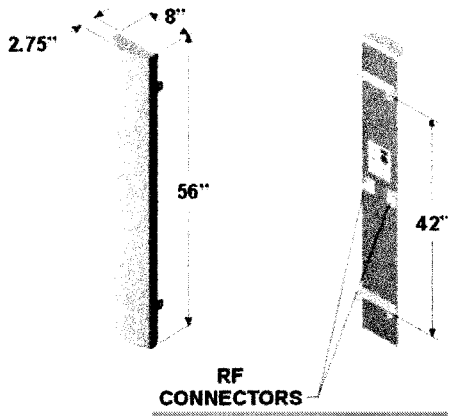
DualPol® Polarization

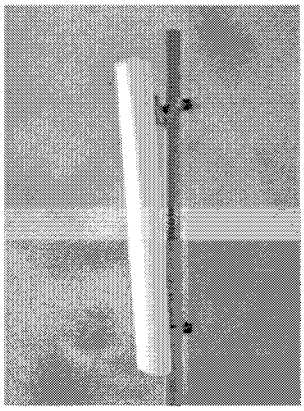
1850 MHz - 1990 MHz

OptiRange™ Suppressor™

Electrical Specifications

Azimuth Beamwidth (-3 dB)	65°
Elevation Beamwidth(-3 dB)	6°
Elevation Sidelobes (Upper)	≥ 18 dB
Gain	17.5 dBi (15.4 dBd)
Polarization	Dual Linear Slant (± 45°)
Port-to-Port Isolation	≥ 30 dB
Front-to-Back Ratio	≥ 30 dB
Electrical Downtilt Options	0°, 2°, 4°, 6°
VSWR	1.35:1 Max
Connectors	2; 7-16 DIN (female)
Power Handling	250 Watts CW
Passive Intermodulation	≤ -150 dBc [2 x 20 W (+ 43 dBm)]
Lightning Protection	Chassis Ground





Mechanical Specifications

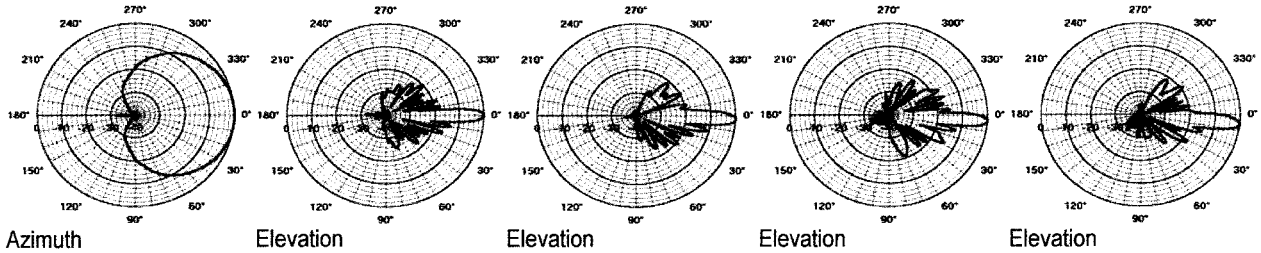
Dimensions (L x W x D)	56 in x 8 in x 2.75 in (142 cm x 20.3 cm x 7.0 cm)
Rated Wind Velocity	150 mph (241 km/hr)
Equivalent Flat Plate Area	3.1ft² (.29 m²)
Front Wind Load @ 100 mph (161 kph)	90 lbs (400 N)
Side Wind Load @ 100 mph (161 kph)	31 lbs (139 N)
Weight	18 lbs (8.2 kg)

Mounting Options

MTG-P00-10, MTG-S02-10, MTG-DXX-20*, MTG-CXX-10*, MTG-C02-10, MTG-TXX-10*

*Note: *Model number shown represents a series of products. See Mounting Options section for specific model number.*

Patterns



Azimuth | Elevation 0° Downtilt | Elevation 2° Downtilt | Elevation 4° Downtilt | Elevation 6° Downtilt

Revised 04/05/02

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Cortel

ATTACHMENT C

5000 MacArthur Blvd. – Mills College

Alternative Site Analysis

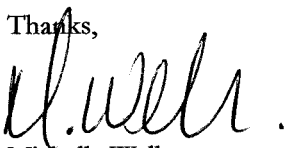
To begin our search for a potential site, we first identify the area in need of coverage. Our Radio Frequency (RF) Engineers and the Back Haul (BH) Engineers determine the location in which a site must be located and the height at which the antennas and microwaves must be placed in order to provide the necessary coverage to the area. All Clearwire facilities must have clear line of site to adjacent facilities and must not be blocked by existing trees, building, or topography. The site was chosen to provide coverage to the residential neighborhood and the 580 Fwy surrounding the Mills College neighborhood. The site also was chosen because it provides microwave direct line of site to the adjacent site #SFO0165 at 12500 Campus Drive (CMD09280 approved 3/3/10). The following is a list of the other candidates that were reviewed prior to choosing the location at 5000 MacArthur Blvd.

1. Evangelical Free Church located at 6022 Seminary Ave – This location did not work for the BH Engineers due to the building height at 45' which did not allow the line of site to the adjacent site SFO0165 located at 12500 Campus Drive due to the topography of the area.
2. McMahon of Steel Detailing Building located at 6222 Seminary Ave – This building is located at the corner of Seminary Ave and Kuhnle Ave/580 Fwy and could have provided Clearwire with a height of approximately 45'. This height also would not have provided direct line of site to the adjacent site SFO0165 located at 12500 Campus Drive due to the topography of the area.

Both of these alternate candidates are adjacent to residential apartment buildings which could have caused neighborhood concern. The monopole located at 5000 MacArthur Blvd. is a minimum of 300 feet away from any residential building and provided the best coverage to Clearwire RF & BH Engineers, allowed for a collocation on an existing facility, and will provide the least visual impact to the area.

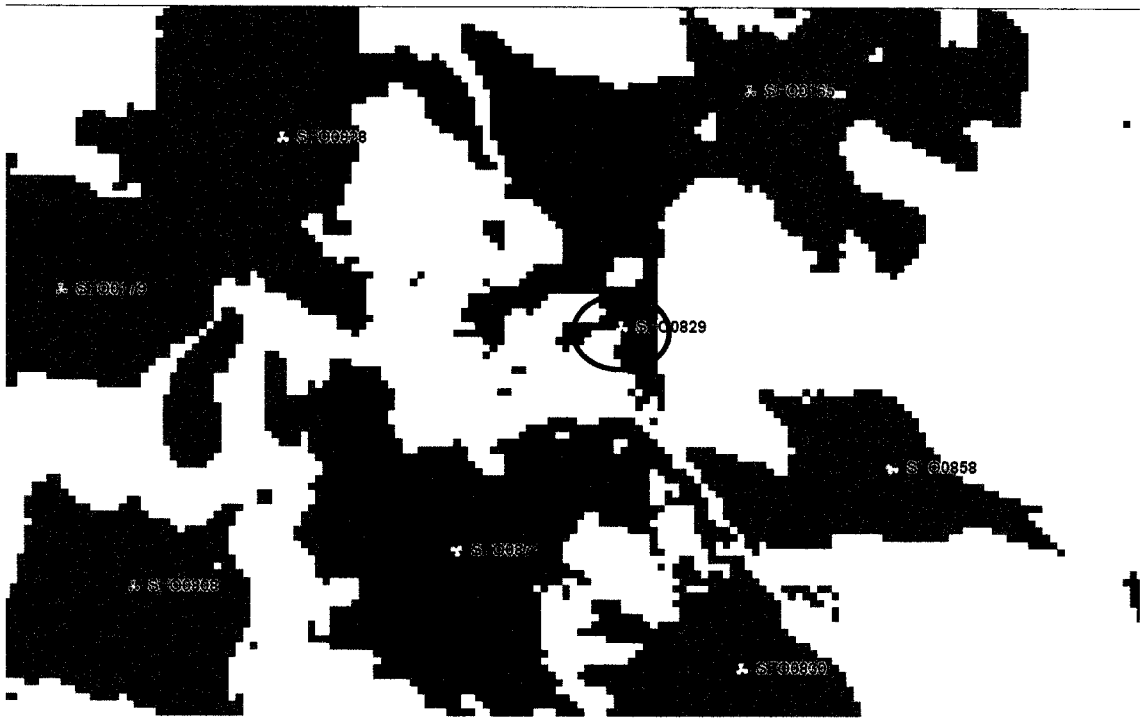
Thank you for your assistance in reviewing our proposal. Please call me at 925-997-1312 if you have any questions.

Thanks,



Michelle Weller
Planning Specialist
Cortel, LLC.
925-997-1312

Coverage Map, Surrounding Sites Excluding SFO0829



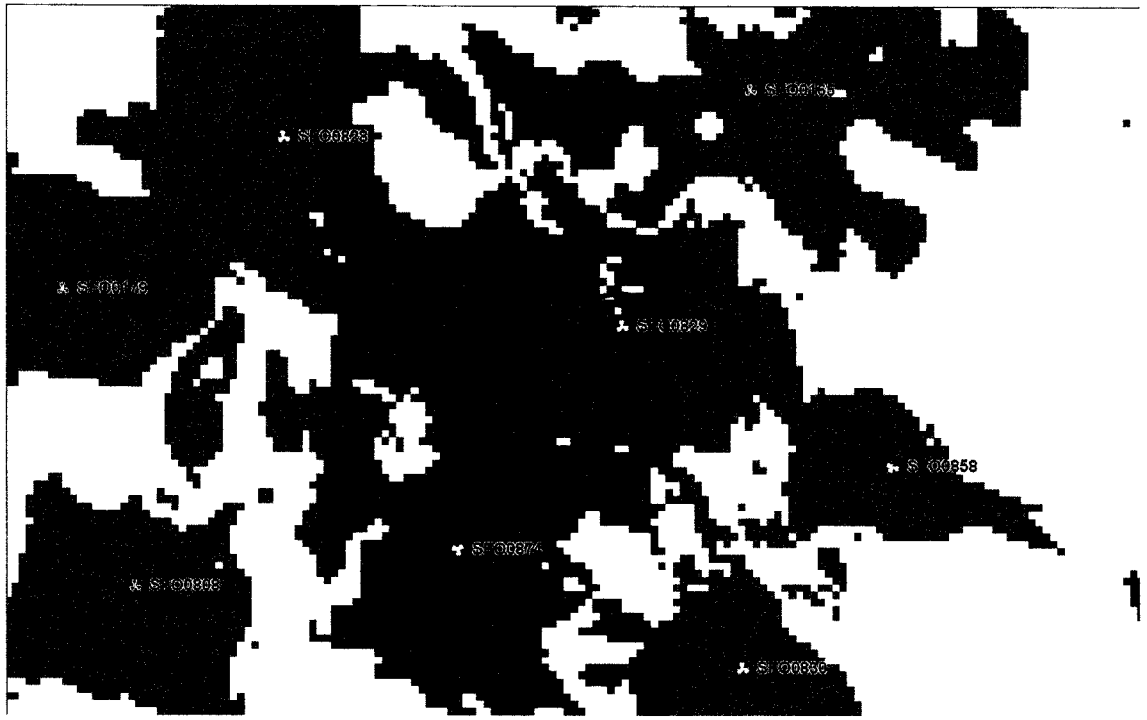
Coverage

No Coverage

clearwire

HIGH SPEED INTERNET ACCESS MADE SIMPLE. *WAY* SIMPLE.

Coverage Map, SFO0829 & the Surrounding Sites



Coverage

No Coverage

clearwire

HIGH SPEED INTERNET ACCESS MADE SIMPLE. *WAY* SIMPLE.

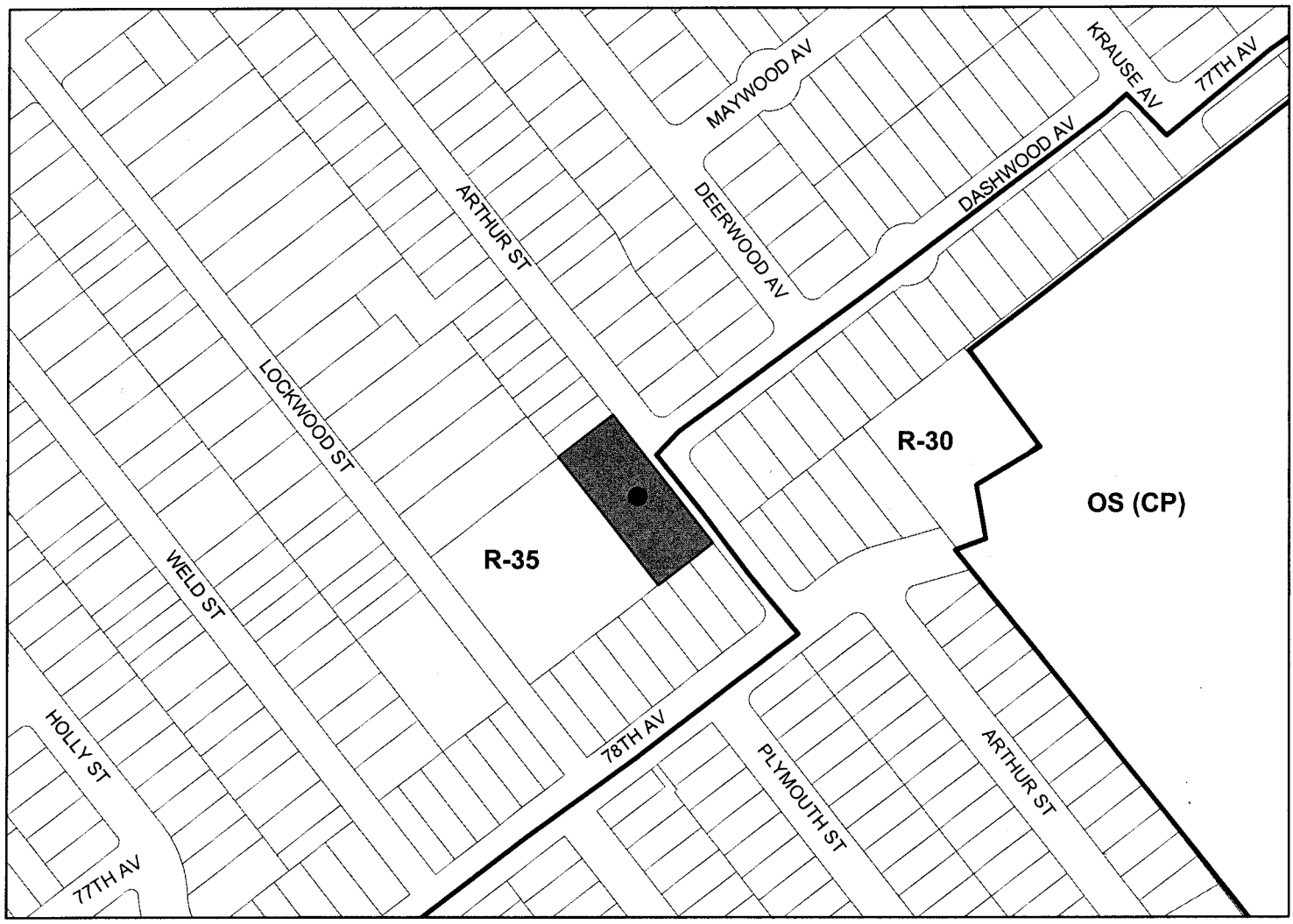
Case File Number: CMD10-216/CP10-087 **November 3, 2010**

Location:	**7635 Arthur Street (See map on reverse)**
Assessors Parcel Numbers:	**(040-3326-027-01)**
Proposal:	To install three (3) telecommunication antennas, three (3) internet services exchange point dishes (one (1) of which to be installed in the future), and one enclosed equipment cabinet.
Applicant:	Clearwire
Contact Person/ Phone Number:	Jacqueline Smart (510)435-9849
Owner:	Second Mt. Nebo Missionary Church of Oakland California
Case File Number:	CMD10-216 CP10-087
Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, three (3) internet services exchange point dishes (one (1) of which to be installed in the future), and one enclosed equipment cabinet. Major Conditional Use Permit for the installation of a mini telecommunication facility within 100 feet of a residential zone.
General Plan:	Detached Unit Residential
Zoning:	R-35 Special One-Family Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general Plan or zoning.
Historic Status:	Not A Potential Designated Historic Property; Survey rating: X
Service Delivery District:	5
City Council District:	6
Date Filed:	8/11/10
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner **Michael Bradley** at **(510) 238-6935** or mbradley@oaklandnet.com

SUMMARY

The following staff report addresses the proposal for a new unmanned wireless telecommunication facility located on the roof of an existing Church building with three (3) concealed telecommunication antennas, three (3) concealed internet services exchange point dishes (one 1 of which to be installed in the future), and one enclosed equipment cabinet. Given the number of antennas, this would be considered a "mini" telecommunications facility. The site is located within a residential neighborhood along Arthur Street. The site is in the R-35 Special One-Family Residential Zone. The General Plan designation for the site is Detached Unit Residential. The scope of work entails the installation of three (3) concealed telecommunication antennas, and three (3) internet services exchange point dishes (one 1of which to be installed in the future) inside two rooftop architectural steeple features painted and textured to match

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD10-216/CP10-087
Applicant: Clearwire
Address: 7635 Arthur Street
Zone: R-35

elements of the existing building. The proposed equipment cabinet will be installed behind the building on the ground.

PROJECT DESCRIPTION

The applicant (Clearwire) is proposing the install of three (3) concealed telecommunication antennas, three (3) internet services exchange point dishes (one (1) of which to be installed in the future), inside two rooftop architectural steeple features painted and textured to match elements of the existing church building. The proposed equipment cabinet will be installed behind the building on the ground. All proposed antennas and associated equipment will not be accessible to the public. (**See Attachment A**).

PROPERTY DESCRIPTION

The subject property is an internal parcel of approximately 17,136 square feet, with frontage on Arthur Street. The subject property has a fully functioning church building on the site. The property was first developed in 1980 (based on Alameda County Assessors Data). Currently there are no other providers located at the site.

GENERAL PLAN ANALYSIS

The subject property is located within the Detached Unit Residential General Plan designation. The Detached Unit Residential land use classification is intended to create, maintain and enhance residential areas characterized by detached, single unit structures. The proposed unmanned wireless telecommunication facility will not adversely affect and detract from the residential characteristics of the neighborhood. The antennas will be mounted on the existing building and visual impacts will be mitigated since the antennas will be within architectural steeple features painted and textured to match elements of the existing building. General Plan Policy N9.9 states that the City encourages rehabilitation efforts which respect the architectural integrity of a building's original style. The proposed project will have very minimal effect on the existing building.

ZONING ANALYSIS

The subject property is located within the R-35 Special One-Family Zone. The R-35 zone is intended to create, preserve, and enhance areas containing a mixture of single- and two-family dwellings in desirable settings for urban living, and is typically appropriate to areas of existing lower or lower-medium density residential development. The proposal is for a new unmanned wireless telecommunication facility on an existing building requires a Major Conditional Use permit since the project is within one hundred feet of the boundary of a residential zone. Staff finds that the proposed application meets applicable R-35 zoning and City of Oakland Telecommunication regulations.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, additions and

alterations to existing facilities, and 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit

Section 17.46.080 of the City of Oakland Planning Code requires a conditional use permit to install a Mini Telecommunication facility in the R-35 zone. Furthermore, Section 17.134.020 defines a major and minor conditional use permits. Subsections (A)(3)(i) lists a major conditional use permit: "Any telecommunication facility in or within one hundred (100) feet of the boundary of any residential zone. The required findings for a major conditional use permit are listed and included in staff's evaluation as part of this report.

2. Project Site

Section 17.128.110 of the City of Oakland Telecommunication Regulations indicate that new wireless facilities shall generally be located on designated properties or facilities in the following order of preference:

A. Co-located on an existing structure or facility with existing wireless antennas.
B. City owned properties or other public or quasi-public facilities.
C. Existing commercial or industrial structures in non-residential zones.
D. Existing commercial or industrial structures in residential zones.
E. Other non-residential uses in residential zones.
F. Residential uses in non-residential zones.
G. Residential uses in residential zones.

*Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis.

City of Oakland Planning staff have reviewed and determined that the site selected is conforming to all other telecommunication regulation requirements. The project location is appropriate because the location of the three (3) new antennas and three (3) new internet services exchange point dishes (one of which to be installed in the future) will not create a significant visual impact. Further, the proposal is in a residential zone, thus this is an appropriate location for the antennas to provide service to the adjacent residential structures without being constructed on a residential building, as well as provide service to the on-site and neighborhood civic facilities. The applicant has provided a Site Alternative Analysis and Coverage Map (**attachment C**) which states she has looked at other sites and based on the residential neighborhood this is the most suitable site for the proposed antennas.

3. Project Design

Section 17.128.120 of the City of Oakland Telecommunications Regulations indicates that new wireless facilities shall generally be designed in the following order of preference:

A. Building or structure mounted antennas completely concealed from view.

B. Building or structure mounted antennas set back from roof edge, not visible from public right-of way.
C. Building or structure mounted antennas below roof line (facade mount, pole mount) visible from public right-of-way, painted to match existing structure.
D. Building or structure mounted antennas above roof line visible from public right of-way.
E. Monopoles.
F. Towers.

* Facilities designed to meet an A or B ranked preference do not require a site design alternatives analysis. Facilities designed to meet a C through F ranked preference, inclusive, must submit a site design alternatives analysis as part of the required application materials. A site design alternatives analysis shall, at a minimum, consist of:

a. Written evidence indicating why each higher preference design alternative can not be used. Such evidence shall be in sufficient detail that independent verification could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. inability to provide utilities, construction or structural impediments).

City of Oakland Planning staff have reviewed and determined that the site selected is conforming to all other telecommunication regulation requirements. The project has met design criteria (A) since the antennas shall be mounted completely concealed within two rooftop architectural steeple features with paint and texture to match the existing building elements. Furthermore, to mitigate visual impacts the antennas will be mounted approximately 24 feet above the public right of way. The associated equipment cabinet will have no visual impact since the equipment will be placed behind the existing building.

4. Project Radio Frequency Emissions Standards

Section 17.128.130 of the City of Oakland Telecommunication Regulations require that the applicant submit the following verifications including requests for modifications to existing facilities:

a. With the initial application, a RF emissions report, prepared by a licensed professional engineer or other expert, indicating that the proposed site will operate within the current acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.
b. Prior to commencement of construction, a RF emissions report indicating the baseline RF emissions condition at the proposed site.
c. Prior to final building permit sign off, an RF emissions report indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency who may be subsequently authorized to establish such standards.

The applicant states that the proposed project meets the radio frequency (RF) emissions standards as required by the regulatory agency. Submitted with the initial application was a RF emissions report, prepared by TRK Engineering, (**attachment B**). The report states that the proposed project will comply with the prevailing standards for limiting public exposure to radio

frequency energy and, therefore, will not cause a significant impact on the environment. Additionally, staff recommends that prior to the final building permit sign off, the applicant submits certified RF emissions report stating that the facility is operating within acceptable thresholds established by the regulatory federal agency.

CONCLUSION

City of Oakland planning staff believes that the proposed project and subject property can be developed to meet the established zoning and telecommunication regulations that were created and adopted to set certain criteria minimums and maximums for similar types of developments. Staff believes that the findings for approval can be made to support the Conditional Use Permit, Design Review and Creek Protection Permit.

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Approve Conditional Use Permit and Design Review application CMD10-216 and Creek Protection permit CP10-087 subject to the attached findings and conditions of approval.

Prepared by:

Michael Bradley
Planner I

Approved by:

Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission

Eric Angstadt, Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

A. Project Plans & Photo simulations
B. TRK Engineering RF Emissions Report
C. Site Alternatives Analysis & Coverage Map

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:
This proposal meets all the required findings under Section 17.134.050, of the General Use Permit criteria; all the required findings under Section 17.136.050.(B), of the Non-Residential Design Review criteria; all the required findings under Section 17.128.060(B), of the telecommunication facilities (Mini) Design Review criteria; all the required findings under Section 17.128.060.(C), of the telecommunication facilities (Mini) Conditional Use Permit criteria; and the Creek Protection Permit findings, and as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The location, size, design and operational characteristics of the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. Consideration was given to the harmony in scale, bulk, and coverage; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development. The proposed telecommunications antennas will be located on the roof top of an existing building and will not adversely affect the operating characteristic or livability of the existing area. The antennas will be within an architectural rooftop feature on the existing building. The facility will be unmanned and will not create additional vehicular traffic in the area.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The location, design and site planning of the proposed development will provide a convenient and functional working and shopping environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. The proposal will preserve a convenient and functional working and living environment; therefore it would not affect the general quality and character of the neighborhood.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposed development will enhance the successful operation of the surrounding area in its basic community function and will provide an essential service to the community or region. This will be achieved by improving the functional use of the site by providing a regional telecommunication facility for the community and will be available to police, fire, public safety organizations and the general public.

D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136 of the Oakland Planning Code, as outlined below.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposal conforms in all significant aspects with the Oakland General Plan and with any other applicable plan or zoning maps adopted by the City of Oakland. The proposed mini-telecommunication facility in the Detached Unit Residential General Plan designation will enhance and improve communication service for a mixture of civic, residential and institutional uses in the area.

17.136.050(B) – NONRESIDENTIAL DESIGN REVIEW CRITERIA:

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposal is to locate the installation of three (3) concealed telecommunication antennas, and three (3) internet services exchange point dishes (one of which to be installed in the future) mounted on the roof inside two rooftop architectural steeple features painted and textured to match elements of the existing building. The proposal for the equipment cabinet is to locate one on ground behind the building. The three (3) concealed telecommunication antennas, and three (3) internet services exchange point dishes shall be placed inside two rooftop architectural steeple features and therefore are consistent and well related to the surrounding area in scale, bulk, height, materials, and textures. The antennas will also be located approximately 24 feet above the public right of way.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The design will be appropriate and compatible with current zoning and general plan land use designations. The proposal protects and preserves the surrounding neighborhood context by

concealing the proposed wireless telecommunication antennas in the residential area. The antennas will be concealed from public view and will not have any visual impact on the neighborhood.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposal conforms with the City of Oakland Comprehensive General Plan meeting specific General Plan policies and the Supplemental Report and Recommendations on Revisions to the Citywide Telecommunications Regulations. The proposal will conform to performance standards for noise set forth in Section 17.120.050 for decibels levels in residential areas for both day and nighttime use. The Project conforms to all mini-facility definitions set forth in Section 17.128.060 and meets all design review criteria to minimize all impacts throughout the neighborhood.

17.128.060(B) DESIGN REVIEW CRITERIA FOR MINI FACILITIES

1. Antennas should be painted and/or textured to match the existing structure:

The proposed antennas and microwave internet dish will be mounted inside two rooftop architectural steeple features located on the roof of the building to match the existing architectural style of the building.

2. Antennas mounted on architecturally significant structures or significant architectural details of the building should be covered by appropriate casings which are manufactured to match existing architectural features found on the building:

The addition of the antennas and internet services exchange point dishes (one 1of which to be installed in the future) will be mounted inside two rooftop architectural steeple features painted and textured to match elements of the existing building.

3. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging:

The proposed installation is for three (3) concealed telecommunication antennas, and three (3) internet services exchange point dishes (one 1of which to be installed in the future) will be mounted inside two rooftop architectural steeple features painted and textured to match elements of the existing building. The cable trays shall be painted to match the color of the building.

4. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with surrounding backdrop:

The associated equipment will be located on the ground behind screened security fencing as a condition of approval.

5. That all reasonable means of reducing public access to the antennas and equipment has been made, including, but not limited to, placement in or on buildings or structures, fencing, anti-climbing measures and anti-tampering devices.

The antennas will be mounted to the roof and will not be accessible to the public due to its location. The equipment shelters will be located on the ground behind fencing as a condition of approval.

6. For antennas attached to the roof, maintain a 1:1 ratio for equipment setback; screen the antennas to match existing air conditioning units, stairs, or elevator towers; avoid placing roof mounted antennas in direct line with significant view corridors.

The proposed three (3) concealed telecommunication antennas, and three (3) internet services exchange point dishes (one 1of which to be installed in the future) will be mounted inside two rooftop architectural steeple features painted and textured to match elements of the existing building.

Section 17.128.060(C) CONDITIONAL USE PERMIT (CUP) FINDINGS FOR MINI FACILITIES

1. The project must meet the special design review criteria listed in subsection B of this section (17.128.060B):

The proposed project meets the special design review criteria listed above in section 17.128.060B.

2. The proposed project must not disrupt the overall community character:

Due to the proposed project locating on the rooftop of an existing building within two rooftop architectural steeple features painted and textured to match elements of the existing building, it will not disrupt the overall community character of the site.

3. In zones R-1 through R-60, inclusive, the project must not have any visual impact:

The project site is located in the R-35 zone and will not have any visual impacts.

CREEK PERMIT FINDINGS
CASE CP10-087 (7635 Arthur Street, APN:040-3326-027-01)

COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
BUILDING SERVICES DIVISION
PLANNING AND ZONING DIVISION

CREEK PROTECTION, STORM WATER MANAGEMENT AND DISCHARGE CONTROL PERMIT and FINDINGS

Project: **7635 Arthur Street, APN: 040-3326-027-01** (Installation of three (3) telecommunication antennas, three (3) internet services exchange point dishes (one (1) of which to be installed in the future), and one equipment cabinet)

Review completed by: Michael Bradley (238-6935) Date: November 3, 2010

A creek protection permit may be issued **only** if certain findings and facts which support each finding are made and specified.

Using the form below, a creek protection permit may be issued only if the answer to each question is "No" **and** facts supporting each answer are specified following each.

If in the opinion of the Chief of Building Services the following findings can be met with imposition of Conditions For Issuance, pursuant to OMC Section 13.16.190, the Chief of Building Services may grant a Creek Protection Permit upon imposition of such conditions.

Findings and Supporting Facts

Pursuant to OMC Section 13.16.200, the following findings are made in support of the decision to issue/not issue a Creek Protection Permit: (**please explain why, and include facts from the record that support any answer**)

A. Will the proposed activity (during construction and after project is complete) (directly or indirectly) cause a substantial adverse impact on the creek?
☐Yes/No:☑ *The project will not cause a substantial impact on the creek in that the Conditions of approval require creek protection measures and stormwater management measures during and post construction to prevent sedimentation of the creek and erosion of the creek bank. Further, a majority of the proposed work will be located on the roof of an existing church and the creek is located in a concrete flood control channel approximately 76 feet away.*

In making the above finding, the Chief of Building Services must, at a minimum, consider the following factors: Will the proposed activity discharge a substantial amount of pollutants

into the creek? ☐Yes/No☑ *Conditions of project approval requires the temporary installment of sediment controls and restricts construction related activity within a defined and bounded area and prevent sediments reaching the storm water and creek system.*

1. Will the proposed activity result in substantial modifications to the natural flow of water in the creek?
   ☐Yes/No☑ *The project will provide temporary and permanent measures for surface run-off to infiltrate through the site before reaching the creek riparian zone. There is no substantial net gain of outfall. Existing on-site conditions and landscaping will enhance the riparian corridor and reduce surface runoff into the creek.*

2. Will the proposed activity deposit a substantial amount of new material into the creek or cause substantial bank erosion or instability?
   ☐Yes/No☑ *The project will provide temporary and permanent measures for surface run-off to infiltrate through the site before reaching the creek riparian zone. Further, a majority of the proposed work will be located on the roof of an existing church and the creek is located in a concrete flood control channel approximately 76 feet away.*

3. Will the proposed activity result in substantial alteration of the capacity of the creek?
   ☐Yes/No☑ *The project will not expand or remove capacity of the creek. Conditions of project approval require an on-site storm water collection and attenuation.*

4. Are there any other factors which would indicate that the proposed activity will adversely affect the creek?
   ☐Yes/No☑ *There will be no change in land use as this is an existing church building.*

B. Will the proposed activity substantially adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat?
☐Yes/No:☑ *The project provides protection of existing riparian. No wildlife habitat is currently present.*

C. Will the proposed activity substantially degrade the visual quality and natural appearance of the riparian corridor?
☐Yes/No:☑ *The visual quality of the existing condition is maintained. Further, the creek is located in a concrete flood control channel approximately 76 feet away from the proposed work.*

D. Is the proposed activity inconsistent with the intent and purposes of OMC Chapter 13.16?
☐Yes/No☑ *Conditions of approval for the construction have been designed to prevent impact to the creek while allowing for the construction of a new telecommunication facility.*

E. Will the proposed activity substantially endanger public or private property?
☐Yes/No☑ *Construction for the new telecommunication facility will be accomplished through the issuance of a building permit, and regular city inspection. Conditions of approval require protection and preservation of the riparian corridor.*

F. Will the proposed activity (directly or indirectly) substantially threaten the public's health or safety?

☐Yes/No☑ *The project allows construction for a new telecommunication facility consistent with the General Plan and zoning controls. The project protects the riparian habitat and prevents erosion of the creek bank*

Based on the forgoing, the Creek Protection Permit for the above described project is hereby ☑GRANTED. If GRANTED, this Permit is subject to all conditions of approval which are hereby incorporated by this reference.

Pursuant to OMC Section 13.16.450, the applicant or any interested party may appeal this decision within ten calendar days to the City Planning Commission by the payment of the appropriate fees and the submittal of the appropriate form. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Chief of Building Services or wherein his/her decision is not supported by substantial evidence in the record.

Scott Miller

RAY DERANIA, Chief of Building Services

Please list any attachments to this form:
The findings and supporting facts for this Creek Protection Permit are set forth in this form together with the following attachments.

Check box of attachments included below:
☑ 1) Conditions of Approval
☐ 2) Mitigation Measures
☐ 3) Other: Specify _____

CONDITIONS OF APPROVAL
CMD10-216/CP10-087

STANDARD CONDITIONS:

1. **Approved Use**
Ongoing
a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **CMD10-216/CP10-087**, and the plans dated **September 21, 2010** and submitted on **October 12, 2010** 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 required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The installation of a mini telecommunications facility located on the roof of an existing building at 7635 Arthur Street (APN: 040-3326-027-01), under Oakland Municipal Code 17.128, 17.136 and 17.134.**

2. **Effective Date, Expiration, Extensions and Extinguishment**
Ongoing
Unless a different termination date is prescribed, this Approval shall expire **two 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 a one-year extension 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.

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 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 laws/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. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval #3.

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, elevated walking pathways, safety railings, emergency access and lighting.

5. 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 approval, unless an earlier date is specified elsewhere.

b) Violation of any term, C**onditions of Approval** or **project description** relating to the **Conditions of Approval** is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these **conditions of approval** if it is found that there is violation of any of the C**onditions of Approval** or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

6. Signed Copy of the Conditions of Approval

Ongoing

A copy of the approval letter and **Conditions of Approval** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect)action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or Conditions of Approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified **Conditions of Approval**, and if one or more of such **Conditions of Approval** is found to be invalid by a court of competent jurisdiction, this Approval would not have been granted without requiring other valid **Conditions of Approval** consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. 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 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.

b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm 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:

i. 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.

ii. 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.

13. Landscape Maintenance

Ongoing

All new landscaping shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements.

14. Operational Noise-General

Ongoing

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

15. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed

acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

16. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) 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;
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 the City's Standard Conditions of Approval, 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.

17. 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.

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.

18. Erosion, Sedimentation, and Debris Control Measures

Prior to issuance of demolition, grading, or construction-related permit

The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.

b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.

c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

d) All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.

e) Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

f) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.

g) Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.

h) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

i) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

j) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

k) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, stormdrains.

l) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).

m) Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of Planning and Zoning.

n) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.

19. Creek Protection Plan
http://www.oaklandpw.com/creeks
Prior to and ongoing throughout demolition, grading, and/or construction activities

a) The approved creek protection plan shall be included in the project drawings submitted for a building permit (or other construction-related permit). The project applicant shall implement the creek protection plan to minimize potential impacts to the creek during and after construction of the project. The plan shall fully describe in plan and written form all erosion, sediment, stormwater, and construction management measures to be implemented on-site.

b) If the plan includes a stormwater system, all stormwater outfalls shall include energy dissipation that slows the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains.

20. Regulatory Permits and Authorizations

Prior to issuance of a demolition, grading, or building permit within vicinity of the creek

Prior to construction within the vicinity of the creek, the project applicant shall obtain all necessary regulatory permits and authorizations from the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game, and the City of Oakland, and shall comply with all conditions issued by applicable agencies. Required permit approvals and certifications may include, but not be limited to the following:

a) U.S. Army Corps of Engineers (Corps): Section 404. Permit approval from the Corps shall be obtained for the placement of dredge or fill material in Waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act.

b) Regional Walter Quality Control Board (RWQCB): Section 401 Water Quality Certification. Certification that the project will not violate state water quality standards is required before the Corps can issue a 404 permit, above.

c) California Department of Fish and Game (CDFG): Section 1602 Lake and Streambed Alteration Agreement. Work that will alter the bed or bank of a stream requires authorization from CDFG.

21. Creek Monitoring

Prior to issuance of a demolition, grading, or building permit within vicinity of the creek

A qualified geotechnical engineer and/or environmental consultant shall be retained and paid for by the project applicant to make site visits during all grading activities; and as a follow-up, submit to the Building Services Division a letter certifying that the erosion and sedimentation control measures set forth in the Creek Protection Permit submittal material have been instituted during the grading activities.

22. Creek Landscaping Plan

Prior to issuance of a demolition, grading, or building permit within vicinity of the creek

The project applicant shall develop a final detailed landscaping and irrigation plan for review and approval by the Planning and Zoning Division prepared by a licensed landscape architect or other qualified person. Such a plan shall include a planting schedule, detailing plant types and locations, and a system for temporary irrigation of plantings.

a) Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

b) All landscaping indicated on the approved landscape plan shall be installed prior to the issuance of a Final inspection of the building permit, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.

c) All landscaping areas shown on the approved plans shall be maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or impervious surfaces shall occur only on approved areas.

PROJECT SPECIFIC CONDITIONS FOR TELECOMMUNICATIONS FACILITIES

23. Radio Frequency Emissions Report

Prior to a final inspection

The applicant shall provide an RF emissions report to the City of Oakland Zoning Division indicating that the site is actually operating within the acceptable thresholds as established by the Federal government or any such agency that may be subsequently authorized to establish such standards.

24. Sinking Fund for Facility Removal or Abandonment.

Prior to the issuance of building permit.

The applicant shall provide proof of the establishment of a sinking fund to cover the cost of removing the facility if it is abandoned within a prescribed period. The word "abandoned" shall mean a facility that has not been operational for a six (6) month period, except where non-operation is the result of maintenance of renovation activity pursuant to valid City permits. The sinking fund shall be established to cover a two-year period, at a financial institution approved by the City's Office of Budget and Finance. The sinking fund payment shall be determined by the Office of Budget and Finance and shall be adequate to defray expenses associated with the removal of the telecommunication facility.

25. Equipment Shelter Location and Fencing

Prior to issuance of a building permit

The proposed equipment shelters shall be located a minimum of five feet (5') from the side property line. The applicant shall install new solid fencing with minimal transparency around the proposed equipment shelters with all efforts made to prevent public access to the cabinets through use of anti-climbing measures and anti-tampering devices. The applicant shall permanently maintain all fencing or barriers visible from any property line in neat and safe conditions, and, whenever necessary, replaced with new materials or finish to ensure continued compliance with all City requirements.

26. Architectural Detailing

Prior to issuance of a building permit

The proposed antennas shall be enclosed within two rooftop architectural steeple features with architectural details to match the existing building. The size, placement, configuration, materials, texture, and color shall be submitted to the Planning and Zoning division for review and approval prior to the issuance of a building permit. The proposed cable trays shall be painted to match the existing color of the building.

ATTACHMENT A

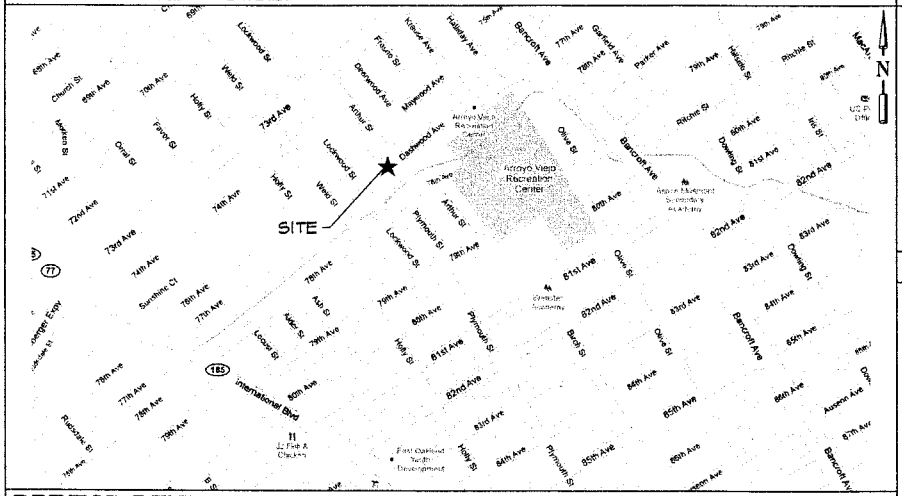
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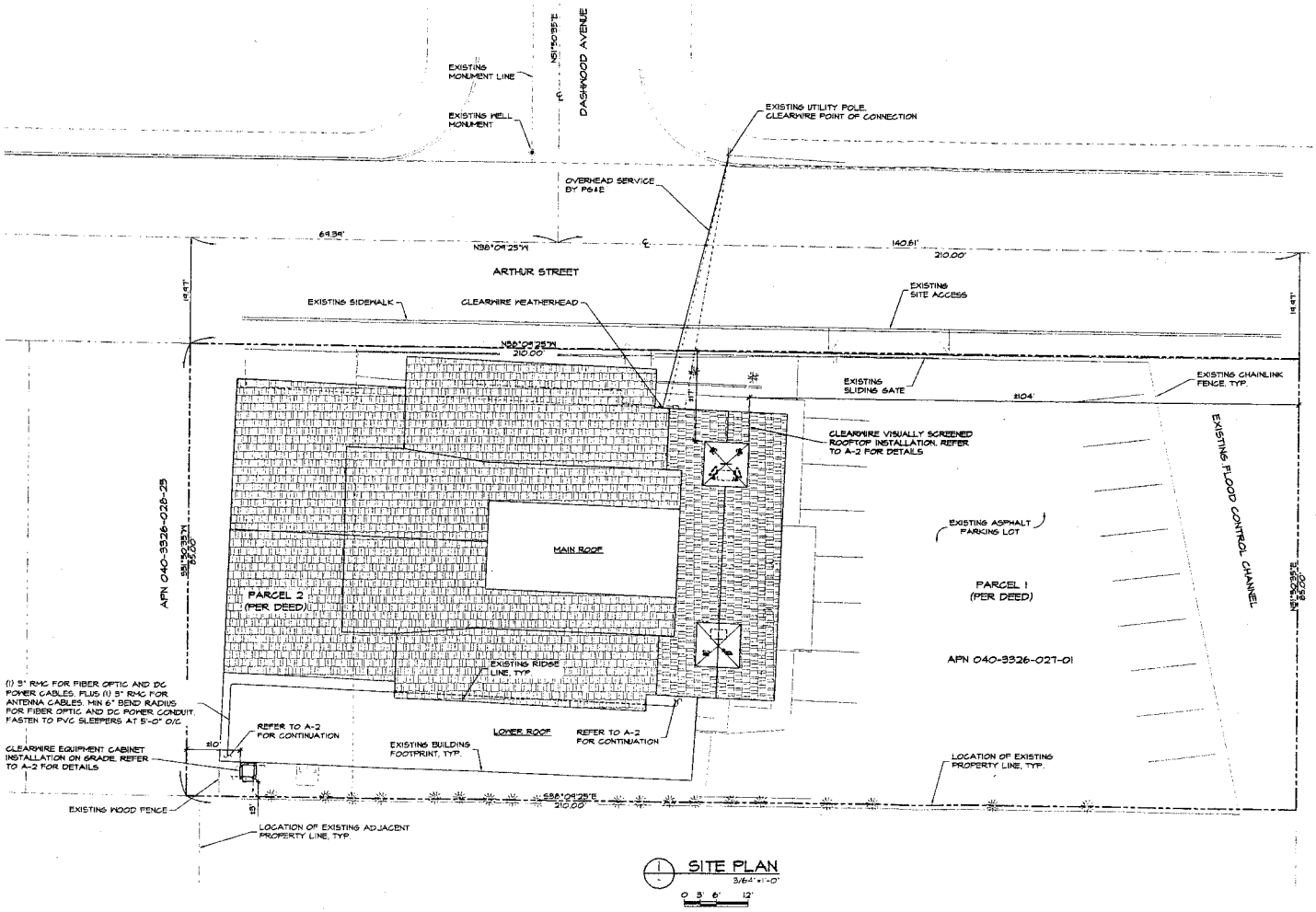
MISSIONARY BAPTIST CHURCH

CA-SFO0877A

7635 ARTHUR ST, OAKLAND, CA

VICINITY MAP - N.T.S.


SITE
N
Arroyo Viejo Recreation Center
Elmhurst Community Learning Center
Arroyo Viejo Recreation Center
Elmhurst Community Learning Center
Eastmont Mall
Eastmont Mall
Eastmont Town Center
Eastmont Town Center
Dewey Academy
Dewey Academy
Elmhurst Community
Elmhurst Community
Lt. Fitz R. Charles
Lt. Fitz R. Charles
First Oakland North Development
First Oakland North Development
Elmhurst
Elmhurst
Elmhurst



1 SITE PLAN
3/64"=1'-0"
0 3' 6' 12'

NOTES:

1. SITE PLAN INFORMATION WAS OBTAINED FROM A DRAWING PREPARED BY CALVADA SURVEYING, INC. DATED JUNE 17, 2010. THIS DRAWING DOES NOT REPRESENT A SURVEY. ALL DIMENSIONS TO PROPERTY LINES ARE APPROXIMATE ONLY.

LEGAL DESCRIPTION:

THE LAND REFERRED TO IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF OAKLAND, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:
BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF ARTHUR STREET, DISTANT THEREON SOUTHEASTERLY 845.34 FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF 73RD AVENUE, FORMERLY YOAKUM AVENUE, AS THE SAID ARTHUR STREET WAS CONVEYED BY LOU TATMAN, ET AL, TO CITY OF OAKLAND A MUNICIPAL CORPORATION, BY DEED DATED JULY 24, 1925, RECORDED IN BOOK 1071, PAGE 261, ALAMEDA COUNTY RECORDS, MORE OR LESS, TO THE SOUTHEASTERN BOUNDARY LINE OF THE LAND DESCRIBED IN THE DEED EXECUTED BY JOHANNA LOISA WILHELMINA PEARSON AND HUSBAND, TO LOU TATMAN, DATED JANUARY 22, 1907, RECORDED IN BOOK 1316, PAGE 90, ALAMEDA COUNTY RECORDS, THENCE AT RIGHT ANGLES SOUTHWESTERLY ALONG SAID BOUNDARY LINE OF SAID LAND SO DESCRIBED IN SAID DEED, 170.10 FEET, MORE OR LESS, TO THE SOUTHEASTERN BOUNDARY LINE OF THE LAND DESCRIBED IN THE DEED EXECUTED BY LOU TATMAN, AND HUSBAND, TO JAS. Z. TODD, DATED SEPTEMBER 2, 1925, RECORDED IN BOOK 1095, PAGE 280, ALAMEDA COUNTY RECORDS, AND THENCE AT RIGHT ANGLES NORTHEASTERLY ALONG SAID BOUNDARY LINE 85 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL TWO:
BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF ARTHUR STREET, DISTANT THEREON SOUTH 34°45' EAST, 813.84 FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF 73RD AVENUE; RUNNING THENCE SOUTH 34°45' EAST ALONG SAID LINE OF ARTHUR STREET, 31.5 FEET; THENCE SOUTH 50°15' WEST 85 FEET; THENCE NORTH 34°45' WEST, 31.5 FEET; THENCE NORTH 50°15' EAST, 85 FEET TO THE POINT OF BEGINNING.

clearwire
4400 CARILLON PT., KIRKLAND, WA

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WEB: www.trkeng.com

PROJECT NO: 1040-086
DRAWN BY: S.A.
CHECKED BY: F.M.
CAD FILE: 1040-086A1

SUBMITTALS

1	SEP 2010	REVISED PER CITY
0	AUG 2010	ZDs REV 0
A	JUN 2010	ZDs REV A

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT NAMED IS STRICTLY PROHIBITED.

ARE SEAL

SITE
MISSIONARY BAPTIST CHURCH
CA-SF00877A
7635 ARTHUR ST
OAKLAND, CA

SHEET TITLE
SITE PLAN

SHEET NUMBER
A-1

PANEL ANTENNA INFORMATION

SECTOR	AZIMUTH	ANTENNA	QUANTITY	FIBER OPTIC/ DC POWER LENGTH	RAD CENTER
1	0°	KATHREIN	1	210'-0"±	26'-4"±
2	120°	KATHREIN	1	210'-0"±	26'-4"±
3	240°	KATHREIN	1	150'-0"±	26'-4"±

GPS ANTENNA LOCATION OPTIONS. (1) EQUIPMENT CABINET, (2) ANTENNA MAST, (3) SUPPORT POST. FIELD VERIFY

LABEL MARKINGS SHALL BE PLACED:
A. WITHIN 12" OF CABLE AT BOTH ENDS.
B. AT/NEAR TOWER GROUND BAR.
C. EITHER PRIOR TO ENTRY INTO CABINET OR AT CABLE SUPPORT BRIDGE

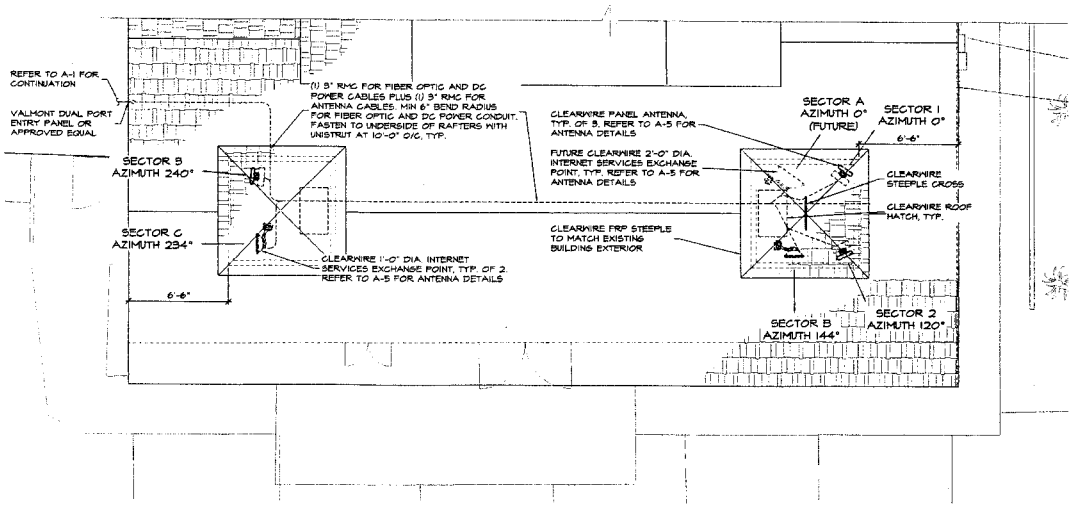
INTERNET SERVICES EXCHANGE POINT INFORMATION

SECTOR	AZIMUTH	DISH SIZE	ANTENNA	QUANTITY	ANTENNA CABLE LENGTH	RAD CENTER
A (FUTURE)	0°	2'-0"	ANDREW	1	-	26'-4"±
B	144°	1'-0"	ANDREW	1	210'-0"±	26'-4"±
C	234°	1'-0"	ANDREW	1	150'-0"±	26'-4"±

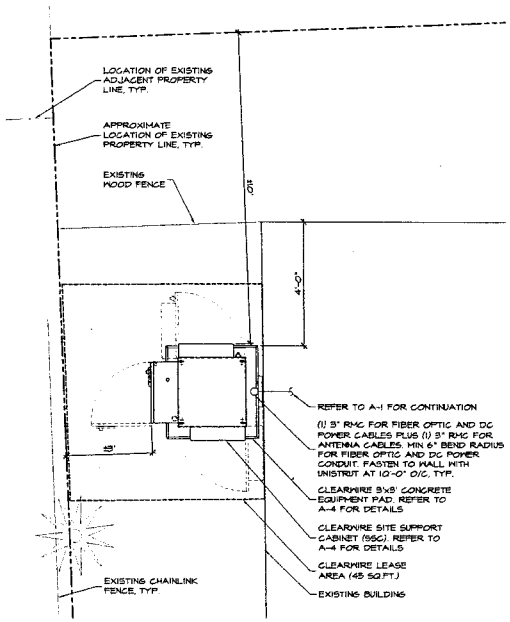
NOTES:

1. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
2. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ROOF MEMBRANE DURING CONSTRUCTION. ALL DAMAGE SHALL BE REPAIRED TO AS NEW CONDITION IN ACCORDANCE WITH STANDARD ROOFING PRACTICES.
4. CONTRACTOR TO SITE VERIFY LOCATION OF CONDUIT AND ANTENNA CABLE ROUTING PRIOR TO CONSTRUCTION.
5. PAINT ANTENNA MOUNTS, ANTENNA CABLES, CONDUITS AND MOUNTING HARDWARE TO MATCH EXISTING BUILDING EXTERIOR.

DRAWINGS ARE FOR ZONING ONLY. STRUCTURAL ANALYSIS OF BUILDING HAS NOT BEEN COMPLETED



1 PARTIAL ROOF PLAN
1/8"=1'-0"
0 1' 2' 4'



2 CLEARWIRE EQUIPMENT LAYOUT
1/4"=1'-0"
0 1' 3' 4'

clearwire
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Cortel, LLC
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PROJECT NO: 1040-086

DRAWN BY: S.A.

CHECKED BY: F.M.

CAD FILE: 1040-086A2

SUBMITTALS

1	SEP 21/10	REVISED PER CITY
0	AUG 31/10	ZDs REV 0
A	JUN 30/10	ZDs REV A

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ARE SEAL

SITE

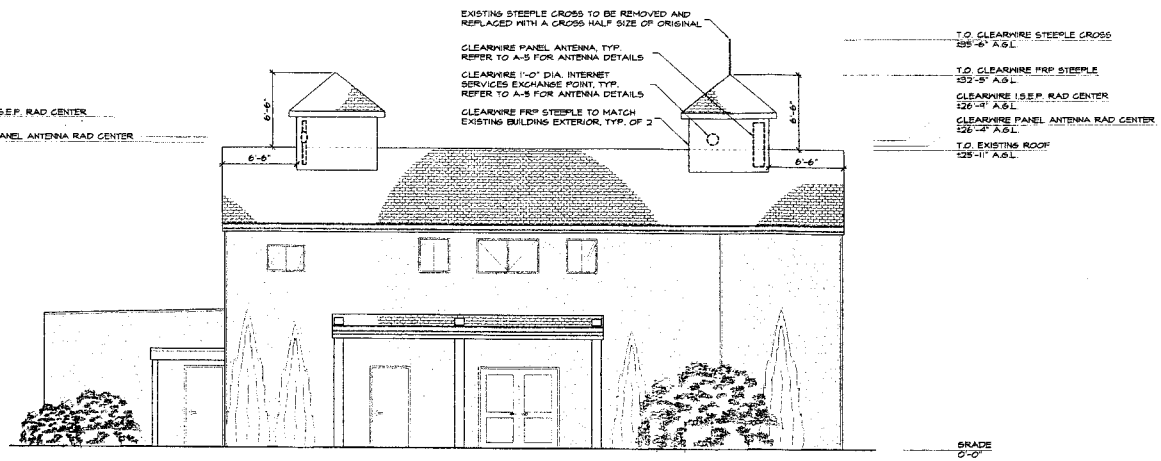
MISSIONARY BAPTIST CHURCH
CA-SF00877A
7635 ARTHUR ST
OAKLAND, CA

SHEET TITLE

PARTIAL ROOF PLAN AND EQUIPMENT LAYOUT

SHEET NUMBER

A-2

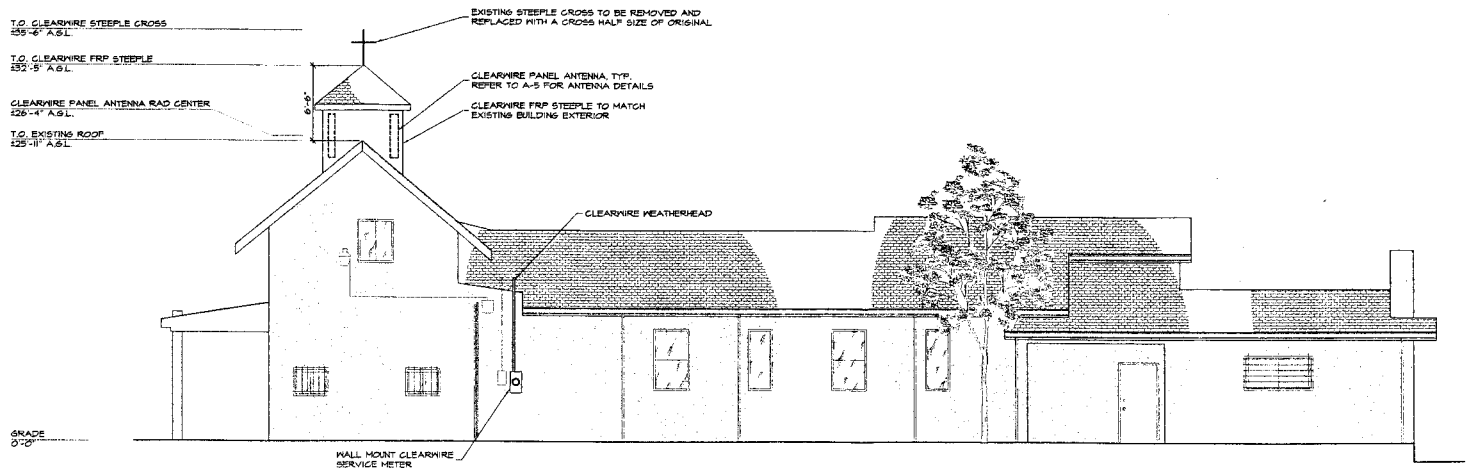


1 SOUTHEAST ELEVATION
3/32"=1'-0"
0 2' 4' 8'

NOTES:

1. ELEVATION IS DIAGRAMMATIC ONLY.
2. CONTRACTOR TO PROVIDE ALL REQUIRED HARDWARE NECESSARY TO FACILITATE ANTENNA CABLE ROUTING FROM EQUIPMENT TO ANTENNAS.
3. CONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION OF ROOF MEMBRANE DURING CONSTRUCTION. ALL DAMAGE SHALL BE REPAIRED TO AS NEW CONDITION IN ACCORDANCE WITH STANDARD ROOFING PRACTICES.
5. CONTRACTOR TO SITE VERIFY LOCATION OF CONDUIT AND ANTENNA CABLE ROUTING PRIOR TO CONSTRUCTION.
6. PAINT ANTENNA MOUNTS, ANTENNA CABLES, CONDUITS AND MOUNTING HARDWARE TO MATCH EXISTING BUILDING EXTERIOR.

DRAWINGS ARE FOR ZONING ONLY. STRUCTURAL ANALYSIS OF BUILDING HAS NOT BEEN COMPLETED



2 NORTHEAST ELEVATION
3/32"=1'-0"
0 2' 4' 8'

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PROJECT NO: 1040-086
DRAWN BY: S.A.
CHECKED BY: P.M.
CAD FILE: 1040-086A3

SUBMITTALS

1	SEP 21/10	REVISED PER CITY
0	AUG 31/10	ZDs REV 0
A	JUN 30/10	ZDs REV A

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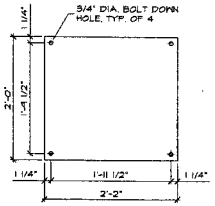
ARE SEAL

SITE
MISSIONARY BAPTIST CHURCH
CA-SF00811A
7635 ARTHUR ST
OAKLAND, CA

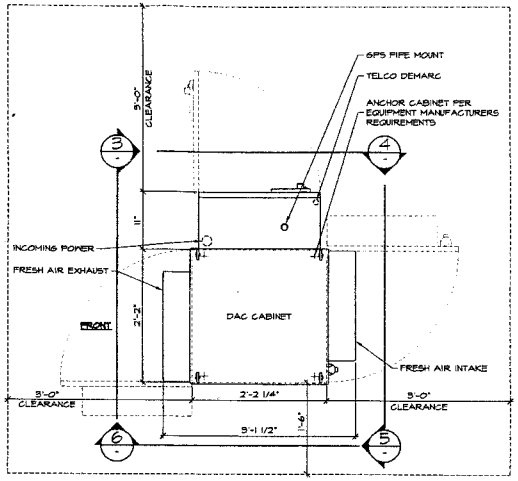
SHEET TITLE
SOUTHEAST AND NORTHEAST ELEVATIONS

SHEET NUMBER
A-3

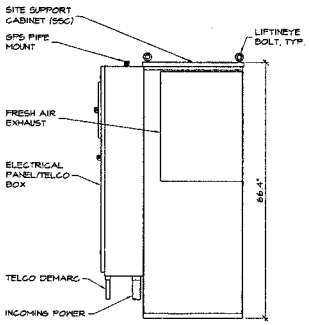
OUTDOOR DAC CABINET	
OUTDOOR SITE SUPPORT CABINET WEIGHT = 1150 LBS	
CABINET DIMENSIONS	38.5"(W) x 31.5"(D) x 69"(H)
MIN. CLEARANCES	
CABINET REAR AND WALL	36"
CABINET RIGHT SIDE AND WALL	18"
CABINET LEFT SIDE AND WALL	36"
ABOVE CABINET	24"
IN FRONT OF CABINET	36"



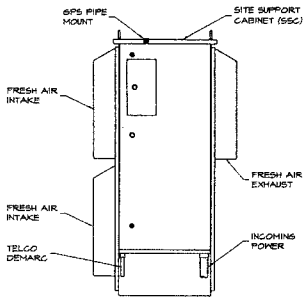
1 CABINET BASE
1/2"=1'-0"



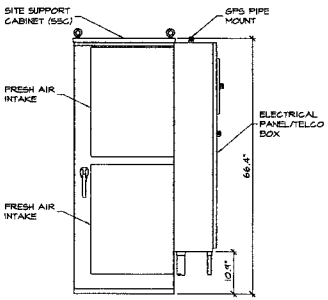
1 SSC EQUIPMENT LAYOUT
1/2"=1'-0"



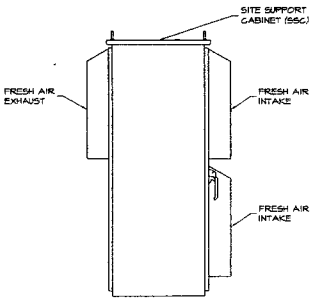
2 SSC EQUIPMENT ELEVATION
3/8"=1'-0"



3 SSC EQUIPMENT ELEVATION
3/8"=1'-0"



4 SSC EQUIPMENT ELEVATION
3/8"=1'-0"



5 SSC EQUIPMENT ELEVATION
3/8"=1'-0"

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PROJECT NO: 1040-086
DRAWN BY: S.A.
CHECKED BY: F.M.
CAD FILE: 1040-086A4

SUBMITTALS

1	SEP 21/10	REVISED PER CITY
0	AUG 5/10	ZDs REV 0
A	JUN 30/10	ZDs REV A

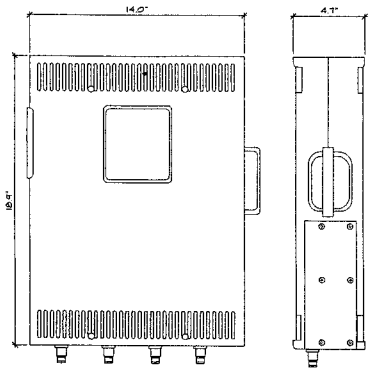
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AHJ SEAL

SITE
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CA-SF00877A
7635 ARTHUR ST
OAKLAND, CA

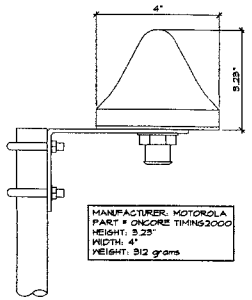
SHEET TITLE
EQUIPMENT DETAILS

SHEET NUMBER
A-4



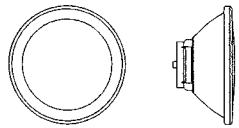
LENGTH: 18.4"
WIDTH: 14.0"
DEPTH: 4.7"
WEIGHT: 55 LBS C/W SOLAR SHIELD AND MOUNTING BRACKETS

1 - RRU SPECIFICATION
N.T.S.



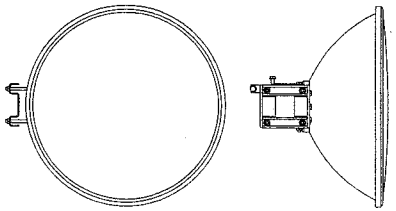
MANUFACTURER: MOTOROLA
PART # ONCORE TIMING2000
HEIGHT: 3.25"
WIDTH: 4"
WEIGHT: 312 grams

2 - GPS SPECIFICATION
N.T.S.



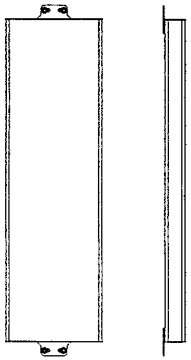
MANUFACTURER: ANDREW
DIAMETER: 15.3"
DEPTH: 8.7"
WEIGHT: 14.21 lbs

3 - I.S.E.P. SPECIFICATION
N.T.S.



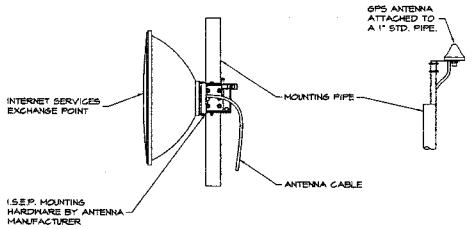
MANUFACTURER: ANDREW
DIAMETER: 26.1"
DEPTH: 15.2"
WEIGHT: 27 lbs

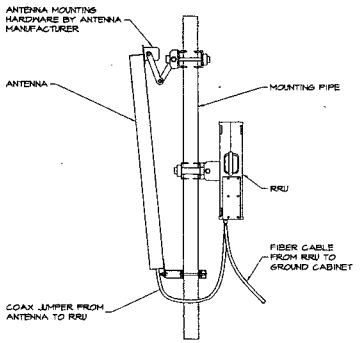
4 - I.S.E.P. SPECIFICATION
N.T.S.



MANUFACTURER: KATHREIN
LENGTH: 45.3"
WIDTH: 12.1"
DEPTH: 5.4"
WEIGHT: 35 lbs

5 - ANTENNA SPECIFICATION
N.T.S.





6 - GENERIC ANTENNA MOUNTING DETAIL
N.T.S.

clearwire
4400 CARILLON PT. KIRKLAND, WA

Cortel, LLC

TRK ENGINEERING
#201 - 17688 66TH AVE
SURREY, BC V3S 1X1, CANADA
TEL: (604) 574-6432
FAX: (604) 574-6451
TOLL FREE: 1-877-345-4045
EMAIL: mail@trkeng.com
WEB: www.trkeng.com

PROJECT NO: 1040-086
DRAWN BY: S.A.
CHECKED BY: F.M.
CAD FILE: 1040-086A3

SUBMITTALS

1	SEP 21/10	REVISED PER CITY
0	AUG 5/10	ZDs REV 0
A	JUN 30/10	ZDs REV A

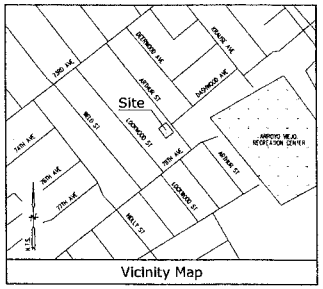
THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT NAMED IS STRICTLY PROHIBITED.

AHJ SEAL

SITE
MISSIONARY BAPTIST CHURCH
CA-SF00871A
7695 ARTHUR ST
OAKLAND, CA

SHEET TITLE
ANTENNA DETAILS

SHEET NUMBER
A-5



Title Report

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT.
PREPARED BY:
ORDER NO.:
DATED:

Legal Description (Per Deed)

THE LAND REFERRED TO IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF OAKLAND, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:
BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF ARTHUR STREET, DISTANT THEREON SOUTHEASTERLY 845.34 FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF 73RD AVENUE, FORMERLY YOAKUM AVENUE, AS THE SAID ARTHUR STREET WAS CONVEYED BY LOU TATMAN, ET AL, TO CITY OF OAKLAND, A MUNICIPAL CORPORATION, BY DEED DATED JULY 24, 1925, RECORDED IN BOOK 1071, PAGE 281, ALAMEDA COUNTY RECORDS; MORE OR LESS, TO THE SOUTHEASTERN BOUNDARY LINE OF THE LAND DESCRIBED IN THE DEED EXECUTED BY JOHANNA LOISA WAHLSTROM PEARSON AND HUSBAND, TO LOU TATMAN, DATED JANUARY 22, 1907, RECORDED IN BOOK 1319, PAGE 90, ALAMEDA COUNTY RECORDS; THENCE AT RIGHT ANGLES SOUTHWESTERLY ALONG SAID BOUNDARY LINE OF SAID LAND SO DESCRIBED IN SAID DEED, 170.10 FEET, MORE OR LESS, TO THE SOUTHEASTERN BOUNDARY LINE OF THE LAND DESCRIBED IN THE DEED EXECUTED BY LOU TATMAN, AND HUSBAND, TO A.S. T. TODD, DATED SEPTEMBER 2, 1925, RECORDED IN BOOK 1093, PAGE 280, ALAMEDA COUNTY RECORDS; AND THENCE AT RIGHT ANGLES NORTHEASTERLY ALONG SAID BOUNDARY LINE 85 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL TWO:
BEGINNING AT A POINT ON THE SOUTHWESTERN LINE OF ARTHUR STREET, DISTANT THEREON SOUTH 39°45' EAST, 813.84 FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF 73RD AVENUE, RUNNING; THENCE SOUTH 39°45' EAST ALONG SAID LINE OF ARTHUR STREET, 31.5 FEET; THENCE SOUTH 50°15' WEST 85 FEET; THENCE NORTH 39°45' WEST, 31.5 FEET; THENCE NORTH 50°15' EAST, 85 FEET TO THE POINT OF BEGINNING.

Date of Survey

JUNE 8, 2010

Assessor's Parcel No.

040-3326-27-01

Easements

NOT AVAILABLE

Access Easement/Lease Area

TO BE DETERMINED

Geographic Coordinates at Existing Cross

1983 DATUM; LATITUDE 37° 45' 41.69"N LONGITUDE 122° 10' 42.80"W
ELEVATION = 39.3 FEET ABOVE MEAN SEA LEVEL

CERTIFICATION:
THE LATITUDE AND LONGITUDE SHOWN ABOVE ARE ACCURATE TO WITHIN +/- 15 FEET HORIZONTALLY AND THAT THE ELEVATIONS SHOWN ABOVE ARE ACCURATE TO WITHIN +/- 3 FEET VERTICALLY. THE HORIZONTAL DATUM (GEOGRAPHIC COORDINATES) IS IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND IS EXPRESSED IN DEGREES (°), MINUTES (') AND SECONDS ("), TO THE NEAREST HUNDREDTH OF A SECOND. THE VERTICAL DATUM (ELEVATIONS) IS IN TERMS OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AND IS DETERMINED TO THE NEAREST TENTH OF A FOOT.

Basis of Bearings

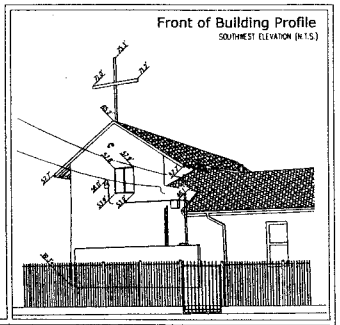
THE BEARINGS SHOWN HEREON ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83), CALIFORNIA ZONE III.

Bench Mark

THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE CALIFORNIA SPATIAL REFERENCE CENTER C.O.R.S. "CHAB", ELEVATION = 869.75 FEET (NAVD 88).

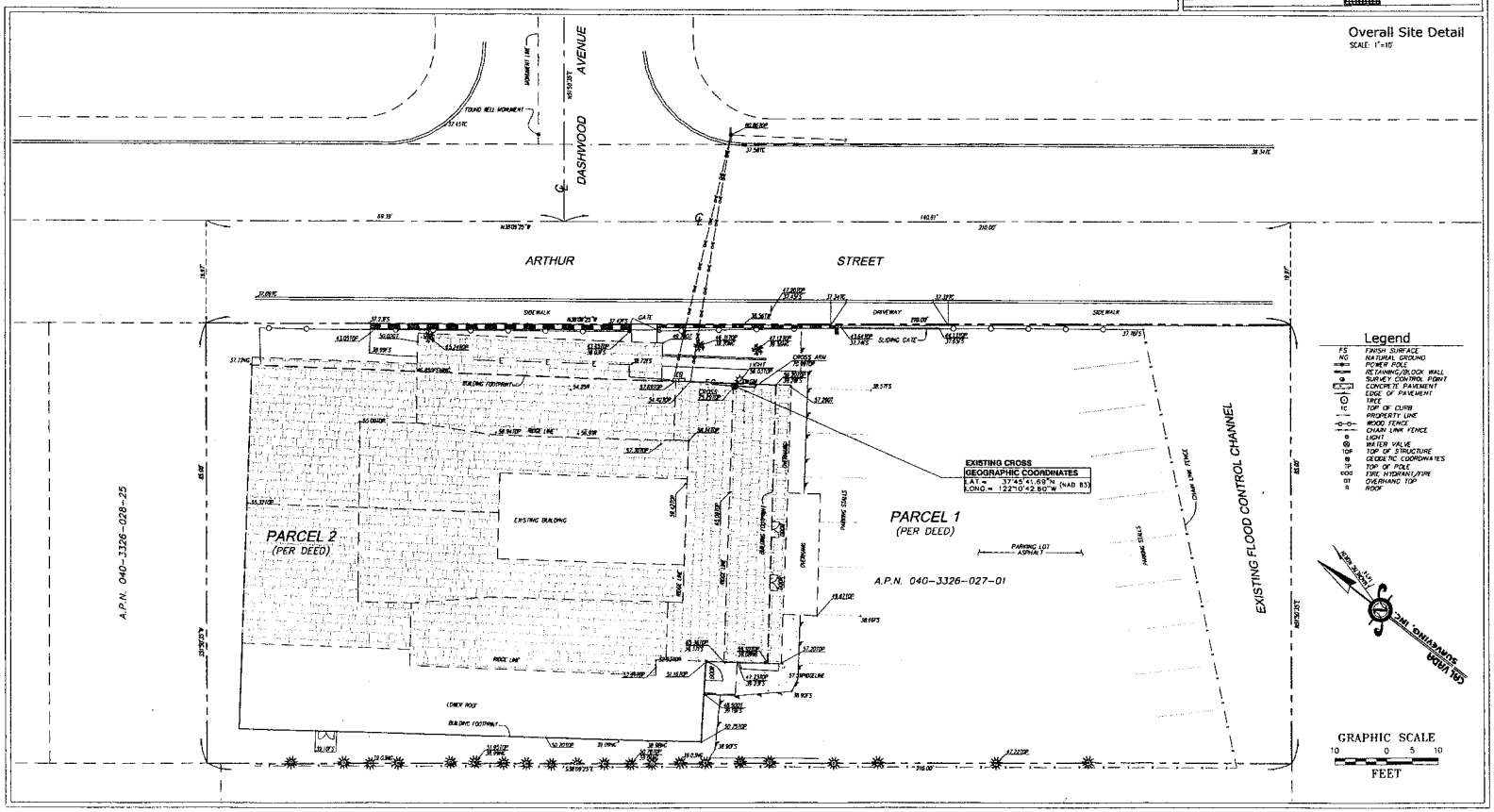
Front of Building Profile

SOUTHWEST ELEVATION (N.T.S.)



Overall Site Detail

SCALE: 1"=10'



Legend

FS	FINISH SURFACE
NG	NATURAL GROUND
	POWER POLE
	RETAINING/BLOCK WALL
	SURVEY CONTROL POINT
	CONCRETE PAVEMENT
	EDGE OF PAVEMENT
	TREE
	TOP OF CURB
	PROPERTY LINE
	WOOD FENCE
	CHAIN LINK FENCE
	LIGHT
	WATER VALVE
	TOP OF STRUCTURE
	GEODETIC COORDINATES
	TOP OF POLE
	FIRE HYDRANT/PIPE
	OVERHANG TOP
	ROOF

clear w!re®
4400 CARILLON POINT
KIRKLAND, WA 98033

Cortel, LLC

TRK ENGINEERING
#201 – 17688 66TH AVE
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FAX: (604) 574-6431
TOLL FREE: 1-877-345-4045
EMAIL: mail@trkeng.com
WEB: www.trkeng.com

CA-SFO0877A

MISSIONARY BAPTIST CHURCH
7635 ARTHUR STREET
OAKLAND, CALIFORNIA 94605
ALAMEDA COUNTY

CALVADA SURVEYING, INC.
411 John Dr., Suite 210, Covina, CA 91790
Phone: 877-345-4045 Fax: 877-345-4045
120 Pine, Rio Dell, CA 95562 www.calvada.com
JOB NO. 10424
L.S. 7730
Exp. 12-31-19

REVISIONS

NO.	DATE	DESCRIPTION	INITIAL
	06/11/10	PRELIMINARY	SM

NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET

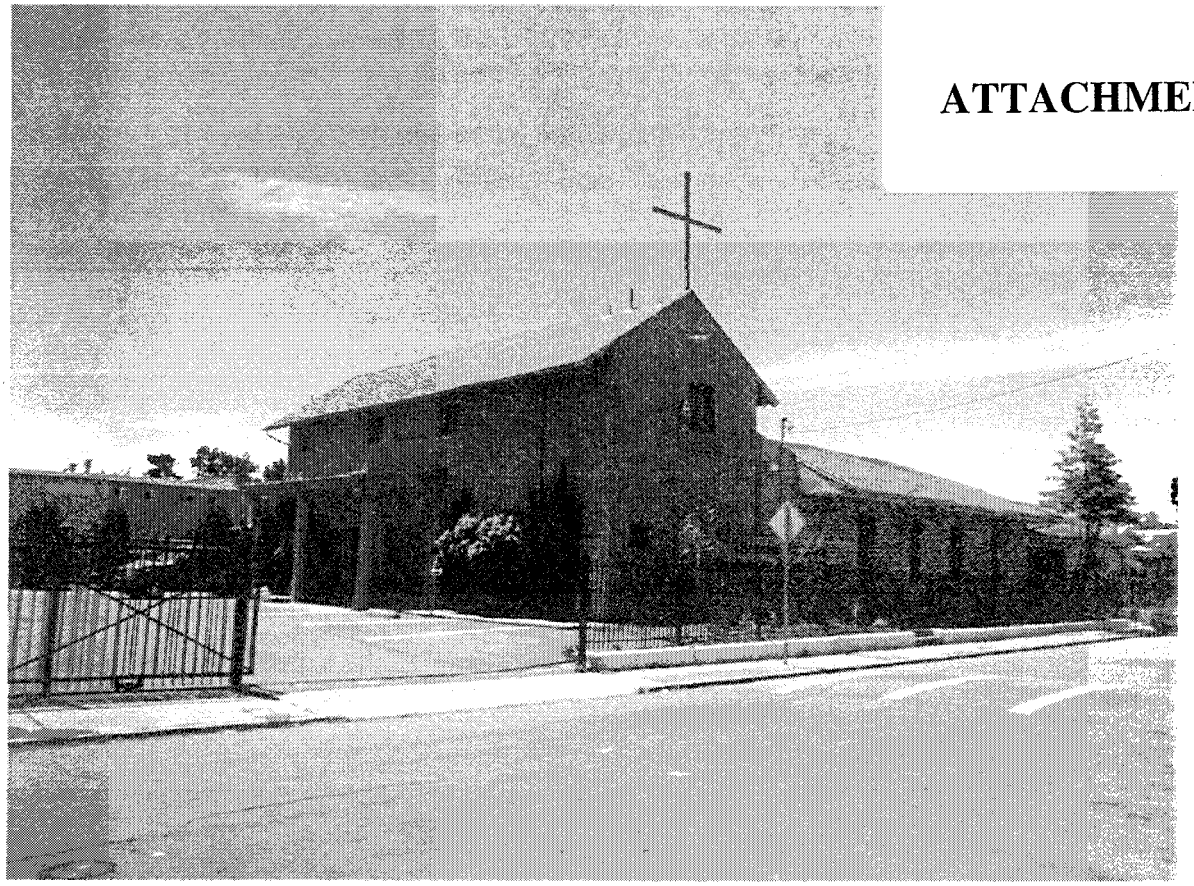
SHEET TITLE
TOPOGRAPHIC SURVEY

SHEET NUMBER
LS-1
SHEET 1 OF 1

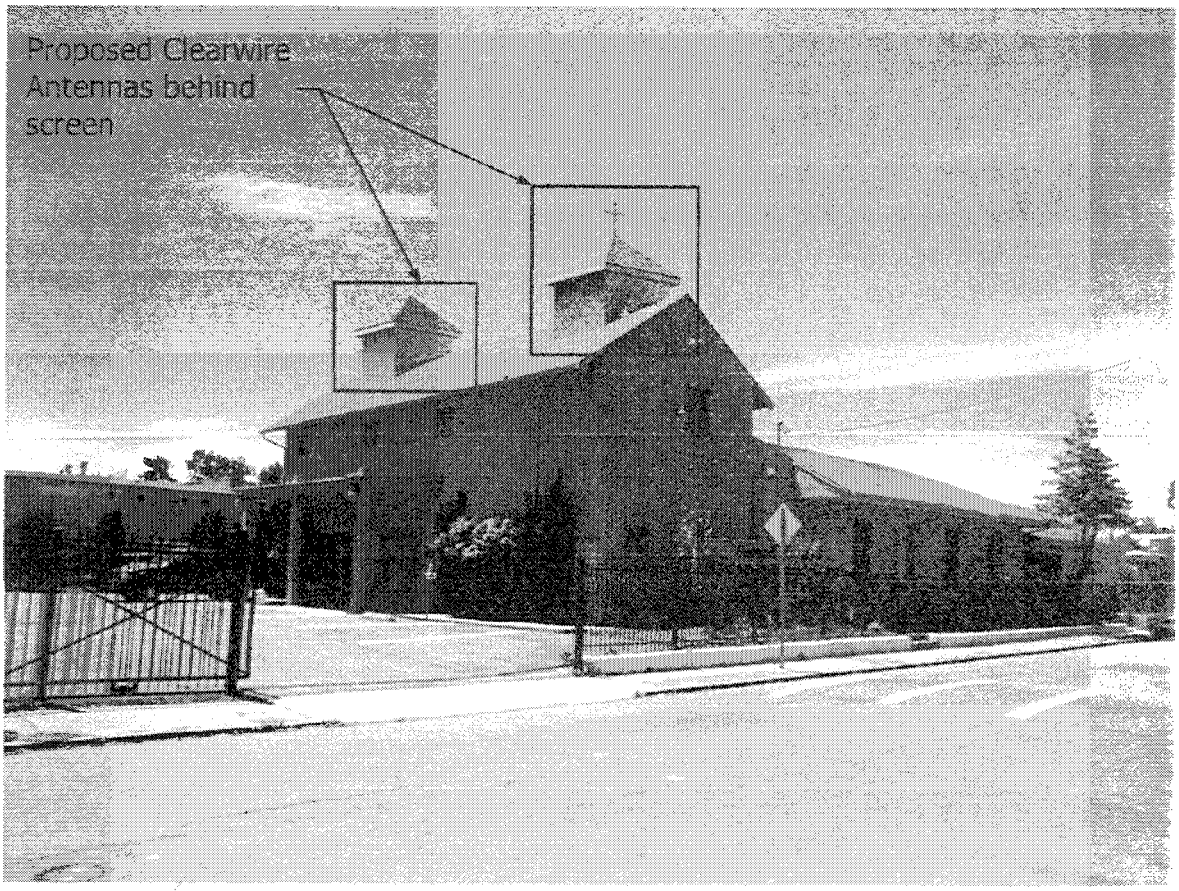
Existing

September 21, 2010

ATTACHMENT A



Proposed



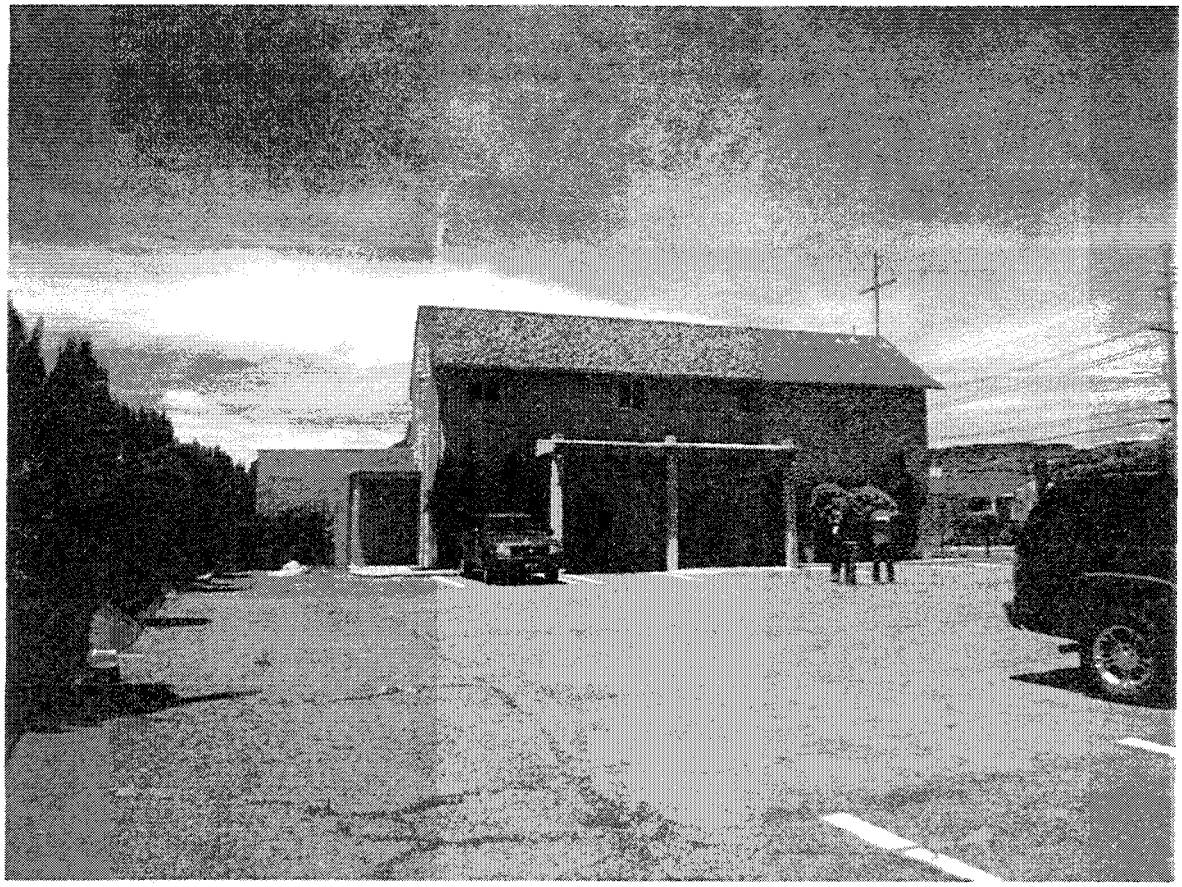
East Elevation

CA-SFO0877B
Missionary Baptist Church

TRK ENGINEERING

Existing

September 21, 2010



Proposed

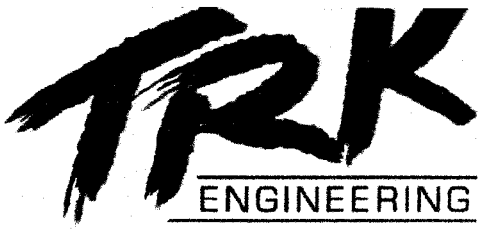


South Elevation

CA-SFO0877B
Missionary Baptist Church

TRK ENGINEERING

ATTACHMENT B



FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMPLIANCE STUDY ON
RADIO FREQUENCY
ELECTROMAGNETIC FIELDS EXPOSURE

Prepared for:

clearwire
wireless broadband

CA-SFO0877A
MISSONARY BAPTIST CHURCH
7635 ARTHUR ST
OAKLAND, CA

AUGUST 05/10, REV. 0

SITE DESCRIPTION:

Carrier:	Clearwire wireless broadband
Site Address:	7635 Arthur St., Oakland, CA
Type of Service:	MMDS (Multichannel Multipoint Distribution Service)
Sectors:	0°, 120°, 240°
Antenna Type:	Kathrein 840 10054
Number of Antennas:	3
Frequencies *(GHz)*:	2.5 – 2.7
Maximum Power:	969 W ERP (per sector)
Antenna Height:	25'-4"± *(radiation center AGL)*

Table 1. Clearwire RF summary

Clearwire is proposing to construct a wireless broadband facility on the rooftop of Missionary Baptist Church at the above address (Figure 1). Three panel antennas with horizontal beam width of 87° will be mounted inside FRP steeples on the rooftop. An outdoor site support cabinet will be installed beside the building at ground level. Access to the facility is restricted to authorized personnel only.



Figure 1. Facility and surrounding area

Clearwire also proposes to install dish antennas or Internet Service Exchange Points (ISEP) inside the steeples. The RF power outside the main beam of these ISEP antennas is insignificant compared to the panel antennas (see calculations in Appendix A).

PROTOCOL:

This study, and the calculations performed therein, is based on OET Bulletin 65[1] which adopts ANSI C95.1-1992 and NCRP standards. In particular, equation 10 from section 2 of the guideline is used as a model (in conjunction with known antenna radiation patterns) for calculating the power density at different points of interest. This information will be used to judge the RF exposure level incident upon the general population, and any employee present in the area. It should be noted that ground reflection of RF waves has been taken into account.

FCC'S MAXIMUM PERMISSIBLE EXPOSURE (MPE) LIMIT:

In order to evaluate the RF exposure level, the power densities at different locations of interest have been examined. Equation 10 from Bulletin 65 is reproduced here as equation 1:

$$S = \frac{33.4F^2ERP}{R^2} \qquad (1)$$

Where: S = *Power density [$\mu W/cm^2$]*
ERP = *Effective radiated power [W]*
R = *Distance [m]*
F = *Relative field factor (relative numeric gain)*

Scenario 1: *Standing near the facility on street level*

The RF exposure level of a six-foot tall person standing on street level close to the building is evaluated. For the worst-case scenario, we assume that all the antennas are transmitting the maximum number of channels at the same time, with each channel at its maximum power level. Please refer to scenario 1 in appendix A for the complete geometry and analysis. The highest exposure location is found to be approximately 33' from the church building. The calculations of maximum cumulative power density are summarized in Table 2.

Service	Max. ERP	F^2	R (m)	S ($\mu W/cm^2$) (from eq. 1)	MPE %
clearwire (panel)	969 W	-15 dB (0.0316)	11.8	7.3450	0.7345
clearwire ISEP	100 W	-41 dB (0.0001)	11.9	0.0024	0.0002
Total					0.7347

Table 2. Worst-case predicted power density values for scenario 1.

[1] Cleveland, Robert F, et al. Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields. OET Bulletin 65, Edition 97-01, August 1997.

The Maximum Permissible Exposure (MPE) limit for 2500 MHz MDS facilities[2] for general population/uncontrolled exposure is 1000 μW/cm². The maximum cumulative power density for the proposed antennas is calculated to be 0.73% of the MPE limit.

Scenario 2: *Nearby building rooftops*

There are various types of buildings in the surrounding area. The RF exposure levels on nearby rooftops are evaluated. We assume again, all antennas within a sector are transmitting with maximum power level. Please refer to scenario 2 in appendix A for the analysis. The highest exposure location is on the rooftop of the nearest building southwest of the subject building. The calculations for the maximum possible power density are summarized in Table 3.

Service	Max. ERP	F^2	R (m)	S (μW/cm²) (from eq. 1)	MPE %
clearwire (panel)	969 W	-3 dB (0.5012)	24.4	27.2459	2.7246
clearwire ISEP	100 W	-23 dB (0.0050)	24.4	0.0281	0.0028
Total					2.7274

Table 3. Worst-case predicted power density values for scenario 2.

The maximum cumulative power density for the Clearwire antennas is calculated to be 2.7% of the MPE limit. There is a relatively low level of RF energy directed either above or below the horizontal plane of the antennas, and there are no locations in the surrounding areas near the facility that will have RF exposure levels close to the MPE limit.

Scenario 3: *Facility rooftop*

Only authorized or trained persons will be permitted to access the rooftop and the antennas. The radiation center of the Clearwire's sector 3 antenna is approximately 8'-6" from the southern lower roof deck. There are locations where a six-foot tall person may be exposed partially within the main beam path of this antenna. In this situation, the occupational/controlled exposure limits will apply, as long as the exposed person has been made fully aware of the potential for the exposure.

The RF exposure level of different locations on this lower roof deck is evaluated. Please refer to scenario 3 in appendix A for the analysis. The highest exposure location on the roof deck is approximately 9' in front of the proposed Clearwire sector 3 antenna. The calculations for the maximum possible power density are shown in Table 4.

Service	Max. ERP	F^2	R (m)	S (μW/cm²) (from eq. 1)	MPE %
clearwire (panel)	969 W	-15 dB (0.0316)	3.0	113.6357	2.2727
clearwire ISEP	100 W	-40 dB (0.0001)	3.1	0.0348	0.0007
Total					2.2734

Table 4. Worst-case predicted power density values for scenario 3.

The MPE limit for 2500 MHz MDS facility[3] for occupational/controlled exposure is 5 mW/cm². The maximum power density for an antenna is calculated to be 2.3% of the occupational MPE limit.

[2] Ibid., page 67. are shown
[3] Ibid., page 67.

Conclusion:

Under "worst-case" conditions, the calculations shown above predict that the maximum possible RF exposure is 2.7% of the MPE limit for general population/uncontrolled exposure. There will be less RF exposure on the ground level or nearby buildings as a person moves away from the site. Therefore, the proposed Clearwire facility will comply with the general population/uncontrolled limit.

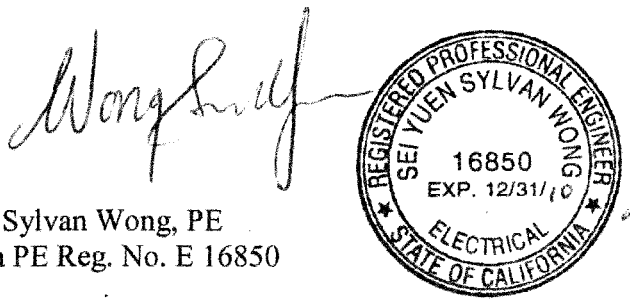
For occupational/controlled exposure to trained persons or transient workers working on the rooftop, the maximum possible RF exposure is 2.3% of the MPE limit. RF exposure warning signage should be posted within the compound and near the antennas. This will make trained persons or transient workers fully aware of the potential for RF exposure when there is a necessity to work near the antennas, and allow them to exercise control over their exposure that is within the occupational/controlled limit.

FCC COMPLIANCE:

The general population/uncontrolled exposure near the antennas, including persons on the street level, in nearby open areas, and inside or on existing nearby buildings will have RF exposure much lower than the "worst-case" scenario, which is only a small percentage of the MPE limit.

As for trained persons or transient workers, they will be made fully aware of the potential for RF exposure and can choose to exercise control over their exposure that is within the occupational/controlled limits.

The proposed site will operate within the current acceptable thresholds as established by FCC.

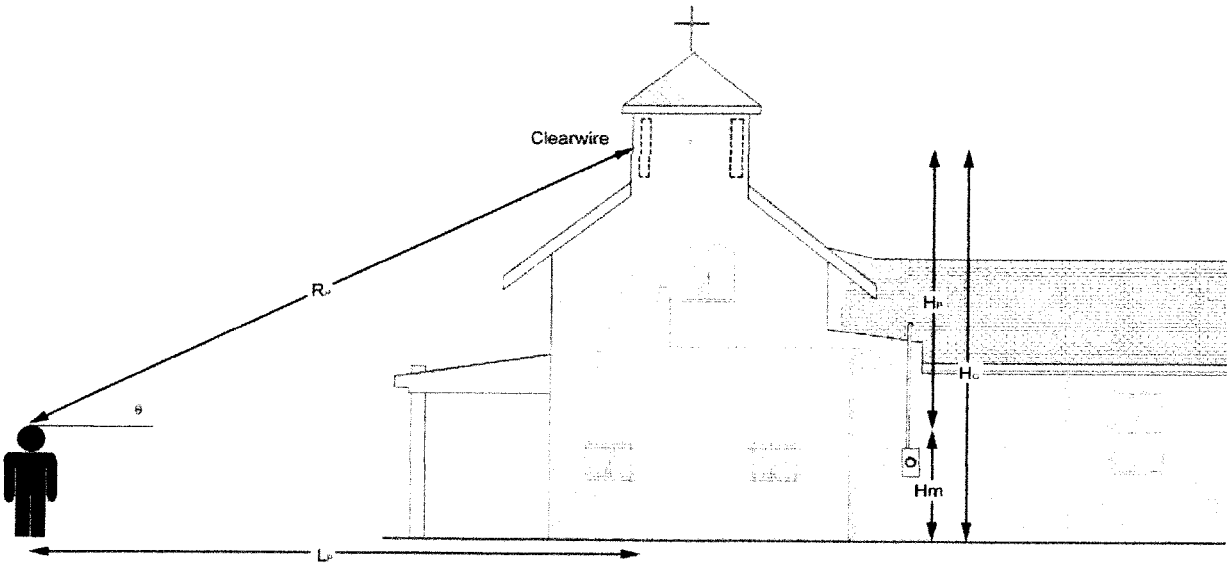


August 6, 2010

Sei Yuen Sylvan Wong, PE
California PE Reg. No. E 16850

APPENDIX A

Scenario 1: Surrounding Area of the Facility



person's height (H_M) = 6 ft

building elevation = 39 ft

Horizontal distance from building L_P is 3 ft at Θ= 80 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	19.33	969.0	Θ = 80 °	-30 dB (0.0010)	6.0	0.8990	0.0899
clearwire ISEP	25.75	19.75	100.0	Θ = 80 °	-57 dB (0.0000)	6.1	0.0000	0.0000
						Total		0.0899

Horizontal distance from building L_P is 11 ft at Θ= 60 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	19.33	969.0	Θ = 60 °	-30 dB (0.0010)	6.8	0.6999	0.0700
clearwire ISEP	25.75	19.75	100.0	Θ = 61 °	-45 dB (0.0000)	6.9	0.0000	0.0000
						Total		0.0700

Horizontal distance from building L_P is 19 ft at Θ= 45 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	19.33	969.0	Θ = 45 °	-30 dB (0.0010)	8.3	0.4698	0.0470
clearwire ISEP	25.75	19.75	100.0	Θ = 46 °	-42 dB (0.0001)	8.4	0.0047	0.0005
						Total		0.0475

Horizontal distance from building L_P is 33 ft at Θ= 30 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	19.33	969.0	Θ = 30 °	-15 dB (0.0316)	11.8	7.3450	0.7345
clearwire ISEP	25.75	19.75	100.0	Θ = 31 °	-41 dB (0.0001)	11.9	0.0024	0.0002
						Total		0.7347

Horizontal distance from building L_P is 72 ft at Θ= 15 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	19.33	969.0	Θ = 15 °	-13 dB (0.0501)	22.8	3.1192	0.3119
clearwire ISEP	25.75	19.75	100.0	Θ = 15 °	-24 dB (0.0040)	22.8	0.0257	0.0026
						Total		0.3145

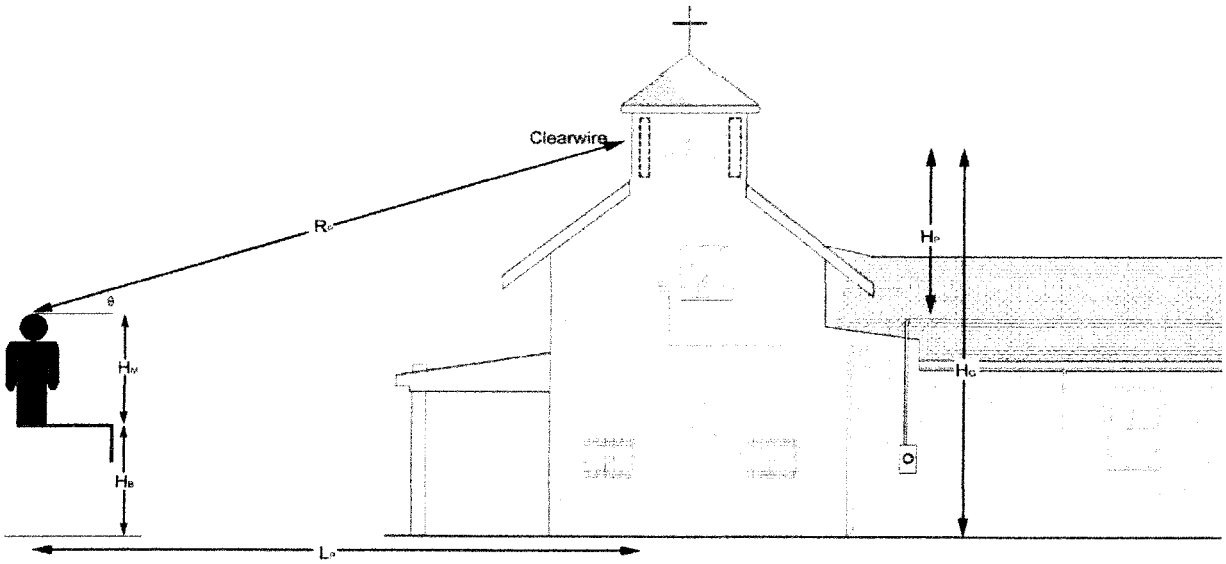
Horizontal distance from building L_P is 110 ft at Θ= 10 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	19.33	969.0	Θ = 10 °	-14 dB (0.0398)	33.9	1.1209	0.1121
clearwire ISEP	25.75	19.75	100.0	Θ = 10 °	-28 dB (0.0016)	34.0	0.0046	0.0005
						Total		0.1126

Horizontal distance from building L_P is 221 ft at Θ= 5 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	19.33	969.0	Θ = 5 °	-5 dB (0.3162)	67.6	2.2394	0.2239
clearwire ISEP	25.75	19.75	100.0	Θ = 5 °	-25 dB (0.0032)	67.6	0.0023	0.0002
						Total		0.2241

Scenario 2: Nearby Buildings/Rooftop



person's height (H_M) = 6 ft

Location 1: Nearest building surface within Sector 1

H_B= 12.0 ft, L_P is 106 ft Elevation above sea level: 38 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	8.33	969.0	Θ = 4 °	-5 dB (0.3162)	32.4	9.7486	0.9749
clearwire ISEP	25.75	8.75	100.0	Θ = 5 °	-25 dB (0.0032)	32.4	0.0102	0.0010
						Total		0.9759

Location 2: Nearest building surface within Sector 2

H_B= 12.0 ft, L_P is 163 ft Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	7.33	969.0	Θ = 3 °	-3 dB (0.5012)	49.7	6.5670	0.6567
clearwire ISEP	25.75	7.75	100.0	Θ = 3 °	-23 dB (0.0050)	49.8	0.0067	0.0007
						Total		0.6574

Location 3: Nearest building surface within Sector 3

H_B= 17.0 ft, L_P is 80 ft Elevation above sea level: 37 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	25.33	4.33	969.0	Θ = 3 °	-3 dB (0.5012)	24.4	27.2459	2.7246
clearwire ISEP	25.75	4.75	100.0	Θ = 3 °	-23 dB (0.0050)	24.4	0.0281	0.0028
						Total		2.7274

Scenario 3: Facility Rooftop

Sector 3:

Horizontal distance from antenna L_P is 1 ft at Θ= 80 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	11.00	5.00	969.0	Θ = 80 °	-30 dB (0.0010)	1.5	14.3843	0.2877
clearwire ISEP	11.30	5.30	100.0	Θ = 81 °	-57 dB (0.0000)	1.6	0.0000	0.0000
						Total		0.2877

Horizontal distance from antenna L_P is 3 ft at Θ= 60 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	11.00	5.00	969.0	Θ = 60 °	-30 dB (0.0010)	1.8	9.9891	0.1998
clearwire ISEP	11.30	5.30	100.0	Θ = 61 °	-42 dB (0.0001)	1.8	0.1031	0.0021
						Total		0.2019

Horizontal distance from antenna L_P is 5 ft at Θ= 45 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	11.00	5.00	969.0	Θ = 45 °	-30 dB (0.0010)	2.2	6.6869	0.1337
clearwire ISEP	11.30	5.30	100.0	Θ = 47 °	-42 dB (0.0001)	2.2	0.0690	0.0014
						Total		0.1351

Horizontal distance from antenna L_P is 9 ft at Θ= 30 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	11.00	5.00	969.0	Θ = 30 °	-15 dB (0.0316)	3.0	113.6357	2.2727
clearwire ISEP	11.30	5.30	100.0	Θ = 31 °	-40 dB (0.0001)	3.1	0.0348	0.0007
						Total		2.2734

Horizontal distance from antenna L_P is 19 ft at Θ= 15 ° Elevation above sea level: 39 feet

Service Provider	Height H_G, ft	Height H_P, ft	Max. ERP	Angle Θ	F^2	R_P(m)	S (μW/cm2)	MPE%
clearwire panel	11.00	5.00	969.0	Θ = 15 °	-13 dB (0.0501)	5.9	46.5805	0.9316
clearwire ISEP	11.30	5.30	100.0	Θ = 16 °	-30 dB (0.0010)	5.9	0.0959	0.0019
						Total		0.9335

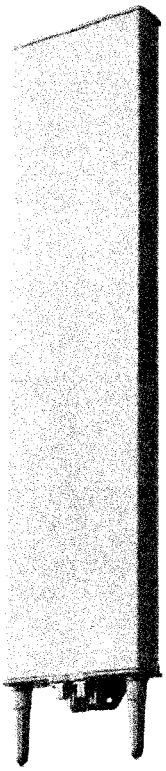
KATHREIN
SCALA DIVISION

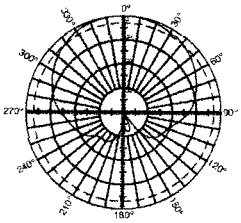
840 10054

87° XX-pol Panel Antenna
2496–2690 MHz

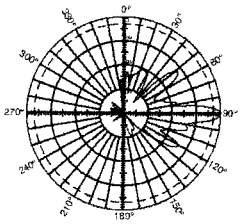
Kathrein Scala's XX-polarized adjustable electrical downtilt antennas offer the carrier the ability to tailor sites for optimum performance. Using variable downtilt, only a few models need be procured to accommodate the needs of widely varying conditions. Remotely controlled downtilt is available as a retrofitable option.

- 0–10° electrical downtilt range.
- DC Grounded metallic parts for impulse suppression.
- No moving electrical connections.
- Optional remote downtilt control.

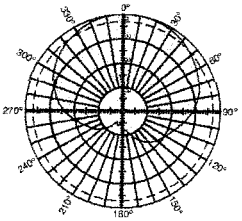




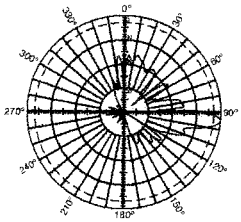
Horizontal pattern
±45°- polarization
0° electrical downtilt



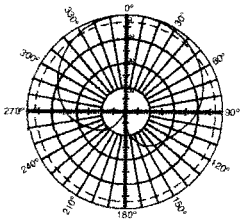
Vertical pattern
±45°- polarization
0° electrical downtilt



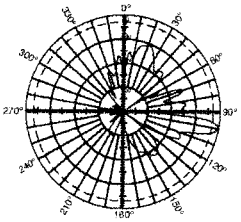
Horizontal pattern
±45°- polarization
5° electrical downtilt



Vertical pattern
±45°- polarization
5° electrical downtilt



Horizontal pattern
±45°- polarization
10° electrical downtilt



Vertical pattern
±45°- polarization
10° electrical downtilt

Specifications:

Frequency range	2496–2690 MHz
Gain	2 x 16 dBi
Impedance	50 ohms
VSWR	< 1.5:1
Intermodulation (2x20w)	IM3:< -150 dBc
Polarization	+45° and -45°
Front-to-back ratio	>23 dB typical
Maximum input power	300 watts (at 50°C)
+45° and -45° polarization horizontal beamwidth	87 degrees at midband (half power)
+45° and -45° polarization vertical beamwidth	7 degrees at midband (half power)
Electrical downtilt continously adjustable	0–10 degrees
Connector	4 x 7-16 DIN female
Sidelobe suppression for first sidelobe above horizon	0° 4° 8° 10° 15 15 15 15 dB (typical)
Null fill	> -1 dBi to 12° below horizon (typical) (17 dB below 16 dBi main beam)
Isolation	>30 dB
Weight	30 lb (13.6 kg)
Dimensions	42 x 12.7 x 2.8 inches (1067 x 323 x 71 mm)
Equivalent flat plate area	4.8 ft² (0.45 m²)
Wind survival rating*	120 mph (200 kph)
Shipping dimensions	48 x 13.3 x 5.1 inches (1220 x 337 x 130 mm)
Shipping weight	34 lb (15.4 kg)
Mounting	Fixed and tilt-mount options are available for 2 to 5.7 inch (50 to 145 mm) OD masts.

See reverse for order information.

*Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

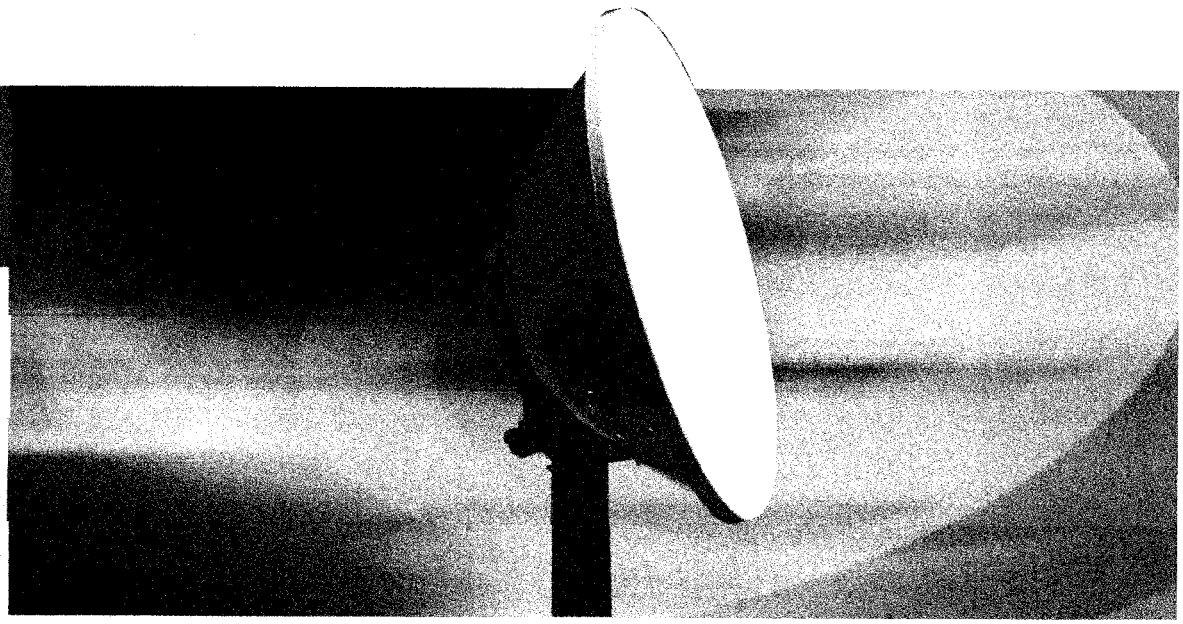
TÜV
RoHS
Lead-Free

11098-A

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

ANDREW®

PRODUCT SPECIFICATION



ValuLine® III Next Generation Antennas
VHLP2

SPECIFICATIONS

	VHLP2-7W	VHLP2-10W	VHLP2-11	VHLP2-13	VHLP2-15	VHLP2-18	VHLP2-23	VHLP2-26	VHLP2-28	VHLP2-32	VHLP2-38
Frequency Band, GHz	7.125–8.5	10.55–10.68	10.7–11.7	12.70–13.25	14.25–15.35	17.7–19.7	21.2–23.6	24.25–26.5	27.5–29.5	31.8–33.4	37.0–40.0
Bottom Band Gain, dBi	29.5	33.7	34.0	35.6	36.5	38.3	39.8	40.8	41.8	43.4	44.6
Mid Band Gain, dBi	30.7	33.8	34.4	35.8	36.8	38.7	40.4	41.2	42.2	43.7	45.2
Top Band Gain, dBi	31.9	34.3	35.0	36.0	37.2	39.1	41.0	41.8	42.7	44.0	45.8
Beamwidth, degrees	4.7	3.7	3.3	2.7	2.5	2.1	1.7	1.5	1.3	1.0	0.9
Front/Back, dB	57	56	60	62	65	67	66	68	68	61	66
XPD, dB	32	30	30	30	30	30	30	30	30	30	30
Return Loss, dB	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7	17.7
Regulatory Compliance											
ETSI Class	R1 C3	R1 C2	R1 C3	R1 C3	R2 C3	R2 C3	R3 C3	R4 C3	R4 C3	R5 C3B	R5 C3B
FCC Part 101	N/A	CAT A*	CAT B	N/A	N/A	CAT A	CAT A	CAT A	N/A	N/A	CAT A
Brazil Anatel	N/A	C2	C2	C2	C2	C2	C2	C2	C2	C2	C2
Canada SRSP	N/A	310.5	N/A	312.7B	314.5A	Note 1	Note 2	N/A	N/A	N/A	338.6A
Andrew RPE Number	7075A	7085B, 7086B*	7083A	7004	7008	7012A	7016A	7020A	7024A	7028	7032A

Note 1: Meets Canada SRSP 317.8A, 318.5, 318.8
Note 2: Meets Canada SRSP 312.2A, 321.8B

** Use for FCC band (10.5–10.7 GHz)*

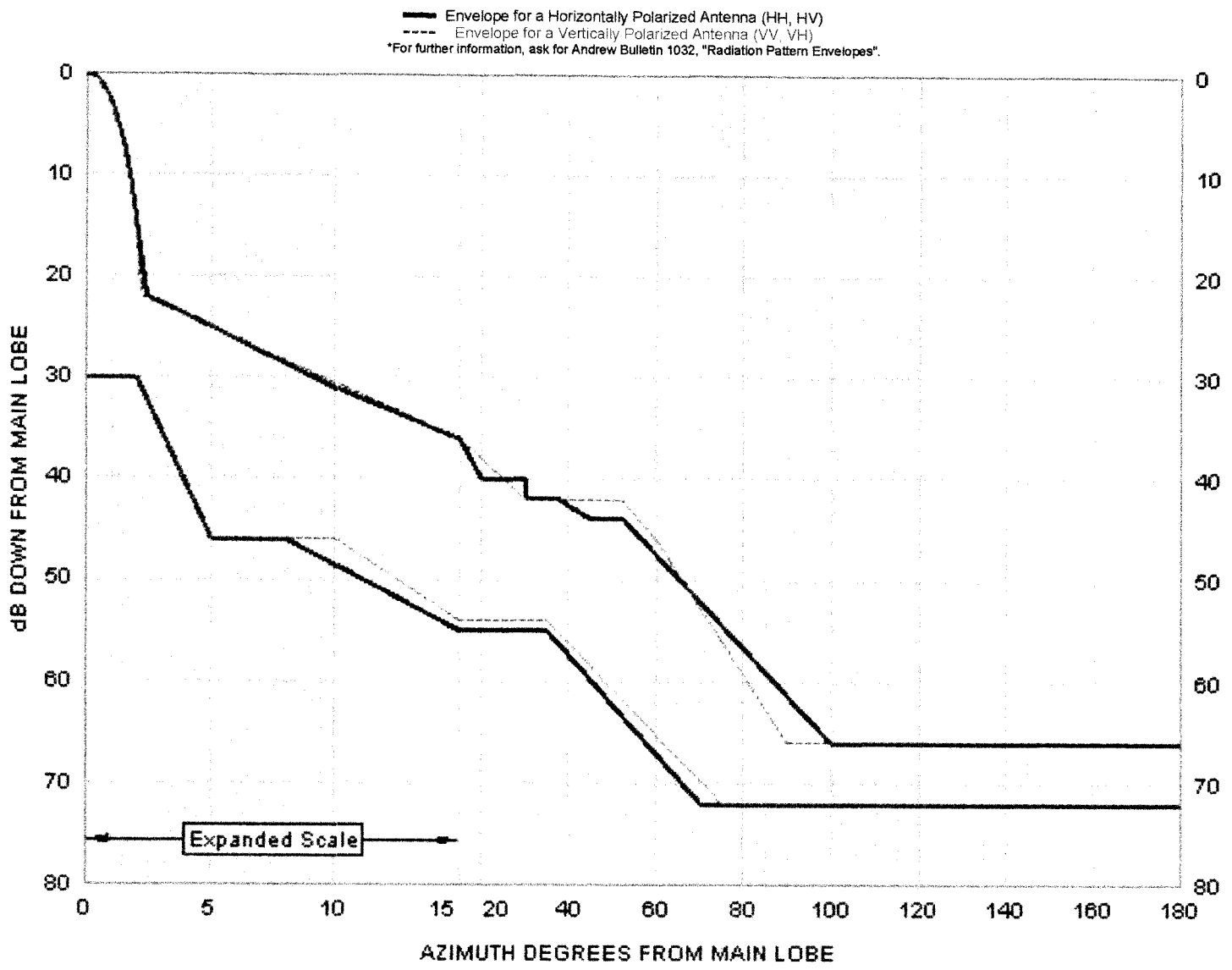
One Company. A World of Solutions.

VHLP2-23 - Radiation Pattern Envelope

ANDREW

ANDREW
RPE: 7016

Engineering Approved:
25 October 2004



Clearwire provides 3G and 4G high speed wireless internet for customers at home or around town. Network service in this area of Oakland does not exist and the proposed facility will fill the service gap. Once the site is operational, Clearwire customers in the surrounding neighborhood will have access to 4G high speed wireless internet for work or leisure purposes.

To begin the search for a potential site, Clearwire first identifies the area in need of coverage. Clearwire's Radio Frequency (RF) Engineers and the Back Haul (BH) Engineers determine the location in which a site must be located and the height at which the antennas and microwaves must be placed in order to provide the necessary coverage to the area. All Clearwire facilities must have clear line of site to adjacent facilities and must not be blocked by existing trees, building, or topography. The current site was chosen to provide coverage to the residential & commercial neighborhood surrounding the site. The proposed site will utilize an existing building adding approximately 7' to the height. The subject site is the best location in terms of meeting technological needs and designing a facility where the antennas and microwaves are not visible.

Clearwire investigated two alternate collocation sites in the search ring—please see the attached map:

1. Rooftop collocation on Brookins AME Church
   This location would have provided acceptable height for RF & BH however due to the design of this structure adding antennas would be a very large and expensive project. The chosen candidate provides acceptable height but also allows the Engineers to better provide coverage to the neighboring residential areas.

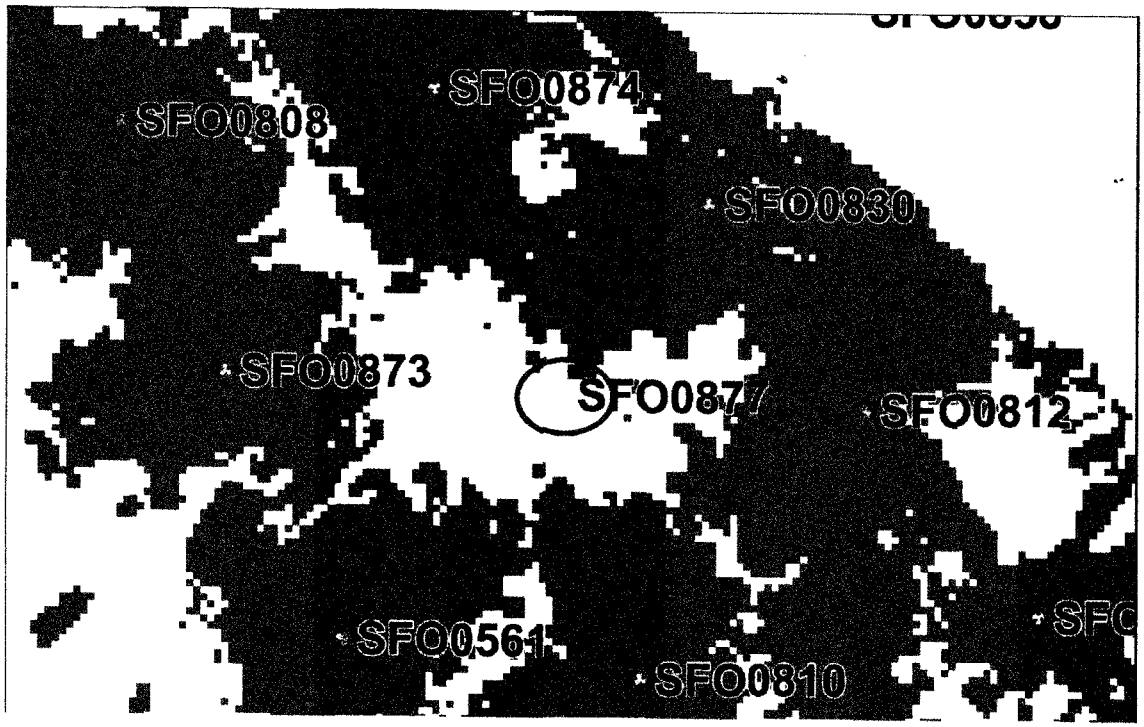
Thank you for your assistance in reviewing our proposal. Please call me at 510-435-9849 if you have any questions.

Thanks,

Jacqueline Smart Steinberg

ATTACHMENT C

Coverage Map, Surrounding Sites Excluding SFO0877



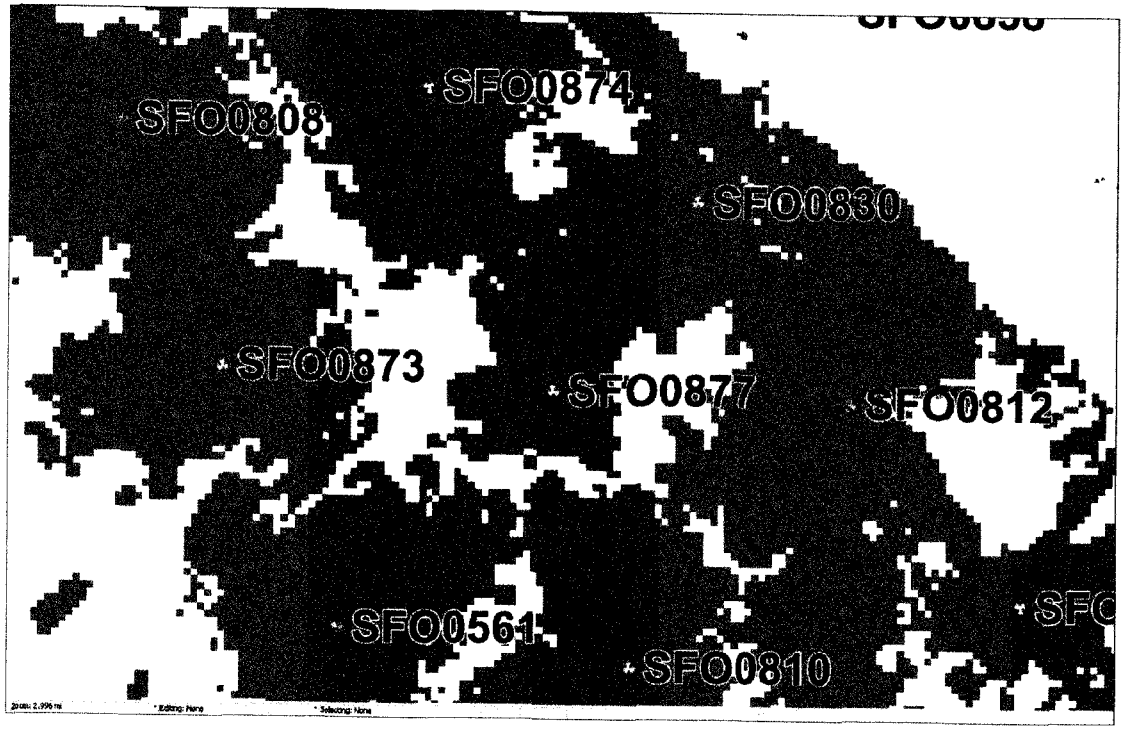
Coverage

No Coverage

clearwire

HIGH SPEED INTERNET ACCESS MADE SIMPLE. *WAY* SIMPLE.

Coverage Map, SFO0877 & the Surrounding Sites



Coverage

No Coverage

clearwire

HIGH SPEED INTERNET ACCESS MADE SIMPLE. *WAY* SIMPLE.

Location:	**Multiple parcels immediately adjacent to the Macarthur BART station; on the west side of Telegraph Avenue between 40th Street and West Macarthur Boulevard (see map)**
Assessors Parcel Numbers	012-0969-053-03, 012-0968-055-01, 012-0967-01, 012-0969-002-00, 012-0969-003-00, 123-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
Proposal:	Construct Stage One (1) of the Macarthur Transit Village project (PUD06058), including: a new BART parking garage with 480 parking spaces and 5,200 square feet of ground-floor commercial space; as well as new streets, utilities, and public improvements. Additional application for Vesting Tentative Map for entire site.
Project sponsor(s):	Macarthur Transit Community Partners, LLC (MTCP)
Owner(s):	Art May; Project Manager (510) 903-2051
Case File Number(s):	**PUDF10-097, TTM8047 (related to PUD06058)**
Planning Permits Required:	Stage 1Final Development Permit, Vesting Tentative Map
General Plan:	Neighborhood Mixed Use
Zoning:	S-15 Transit-Oriented Development Zone
Environmental Determination:	Reliance on previously certified June 2008 Environmental Impact Report (EIR).
Historic Status:	There are no Potential Designated Historic Properties located on the project site.
Service Delivery District:	Service District 2
City Council District:	1 - Brunner
Status:	Design Review Committee on May 26, 2010
Action to be Taken:	Consider recommendation of approval of FDP and VTTM to the City Council
Finality of Decision:	NA
For further information:	Contact case planner **Catherine Payne** at **(510) 238-6168** or by email at **cpayne@oaklandnet.com**

SUMMARY

Macarthur Transit Community Partners, LLC (the Applicant) seeks approval of the Stage 1 Final Development Permit (FDP) and Vesting Tentative Tract Map (VTTM) for the Macarthur Transit Village (MTV) project located in North Oakland. The Stage 1 FDP application is to construct a 6-level parking structure with approximately 480 parking stalls and 5,200 square feet of ground-floor commercial space; additionally, the Stage 1 FDP includes infrastructure improvements, including new streets, utilities and public improvements. 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 request the Planning Commission make a recommendation regarding this application to the City Council. Staff is also forwarding the VTTM to the City Council for consideration with the Stage One FDP.

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

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 Stage 1 FDP includes the portion of the site in the southwest corner, where the new BART garage will be located, and all of the public and private streets and paths located throughout the site. The VTTM applies to the parcels currently under the Applicant's control (and excludes some parcels fronting West Macarthur Boulevard and Telegraph Avenue.

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 1 proposal on May 26, 2010.

PUD

The Macarthur Transit Village PUD was approved by the Planning Commission on June 4, 2008. 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 624 residential units, as well as additional open space and public infrastructure. Development of the PUD is phased to occur in five stages. The applicant is currently applying for a FDP and VTTM to initiate development of Stage One development. See Attachment C for complete description of the PUD.

Stage One

Stage One is fully described in the Project Description section of this report, but essentially includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets).

Design Review Committee

The Design Review Committee of the Planning Commission (DRC) reviewed the project at their meeting on May 26, 2010. 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

MTCP presented the FDP design to the Macarthur BART Citizen's Planning Committee, the community organization tracking the progress of this project, on April 21, 2010. The DRC held a public hearing for the FDP at their meeting on May 26, 2010. Involved community members are supportive of the project.

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 a total of 624 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 30 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.

As noted above, the current application is for the Stage One FDP. Stage One includes construction of the replacement BART parking garage, site remediation, and development of site infrastructure (including streets).

Building E (Replacement BART Parking Garage)

The proposed replacement BART parking garage is located on Macarthur Boulevard, adjacent to Frontage Road (across the street from the BART station entrance). The garage includes up to 480 parking spaces and 5,200 square feet of ground-floor retail space in a six-story (68-foot tall) building.

The Draft Transportation Demand Management (TDM) Plan for the approved PUD required an increase in the BART replacement parking garage from 300 to 510 spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage has been rotated and enlarged. The FDP for the garage includes 480 parking spaces and over 5,200 square feet of ground-floor retail space on West Macarthur Boulevard and wrapping the corners of the garage on Frontage Road and Internal Street (additional spaces are provided elsewhere throughout the project to achieve the 510 total spaces required). The proposed garage materials include pre-cast textured concrete, perforated stainless steel screens, metal panels, aluminum and glass storefront, metal awnings and colored glass. The remainder of the required parking spaces will be provided through a shared parking arrangement with the development on Parcel A.

The south elevation, fronting West Macarthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have a woven screen detail.

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the corner, with perforated metal screen above. The middle portion of this elevation includes a precast concrete woven, "z" pattern detail, with a metal screen at the northern end.

The north elevation is a blank concrete shear wall detailed with random vertical and horizontal scoring lines. There is no detailed design treatment provided on this blank wall, as future development is planned immediately adjacent to the garage on Parcel B.

The west elevation, fronting Frontage Road, has ground-floor retail space wrapping the corner with perforated screen above closest to Macarthur Boulevard. Similar to the east elevation, the middle portion of this elevation includes a precast woven, "z" pattern detail, with a metal screen at the northern end, where the parking garage entrance is located.

Landscaping along the perimeter of the garage will include accepted street trees (including Platinus Acerifolia and Quercus Coccinea) and native grasses.

Site Infrastructure

Site access and circulation includes multiple improvements. Three internal roadways would be constructed as part of the proposed project: Frontage Road, Village Drive, and Internal Street (a north/south street off of Village Drive). New sidewalks, bicycle paths, and streetscape improvements would be constructed, as well. Approximately 45 on-street parking and loading spaces are provided.

Landscaping will include special paving, street furnishings, accepted street trees (including Platinus Acerifolia and Quercus Coccinea), and native grasses. Each project street will have a different paving and street tree combination to differentiate one from the other.

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, extending from 40th Street to West Macarthur Boulevard. The 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 from Village Drive southward. Internal Street would be a private street. The internal street is not a through street for vehicular traffic, but would provide through access for pedestrians and emergency vehicles to and from West Macarthur Boulevard. 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 on 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 pedestrians, bicyclists, and emergency vehicles to access the internal street from West Macarthur Boulevard.

SUBDIVISION ANALYSIS

The current proposal includes a Vesting Tentative Tract Map (VTTM) to create lots for development of the approved PUD. The 8-lot VTTM creates six development parcels, two access parcels (for Frontage Road and Internal Street), and one parcel to be dedicated to the City of Oakland for a public street (Village Drive). The proposed VTTM includes a portion of the larger PUD site and allows, at a minimum, development of the Stage One FDP. The applicant may propose additional subdivision maps in the future to include additional, adjacent parcels as they gain site control and seek FDPs for future development phases. Although the Planning Commission is typically the initial decision-maker for tentative tract maps, in this instance, the Planning Commission will act in an advisory role and the City Council will make the decision for this VTTM to allow for consistency with their decision regarding the Stage One FDP. As with the FDP, the Planning Commission would provide a recommendation on the VTTM to the City Council.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element

Consistent with the approved PUD for the site, the proposed 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 One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

ZONING ANALYSIS

The proposed 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 to, "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 D: June 4, 2008 Planning Commission Report).

ENVIRONMENTAL REVIEW

An EIR was certified by the Planning Commission for this project on June 4, 2008. The proposed FDP is, by definition, consistent with the PUD. 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 will be undertaken have occurred that would require subsequent or supplemental environmental review. The CEQA memo/addendum is attached to this report. In sum, (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 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. (see Attachment F).

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 FDP and VTTM appear different from the adopted PUD. However, staff has reviewed the changes from the PUD to the FDP and VTTM, and has determined that the changes are not substantial in terms of compliance with the PUD and consistency with the certified EIR. The following matrix outlines the changes, the reason for the changes and why the changes are not substantial (and Attachment G: Conformance Memo describes the changes in detail):

FDP Change	Reason for Change	Why Not Substantial
BART Garage and associated site plan changes, including increase from 300 to 480 parking spaces, and relocation of affordable housing to different parcel on-site	To accommodate additional required BART parking stalls	Consistent with COA, design guidelines and pursuant to change required per the approved Draft TDM Plan
Adjustment of Internal Street, widening of pedestrian walkway, and addition of an EVA connection to W. Macarthur	To accommodate revision to BART Garage	Conforms and promotes design guidelines and consistent with COA
Realignment of Village Drive	To line up with existing 39th Street and not require acquisition of 3875 Telegraph	Street pattern consistent with COA and design guidelines
Street widening	Required by Oakland Building and Fire Services Divisions	Not substantial change to design guidelines and pursuant to COA requiring Fire Services approval
Removal of parking on Internal Street	To accommodate the street widening	Conforms and promotes design guidelines and consistent with COA

Smaller VTTM (in terms of acreage and lots included)	Allows a map for the area controlled by the applicant and planned for Stage One Development	Does not preclude future maps and/or development of additional parcels to complete planned development

Although the FDP and VTTM proposes clarifying and complementing revisions to the PUD, in all fundamental respects the 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 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 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. Consequently, these facts support a finding by the City that the proposed FDP for Stage I, 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 1 FDP are cited below.

1. West Macarthur Boulevard

The Transit Village will create a new building frontage along this street, and its vehicular connection into the Transit Village will serve to provide scale and activity to the street by creating a new intersection at Frontage Road.

Height, Bulk and Scale:

Guideline A2.1 The ground level commercial base will activate the street and provide human scale and visual interest at the base of the parking structure.

Guideline A2.2 The proposed multi level parking structure's height and substantial bulk will be a distinctive visual cue to commuters arriving by car both regionally and locally, as it is visible not only from West Macarthur Boulevard and Telegraph Avenue, but from Highway 24 and the BART train platform above.

Architectural Treatments:

Guideline A2.3 Provide active, commercial or retail frontage at the ground floor to create a strong visual connection between the street and activities inside, and to enhance pedestrian activity on the street providing character and safety.

Guideline A2.4 Provide minimum of 13' floor to floor dimension for the ground level retail or commercial space.

Guideline A2.5 Artistic design elements or signage elements mounted on the exterior of the parking structure above the ground floor retail will provide visual interest and identity to freeway drivers and BART commuters passing by.

Guideline A2.6 Incorporate artistic sun shading devices and PV panels or other building specifications to further support sustainable development.

Guideline A2.7 Provide a substantial building base with quality materials and provide distinctive attractive signage and canopies along the street and at building lobbies.

Guideline A2.8 Use high quality durable materials, to create a strong relationship of the building to the pedestrian realm and to activate West Macarthur Boulevard.

2. Frontage Road

The Frontage Road is an essential access drive for shuttle transit services, bike path and pedestrian linkage to the new BART replacement parking garage. In addition, it also serves as an emergency access and maintenance road for CalTrans.

Height, Bulk and Scale:

Guideline A4.1 Blocks B, C, and D along the frontage road should have clearly defined, well-lit and visible frontage along the street level to promote security and safety.

Guideline A4.2 Due to visibility from the freeway and the BART platform, the architecture of each of the blocks along the frontage road (at street level and upper levels) shall be designed with an architectural gesture fitting with this location through bold fenestration patterns, roof forms and façade articulation.

Guideline A4.3 The buildings along this edge have the most flexibility in heights and variations (approximately 65' to 80') in form within the project. (plan sheet A-1.0H)

Architectural Treatments:

Guideline A4.4 Provide artistic metal grills and pedestrian scale lighting along the garage edge to provide maximum visibility to promote security. (Exhibit A-3.06)

Guideline A4.5 The architectural composition of the building areas visible to the freeway and BART platform should be designed with bold forms and building

materials to promote a sense of arrival at this important civic place within the City.

The Draft Transportation Demand Management (TDM) Plan for the approved PDP required an increase in parking spaces in the BART replacement parking garage from 300 to 400 spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage was rotated and enlarged. The FDP for the garage includes up to 480 parking spaces and 5,200 square feet of ground-floor commercial space on West Macarthur Boulevard and wrapping the corners of the garage on Frontage Road and Internal Street. The proposed materials for the garage are pre-cast concrete, perforated metal screens, metal panels, aluminum and glass storefront, metal awnings, and colored glass.

The south elevation, which fronts West Macarthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have pre-cast concrete columns, perforated metal screens, and orange reveal accents. See Attachment A: Sheet A3.1.

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the corner, with perforated metal screen above. The rest of this elevation has metal security screen at the base and alternating segments of pre-cast concrete and perforated metal screen above in a stepped pattern. See Attachment A: Sheet A3.1.

The north elevation, facing 40th Street, is a blank concrete shear wall with scoring lines. There is no design treatment provided on this massive blank wall, which will be located directly adjacent to the interim surface parking lot at the BART station. See Attachment A: Sheet A3.2.

The west elevation, which fronts on Frontage Road, has ground-floor commercial space wrapping the corner with perforated screen above. It also includes the vehicle entry/exit, and the stair/elevator tower. The rest of the elevation has a combination of metal security screens and colored glass at the base, and alternating segments of pre-cast concrete and perforated metal screen above in a slight variation to the pattern on the east elevation. See Attachment A: Sheet A3.2.

After comparing the proposed garage design to several other recently constructed BART garages and other parking garages in Oakland, staff recommended the incorporation of some design revisions for the parking garage to the applicant and to BART staff. Because the parking garage will be owned and maintained by BART, their primary design concerns are maintenance and cost. The responses to these potential design revisions are discussed below.

Staff requested that the applicant consider the use of paint to help articulate the design. BART staff indicated that although other BART garages including Fruitvale, West Dublin, and Dublin/Pleasanton have been painted, BART considers painted structures very difficult to maintain over time. Some of their garages, however, have incorporated elastomeric paint,

which requires much less maintenance. However, BART prefers to have the building's architecture address aesthetic features through use of materials and design elements that are more sustainable over time.

Consistent with Design Guidelines A.2.7 and A2.8, staff previously requested that the applicant consider the use of additional exterior materials to enhance the proposed design. This includes providing high-quality materials at the base of the ground-floor commercial space, such as stone, tile, or brick. The current proposal is for an exposed concrete base, which is consistent with the overall design approach to the contemporary exterior appearance of the garage.

Staff asked the applicant to consider adding vines to help screen the view of the garage on the Frontage Road, Internal Street, and rear elevations. BART staff responded that they do not have the staff to maintain landscaping on parking structures, and that planting beds therefore become weeds, which become a source of complaints from the local jurisdictions.

Staff recommends that the applicant further articulate the north elevation of the garage in order to enhance the appearance of the blank shear wall. This could be accomplished in a variety of ways, including a mural, or paint. Although Stage IV of the project is planned directly adjacent to this blank wall, it may be a number of years before this phase is constructed. In the interim, this wall will be located adjacent to the remaining BART surface parking, and will be visible at a distance from 40th Street. BART staff has indicated that they are receptive to working with the applicant and staff to address this wall during the interim time period before the adjacent development is built. The current proposal includes scoring of the wall in a varied architectural pattern responsive to the irregular window mullions on the ground floor of the building.

Staff recommends that the perforated metal screen on the west elevation be extended over the entire ground-floor commercial space so that it is consistent with the south and east elevations. The current design includes screening along the entire ground floor, in response to staff comment.

The plans for the PDP had conceptual elevations for the garage that included solar panels on the roof. Consistent with Design Guideline A2.6, staff recommends that the applicant consider incorporating solar panels on the roof into the current design, which in addition to adding energy efficiency to the building, could provide an additional design element on the roof. BART staff responded favorably to exploring this option further. The applicant has included this as an option in the plans.

The open metal screens at the base of the east elevation do not appear to provide an attractive view of the garage for pedestrians. Per Design Guideline A4.4, staff suggests that the design treatment be revised to be consistent with the base of the building shown on the west elevation that includes artistic colored glass accent panels. The applicant has done this.

Compliance with Conditions of Approval

The planned Macarthur Transit Village is required to meet the adopted conditions of approval over the course of project build-out. Specific conditions of approval must be met prior to approval of the first FDP and the VTTM. In summary, the project is in compliance with the adopted conditions of approval, as is demonstrated in the following matrix:

Condition of Approval	Requirement	Status
PUD COA-15b	Bicycle parking	Feasibility Study accepted by City
PUD COA-22	TDM Program	Attached for Planning Commission/City Council review and consideration
PUD COA-23	Fire Emergency Vehicle Access	Provided on Internal Street, per FDP plans
PUD COA-25	FDP Stage One Components	Required components included in FDP plans
PUD COA-26	Subdivision Map	Attached for Planning Commission/City Council review and consideration
PUD COA-30	Special project driveway design	Special paving materials and design included in FDP plans and VTTM
PUD COA-31	Pedestrian access path	Included in FDP plans
PUD COA-32	Internal Street	Included in FDP plans
PUD COA-33	Special project intersection improvements	Special paving materials and design included in FDP plans and VTTM
PUD COA-34	BART parking and plaza improvements	BART has reviewed the FDP submittal and plans for the BART plaza
PUD COA-35	Bicycle access and paths	Feasibility Study accepted by City
PUD COA-36	Area ROW improvements	Feasibility Study accepted by City
PUD COA-39	BART garage elevation	Reviewed and forwarded by DRC, and included in attached FDP plans
PUD COA-41	Building Height	Garage is within adopted height allowances
MMRP GEO-2	Soils report	Submitted with VTTM
MMRP GEO-3	Geotechnical report	Submitted with VTTM

Of note, the applicant has submitted the proposed Final Traffic Demand Management Program (TDM) (COA-22), Bicycle Access and Bicycle Paths Feasibility Study (COA-35), and Area Right of Way Improvements Feasibility Study (COA-36) for staff review. Staff has determined that the applicant has complied with COA-35 and COA-36: it will be feasible to provide the requested improvements for bicycle riders; and it will be possible to provide street furniture and sidewalk widening in specific locations fronting the project. The Planning Commission

reviewed and accepted the Draft TDM on June 4, 2008. Although COA-22 calls for staff level review and approval of the TDM (and staff has reviewed and is able to approve the proposed TDM), staff is providing the document to the Planning Commission and City Council for review and approval to provide continuity related to the earlier consideration of the Draft TDM. Changes to the TDM are generally non-substantive and address details and funding sources specific to BART and the applicant (see Attachment F).

Design Evolution based on input by key decision-makers

The design of the proposed Stage One FDP, specifically the BART parking garage, has evolved since project approval in 2008, in part based on land acquisition, and in part based on response from the community and key decision-makers. The available land for the BART parking garage is different from the original proposal; although the parking garage is still proposed to be located off of West Macarthur Boulevard and adjacent to Frontage Road, the area is now a long rectangle, with the longest garage elevations along Frontage Road and Internal Street.

The exterior appearance of the garage has changed substantially since 2008, with a more dynamic, "woven" theme creating the visual identity for the structure. Community members and key decision makers have expressed interest in the garage being a prominent architectural marker for the Macarthur Transit Village, providing a significant retail frontage on Macarthur Boulevard, and transitioning to a residential scale on Internal Street (across the street from planned residential uses). The current design responds to this interest.

In addition, the applicant has raised the height of the commercial space fronting Macarthur Boulevard from 13 feet to 15 feet, in response to community and decision-maker input.

Design Review Committee

The Design Review Committee of the Planning Commission (DRC) reviewed the FDP application at their regularly scheduled meeting on May 26, 2010. The DRC and public were generally supportive of the FDP and made the following comments specific to design review (staff response in indented italics below each comment):

Public Comments

- Macarthur Transit Village project received very positive responses at last year's Temescal Street Fair
- Not often that a project has so much support from the local community
- Project is the best thing to happen to Oakland
- Want clean green detail shop in the proposed garage

  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.

DRC Comments

- Supports staff's request for a mesh/screen at the first level
  The garage ground-floor now includes screening on both exposed sides. The proposed screening includes irregularly spaced mullions to complement the concrete scoring and window treatments proposed throughout the project. The screen material is stainless steel.
- Solar panels – if incorporated, suggest using to shade cars – make aesthetically pleasing.
  The roof-level solar panels continue to be an optional feature. Staff suggests the Planning Commission recommend staff-level review and approval of any solar-panel proposal.
- Suggest developer lean toward using more California native plants.
  The plant list includes native grasses along the eastern (Internal Street) frontage of the garage.
- Concerned about garage overlap with housing, want to see more details
  The garage is located across "Internal Street" from a planned high-density affordable housing site. The façade of the garage facing "Internal Street" is broken into three components, thereby reducing the massing and potential monotony of the façade. In addition, each component includes features of a similar scale to residential units and details, and should thereby complement the future housing and streetscape.
- Want developer to keep rain garden next to garage
  There is landscaping proposed adjacent to the garage; however, it is not a bioswale. The applicant is relying on a mechanical stormwater management system. In addition, there is not enough depth at that location to accommodate a bioswale (the garage foundation is immediately below the previously proposed bioswale area).
- Want to see site materials before going to full PC
  - DRC suggested not holding up process, but reviewing materials at PC Hearing
  - Staff suggested Commissioner Zayas-Mart meet with developer prior to PC hearing to review materials
    Commissioner Zayas-Mart has met with the applicant three times since the DRC hearing, although all three meetings were focused on the garage design and not specifically on the site design and materials.
- Interested in seeing stormwater management plans
  Stormwater Management Plans will be available for review upon building permit application (or first construction-related permit).
- Suggest adding materials to garage base (like stone)
  The development team supports the current continuous concrete base as consistent with the overall design of the building.
- Request developer work on Macarthur Boulevard elevation – too blocky
  The Macarthur Boulevard elevation has been revised to include a horizontally-oriented screen detail that is more dynamic than the elevation considered at the

DRC. The screen detail includes a woven effect that adds depth and reduces massing of the Macarthur Boulevard frontage.

- Request screened wall with graphics on east elevation be raised to increase its proportion

  The entire ground floor has been raised 1.5 feet to a floor to ceiling height of 15 feet.

- Suggested sidewalks be 12 feet wide on Macarthur and felt the 8 feet width on Frontage Road was narrow

  Proposed sidewalks are 12-14 feet wide on Frontage Road. The applicant is not changing the sidewalk on Macarthur Boulevard. However, removal of the planting strip will increase the effective width to at least ten (10) feet.

- Precast panels should have texture and interested to see more details like proposed scoring

  The precast panels have two different textures to emphasize the intended woven pattern. Details of the textures are included in Attachment A.

- Blank wall – suggest hanging temporary banners (like images of buildings) or murals

  The applicant proposes articulated scoring of the blank wall, in a pattern similar to the irregular rectangular pattern of the window mullions on the ground floor level.

- Concerned whether 13' – 6" ceiling height will work in garage

  The applicant has agreed to raise the floor-to-floor height from 13'6" to 15 feet for the commercial space.

- Suggest studying 2-bay elevation in more detail

  The applicant provided Commissioner Zayas-Mart with a more detailed study of the 2-bay elevation in meetings with the Commissioner since the DRC hearing: additional information included larger format drawings of the bay, sections, and more information about the texturing of the materials.

- Supports staff recommendation for the east pedestrian level to feel more like the west elevation

  The eastern ground floor has been revised to include screening and mullion details that are high quality and pedestrian-scaled to provide design continuity along all sides of the garage.

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 FDP will consolidate BART parking in an attractive garage and prepare the larger PUD area for development of retail and high-density housing uses.

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) Hold a public hearing and receive public testimony regarding the proposed project;

2) Accept the addendum to the EIR and find that, in accordance with CEQA Section 15162, no further environmental review is required, as set forth above and detailed in the attached CEQA memo;

3) Recommend approval of the VTTM to the City Council, subject to the attached findings and conditions of approval;

4) Recommend approval of the Final TDM, consistent with the requirements of the adopted PUD conditions of approval, to the City Council; and

5) Recommend approval of the proposed FDP to the City Council, based on the attached findings.

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. TTM8047
C. May 26, 2010 Design Review Committee Report (and attachments)
D. June 4, 2008 Planning Commission Report (and attachments)
E. 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)
F. CEQA Memo
G. Substantial Conformance Memo
H. Proposed Final TDM
I. Feasibility Analyses

FINDINGS FOR APPROVAL

The Macarthur Transit Village Final Development Permit and Vesting Tentative Tract Map proposal meets the required findings for compliance with the California Environmental Quality Act; Oakland Planning Code Section 17.140.060 (Planning Commission Action for Final Planned Unit Development); and findings for Oakland Municipal Code Title 16: Subdivisions, as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record.

CEQA-Related Findings

California Environmental Quality Act

The City 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 Section 15162, 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 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.

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 One.

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 One conforms to all applicable criteria and standards and is consistent with the preliminary development plan for the PUD. The proposed garage meets the design guidelines included in the PUD and Development Agreement: the garage includes 15-foot height retail space and is designed to both provide an architectural presence for this major development and transportation node, as well as respond to the residential context to be located opposite the garage The design of the Stage One garage and infrastructure is attractive and appropriate for the location. In addition, the project substantially conforms to the PUD, as is demonstrated in the Substantial Conformance Memo attached to this report and incorporated herein by reference (see Attachment G).

Section 16.08.030 (Tentative Map Criteria):

A. That the proposed map is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed 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 One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

Consistent with the approved PUD for the site, the proposed 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 One relocates the existing BART surface parking into a parking structure occupying less than one-sixth of the area currently occupied by the BART parking lot; in this way, Stage One allows for development of neighborhood-serving commercial and urban residential uses on the remaining portion of the existing surface parking lot, consistent with the intent and desired character of the NCMU land use designation. The Stage One FDP proposal is substantially consistent with the PUD approval and, as such, is consistent with the General Plan.

C. That the site is physically suitable for the type of development.

The project is proposed for a relatively flat, urban site, located within an existing street and utility context, with no significant natural features. The site is currently underutilized. Therefore, the site is physically suitable for the proposed mixed-use development.

D. That the site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development, which is well within the maximum allowable density for the site.

E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmentally damage or substantially and avoidably injure fish or wildlife or their habitat.

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause substantial environmental damage or to injure fish or wildlife or their habitat.

F. That the design of the subdivision of the type of improvements is not likely to cause serious public health or safety problems.

With implementation of the required mitigation measures, the design of the subdivision is not likely to cause any serious public health or safety problems.

G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The design of the subdivision will not conflict with easements on the property. The proposed project includes vacations of public land, and dedications of public land for the purposes of all types of access and utilities. If new easements are necessary, they will be recorded as needed by the affected utility.

H. That the design of the subdivision does provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The design of the subdivision does not preclude future passive heating or cooling opportunities.

CONDITIONS OF APPROVAL for PUDF10097 and TTM8047

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 be subdivided and constructed in accordance with the approved Tentative Tract Map dated **October 26, 2010**, and the approved Final Development Permit, dated October 26, 2010, as amended by these Conditions of Approval. The proposal is approved pursuant to the Planning Code and Subdivision Regulations of the Municipal 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, Oakland Building Services Division, Fire Department, and EBMUD, and 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) {"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.

FIRE DEPARTMENT CONDITIONS For TTM8047:

7. Fire Department Conditions of Approval for Project (Case File No. TTM8047)
If the project is approved by the Advisory Agency, the following conditions shall apply:

A. Hydrants: Public hydrants, each one capable of delivering a minimum fire flow designed for the size and type of construction of the buildings are required with 300 foot spacing between hydrants. The applicant needs EBMUD to obtain a verifiable (confirmed flow test or) simulated hydraulic analysis to size the underground water mains adequately for minimum hydrant flow. Ref.: 2007 CFC Appendix B, 2001 CFC Section 508.

B. Electrical power and cable services to the site: All overhead wiring shall be undergrounded. Existing and new power and communication cables serving the proposed buildings shall be undergrounded to eliminate hazards posed to rescue and fire fighting when operating the ladder trucks.

C. Fire Apparatus Access, Internal Street Parking:
1. Fire apparatus access road widths shall adopt the fire department access provisions of the 2007 CFC Appendix D, Section D103 as amended per 2008 Oakland Ordinance No. 12871. The 2008 Oakland Fire Code Appendix III-D shall apply to new and existing roads to allow not only the OFD ladder and engine apparatus from the city's fire stations but also those from other cities where the City's Fire Department has mutual response agreements with. Portions of fire apparatus access roads inside the property are less than the specified 26 feet required by the 2007 California Fire Code as amended per Oakland Ordinance 12871. The Fire Department is consistently enforcing the state code and city amendments on minimum fire apparatus access road width on various on-going development projects. Code mitigations involving practical difficulties of the building design will be considered only after available water flow and fire truck access constraints have been fully complied with.
2. Follow the City's Public Works Agency's Road Design Standards if the specific design specifications are more restrictive than the new 2007 CFC Appendix D for fire access roads. The following shall be used to consider options for parallel or diagonal parking at the site's internal streets:
   - 26 feet minimum effective road width: 0 parking on either side of the street.
   - The 2007 CFC Appendix D, Section D105.2 requires the 26-foot minimum fire apparatus access road width when the buildings or portions of the buildings served by the access road exceed 30 feet in height and when access roads are served with on site hydrants.
3. The above may be modified to include Public Works Agency design standards and fire code exceptions, subject to approval by the Fire Marshal. An effective road width having no less than 26 feet for fire apparatus access and equipment staging shall be maintained. Ref.: 2007 California Fire Code Article 5, Section 503, Appendix D as amended per 2008 Ordinance 12871.

D. Vegetation Management

4.1 The Vegetation Management Unit will not be enforcing the rules applicable to the Wildfire Assessment District. However, foliage from plants and trees are regulated as noted below.

- The trees selected shall be maintained to allow fire apparatus ladder access to rescue openings (i.e. rescue windows, porches or private decks) starting at the fourth floor elevation of the proposed building/s. The building owner shall maintain the maximum tree height and openings to allow the Fire Department's boom ladder to operate effectively with 10-foot clear horizontal openings between foliage at all times.
- Planter areas that may alternatively be used to drain standpipes and automatic fire sprinkler systems shall provide proof of adequate sizing or route the drains to appropriately sized sewer systems. Ref.: City's Clean Water Program, "Source Control Measures to Limit Storm Water Pollution"

E. Building Permit Plans, Code Variances, Related Fire Code Permits:

1. Oakland Fire Department references minimum fire department access to the site as the lowest grade level on the street for fire truck staging operations. Building designs shall address the type of construction with height limitations regulated by codes without constraining fire apparatus and fire crew access. Impaired occupant means of egress, diminished fire crew and fire apparatus access shall be addressed by the following mitigations which include but not be limited to the following:

- Type I A or fire resistive construction which is similar to high rise dwelling occupancies where access to rescue windows is not required. This means upgraded type of construction in fire resistance for the number for the number of stories, floor areas, and/or permitted occupancies. Ref.: 2007 CBC Section 1026.1
- Addressable fire alarm system with graphical monitoring.
- Two interconnected combination standpipe systems at every floor. This means multiple water supply feeds to the automatic fire sprinkler system with two riser control assemblies serving each floor of the building.
- Enhanced automatic extinguishing system demand. This would require the minimum number of discharging heads or minimum hydraulically-remote areas to be increased 200%.
- Increased stand pipe hose demand,

Coordinate the design concepts or approaches to design parameters involved in fire alarm, automatic fire sprinkler and stand pipe systems for fire code permits for projects with fire code variance/s.
Coordinate the design for upgraded type/s of construction with the City's Building Services and the Fire Marshal whether the minimum type of construction is solely or jointly enforced by the Fire Marshal and/or the Building Official or the City's Review/Inspection matrix system for buildings when life safety is compromised due to a building code variance.

2. The Fire Prevention Bureau shall review related hazardous materials and fire code permits related to the building permit plans, building and fire code variances. This condition applies to samples determined by laboratory soils tests or property records from authorities or agencies having jurisdiction.

3. Addressable fire alarm systems and multiple water supply feeds to each common residential floor and/or unit will be required as partial mitigation to constrained rescue window access. Coordinate the concepts or approach to fire alarm and automatic extinguishing systems design with the Fire Department or applicant's fire alarm system consultant prior to the review of automatic sprinkler, standpipe, and fire alarm systems designs for permits.

References: 2007 CFC Section 1026,

F. Hazardous Materials.

The city files looked into have no recorded data on the above project address related to hazardous material contamination of ground soils within the various sites. No building plans have been submitted to determine that the project has no planned human occupancy below grade level that could potentially require soils analysis or restrictions due to environmental issues. Building permit applications related to this map shall be accompanied by soils reports, as determined to be necessary by the Fire Department and/or Engineering Services Division.

ENGINEERING SERVICES CONDITIONS:

8. Engineering Services Conditions of Approval for Project (Case File No. TTM8047)
If the project is approved by the Advisory Agency, the following conditions shall apply:

A. Prior to any building permits being issued by the City of Oakland the applicant shall sign a Subdivision Improvement Agreement to construct all the improvements in the public right-of-way and in the public access easements. On the Map these areas are identified as 39th Street (Village Drive), Internal Road, and frontage Road. The City shall not sign the Final Map until a Subdivision Improvement Agreement has been signed by the applicant for these improvements.

B. In accordance with California Building Code Sections 504.2 and 509.7, group R-2 occupancies of Type VA + sprinkler construction shall not exceed 60 feet in height measured from the grade plane to the roof nor 4 stories measured above the parking garage.

C. The proposed project may increase sanitary sewer flows beyond the capacity of the existing sanitary sewer system. Obtain approval from the City Public Works Agency concerning the extent of the sanitary sewer replacement and/or rehabilitation prior to the City issuing the Grading, Demolition or P-job Permit.

D. All property owners shall sign the Final Map. A portion of the access to this project is owned by Caltrans. An easement has been given to BART for this access. The applicant shall confirm that this easement grants the City the same rights as Caltrans. Caltrans may be required to sign the Final Map.

E. For each lot shown on the Map, please clearly state within the boundary of each lot, the total number of condominiums for the lot and the total number of commercial and residential condominiums for that lot.

F. Parcel F and Parcel G shall be dedicated as a Public Access Easements to be maintained by the property owners.

G. The roadway width within the emergency vehicle access easements and the public access easements shall be a minimum of 26-feet wide from face-of-curb to face-of curb.

H. Parking spaces are shown along the existing and proposed right-of-way within the project site. Parking meters may be required along this right-of-way; the applicant shall coordinate with the City to determine need and location for parking meters on this public street. The parking spaces conform to City standards and shall provide sufficient room for a two lane traveled way?

I. Provide a minimum 5-foot sidewalk measured from the back of curb along the western side of Parcels B1 and B2. If the applicant chooses to not provide a sidewalk along this side of the lots, exit discharge for structures to be constructed on the lots shall be restricted to the Internal Road side of the lots.

J. Provide City standard separation distance between trees and street lights.

K. Clearly delineate on the Map the public bus and shuttle bus areas.

L. Provide a typical section for the public right-of-way immediately off of 40th Street.

M. Show proposed new and modified traffic signal locations on the Map.

N. Clearly label and dimension public access easements, right-of-way width dimensions, emergency vehicle easements, and public right-of-way on the typical sections. Generally, sidewalks shall be included within both sides of the public access easements and right-of-way.

O. Coordinate the temporary removal of any bus stop and shelter with AC Transit. Provide documentation of AC Transit approval of the proposed removal and replacement prior to obtaining Grading, Demolition, or P-job permits.

P. The renaming of 39th Street to Village Drive requires City Council approval. Approval of the renaming is discretionary and may be denied.

Q. The entire width of 39th Street will not be vacated and then rededicated. Show only the portion of street required for dedication and vacation. The area in between shall remain as right-of-way.

R. The TTM shows 9 sanitary sewer manholes in the public right-of-way. Please consolidate the number of manholes to four. If the design is unable to reduce the number of manholes the owners of the property shall maintain the manholes.

S. Show location, purpose, and width of all existing and proposed easements.

T. Major and Minor Encroachment Permits shall be obtained prior to the approval of the Final Map or the issuance of Grading, Demolition, or P-job permits.

U. Parking meters may be required for the new parking space along Village Drive and the Frontage Road. Obstruction permits for any existing parking meter removal shall be obtained prior to obtaining Grading, Demolition, or P-job permits.

V. Copies of utility agreements regarding relocation shall be provided to the City prior to approval of the Final Map or issuance of any permits.

W. Obtain approval from the City for the location of the joint trench and utility boxes.

X. Fire Department approval of fire flows and access is required.

Y. Shoring and/or tie-backs used in construction may require Major Encroachment permits if they encroach into the public right-of-way.

Z. Utility vaults may require Major Encroachment permits.

AA. Obtain a Tree Removal Permit from the City before removing any trees.

BB. Note, new and/or revised storm water and Title 24 regulations are in affect. The designer will be required to provide a project design that meets the new regulations.

CC. Provide documentation including photographs showing the condition of the improvements with in the public right-of-way including curb, gutter, and sidewalk. If repairs or improvements are required, work shall be included in a P-job permit and a signed Subdivision Improvement Agreement.

DD. The roadway structural pavement section of all emergency vehicle access roadways or sidewalks shall be designed to structurally support a fire truck vehicle. Coordinate the design criteria with the City.

EE. A portion of Frontage Road contains a 30-wide shuttle bus area. The 30-foot wide shuttle stop area is acceptable to the City providing that the applicant install curbside signing in the stop area requiring shuttle bus drivers to remain with their buses at all times. Exact wording shall be coordinated with the City.

FF. The applicant has stated that the EVAE area immediately south of the proposed garage is for the use of emergency vehicles and pedestrians only. No other vehicular traffic will be using the EVAE. The City requires a 26-foot wide EVAE throughout this area. The EVAE can be utilized as both a pedestrian path and an emergency vehicle access roadway. Fire department approved bollards shall be placed at both ends of this area and the roadway pavement section designed as stated above.

GG. The following shall be included on the revised TTM:

This Tentative Map vests the right to create the parcels shown and to develop them to up to the total number of units indicated. Each individual parcel shall be required to conform to the applicable Building and Fire Codes at the time the application for Building Permit is filed. Additionally each parcel shall conform to the project conditions of approval which further define project requirements.

Parcels B1 & B2 - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Develop as a single lot with fire access on the west, north, and east sides. Entrance driveway off the east side. Construction type to be determined at the time of building permit application.
Option 2	Develop as two lots with a 26 foot wide emergency vehicle access easement located between the lots. The easement shall be 1/3 the total depth of the lot and be accessed from the east. The buildings shall each have a three hour rated wall along the shared property line. Fire access shall be provided along the west and east sides of both parcels and on the north side of parcel B2. Entrance driveway(s) will be off the east side

Option 3	Develop as two lots with fire access on the west and east sides of both parcels. Parcel B2 will have access on the north side as well. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes.

Parcels D & C1 - to ensure code compliance three scenarios/options are envisioned for these parcels.

Option 1	Fire access on the west side of both parcels with access on the north side of parcel C1. Provide a 26 foot wide emergency vehicle access easement located between the lots for approximately 90% of the depth of the lot.
Option 2	Fire access on the west side of both parcels with access on the north side of parcel C1. Building setbacks and the specific construction type will be determined at the time of building permit application in such a manner as to comply with the applicable building and fire codes. In the event the parcels are combined the easement would be removed.

EBMUD CONDITIONS:

9. Comply with attached EBMUD conditions.

EBMUD

REVIEW OF AGENCY PLANNING APPLICATION

THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES

The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purpose ONLY

DATE: 10/05/2010	EBMUD MAP(S): 1488B488,1488B486	EBMUD FILE:S-9211
AGENCY: City of Oakland Planning and Zoning Services Division Attn: Catherine Payne 250 Frank Ogawa Plaza, Suite 2114 OAKLAND, CA 94612	AGENCY FILE: TTM8047	FILE TYPE: Tentative Map
APPLICANT: MacArthur Community Transit Partners, LLC 345 Spear Street, 7th Floor San Francisco , CA 94105		OWNER: Bay Area Rapid Transit District P.O. Box # 12688 Oakland, CA 94604

DEVELOPMENT DATA

ADDRESS/LOCATION: 515 Apgar Street City:OAKLAND Zip Code: 94609

ZONING:Mixed-Use PREVIOUS LAND USE: Parking/Commercial/Residential

DESCRIPTION: Applicant requests approval of tentative map for an 11-lot subdivision of parcels located on the west side of Telegraph Avenue, between 40th Street and West MacArthur Boulevard.	TOTAL ACREAGE:7.74 ac.

TYPE OF DEVELOPMENT:
Other:297950 Sqft

WATER SERVICES DATA

PROPERTY: in EBMUD	ELEVATION RANGES OF STREETS: 68-81	ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 68-81

All of development may be served from existing main(s)
Location of Main(s):

PRESSURE ZONE	SERVICE ELEVATION RANGE

All of development must be served from main extension(s)
Location of Existing Main(s):40th Street, W. MacArthur Boulevard, & Telegraph Avenue

PRESSURE ZONE	SERVICE ELEVATION RANGE
G0A3	0-100

COMMENTS

Main extensions, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site.

EBMUD owns and operates 6-inch water mains located in 39th Street and Apgar Street that provide service to EBMUD customers in the area. The integrity of these pipelines must be maintained at all times. Any proposed construction activity in 39th Street and Apgar Street needs to be coordinated with EBMUD and may require relocation of the water mains, at the project sponsor's expense.

When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains, off-site pipeline improvements and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

ELE

cc: Vimal & Jignashaben Desai, 526 W. MacArthur Blvd., Oakland, CA 94609
Jagnishkumar Bhikhabbai Patel, 544 W. MacArthur Blvd., Oakland, CA 94609
Yeu Bin Wu and Tsui Ying Shen, 3919 Telegraph Ave., Oakland, CA 94609

CHARGES & OTHER REQUIREMENTS FOR SERVICE:
Contact the EBMUD New Business Office at (510)287-1008.

David J Rehnstrom 10/5/10

David J Rehnstrom,Senior Civil Engineer; DATE
WATER SERVICE PLANNING SECTION

ATTACHMENT F:

CEQA MEMO

URBAN PLANNING PARTNERS INC
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.

FEHR & PEERS
TRANSPORTATION CONSULTANTS

MEMORANDUM

Date: October 8, 2010

To: Catherine Payne, City of Oakland

From: Sam Tabibnia

Subject: ***MacArthur Transit Village Project – Comparison of the Current Development Plan and the Certified EIR***

WC10-2717

Fehr & Peers has reviewed the latest site plan for the proposed MacArthur Transit Village dated June 30, 2010. Several elements in the most recent development plan have been modified since the *MacArthur Transit Village Draft EIR* (January 2008) was certified to implement various conditions of approval, mitigation measures, and City imposed requirements. Fehr & Peers completed a new analysis to determine if the proposed modifications could result in new significant impacts, or a substantial increase in the severity of previously identified impacts, and if the mitigation measures recommended in the EIR would continue to be valid.

The proposed Final Development Plan (FDP) would provide up to the same amount of residential units, and the same commercial space for the Transit Village as analyzed in the certified EIR. Access for the Transit Village and the BART Station would continue to be provided by Village Drive from both Telegraph Avenue and 40th Street. Access for the BART Garage would continue to be provided through Frontage Road at MacArthur Boulevard.

Although the overall project has not changed considerably, Fehr & Peers evaluated the potential impacts of the following project modifications on access and circulation for automobiles, buses, bicycles, pedestrians, and emergency vehicles:

- Realignment of intersection of Village Drive on Telegraph Avenue about 60 feet to the north.
- Increase in the number of parking spaces in the BART Garage from 300 spaces to about 483 spaces.
- Widening of the pedestrian path between Internal Street and West MacArthur Boulevard, which also accommodates emergency vehicle access.
- Removal of 18 on-street parking spaces on Internal Street

Based on our analysis, the proposed modifications would not change the conclusions of the EIR. The proposed modifications would not cause new significant impacts, or a substantial increase in the severity of previously identified impact, and the mitigation measures proposed in the EIR would continue to be valid.

The rest of this memorandum describes the evaluation of the modifications listed above.

PROJECT DESCRIPTION

The MacArthur Transit Village project analyzed in the certified EIR consisted of 675 multi-family residential units and 49,000 square feet of commercial space. The currently proposed development would provide up to 675 multi-family residential units and 42,500 square feet of commercial space. The proposed development is estimated to generate fewer automobile trips and is expected to result in fewer significant impacts or reduce the magnitude of off-site traffic impacts identified in the EIR.

Similar to the project analyzed in the certified EIR, access for the Transit Village and the BART Station would continue to be provided by Village Drive from both Telegraph Avenue and 40th Street. Access for the BART Garage would continue to be provided through Frontage Road at MacArthur Boulevard. Thus, the proposed development would not modify access for automobiles, bicycles, pedestrians, buses, and emergency vehicles accessing the site. Therefore, the proposed development would not cause any additional impacts than identified in the EIR; the mitigation measures recommended in the EIR would continue to be valid.

REALIGNMENT OF VILLAGE DRIVE

In comparison to the EIR analysis, the latest design plans for the project would realign the intersection of Village Drive on Telegraph Avenue about 60 feet to the north, closer to the Telegraph Avenue/40th Street intersection. Fehr & Peers analyzed traffic operations, including intersection delay and Level of Service (LOS), at the two intersections most directly affected by the proposed realignment: Telegraph Avenue/40th Street and Telegraph Avenue/Village Drive.

Table 1 summarizes intersection delay and LOS at these two intersections under the scenarios studied in the EIR for both the EIR analysis and the new analysis with Village Drive realigned about 60 feet north. The Synchro traffic analysis files previously developed for the EIR were modified by moving the Telegraph Avenue/Village Drive intersection north by 60 feet. The analysis was completed for AM and PM peak hours under Existing Plus Project, Cumulative Year 2015 Baseline Plus Project, and Cumulative Year 2030 Baseline Plus Project conditions.

As shown in Table 1, both intersections would continue to operate at the same LOS with a slight increase in overall intersection delay if Village Drive is realigned north by 60 feet. The EIR identified a significant impact at the Telegraph Avenue/40th Street intersection (Impact TRANS-6) under Cumulative Year 2030 Baseline Plus Project conditions. Mitigation Measure TRANS-6, consisting of providing protected/permitted left-turn phasing on the eastbound and westbound 40th Street approaches, changing signal cycle lengths, and optimizing signal timing at the intersection, would mitigate the impact to a less-than-significant level. As shown in Table 1, this impact would continue to be significant if Village Drive is moved and the proposed mitigation measure would continue to mitigate the impact.

TABLE 1
INTERSECTION LOS SUMMARY

Scenario	Peak Hour	EIR Analysis[1]				Village Drive Realigned[2]			
		Telegraph Ave. / 40th St.		Telegraph Ave. / Village Drive		Telegraph Ave. / 40th St.		Telegraph Ave. / Village Drive	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Existing Plus Project	AM	18.9	B	15.7	B	18.9	B	16.2	B
	PM	25.7	C	8.1	A	25.7	C	8.1	A
Cumulative Year 2015 Baseline Plus Project	AM	26.4	C	10.1	B	26.3	C	14.1	B
	PM	42.3	D	17.2	B	42.0	D	17.6	B
Cumulative Year 2030 Baseline Plus Project	AM	**82.8**	**F**	15.5	B	**82.5**	**F**	16.1	B
	PM	**90.5**	**F**	16.8	B	**90.9**	**F**	17.1	B
Cumulative Year 2030 Baseline Plus Project Mitigated	AM	54.5	D	9.3	A	54.6	D	9.4	A
	PM	53.5	D	8.3	A	53.4	D	8.2	A

Notes: **Bold** values denote significant impacts.

1. Based on *MacArthur Transit Village Project Draft Environmental Impact Report*, January 2008.

2. Village Drive moved north by 60 feet. All other analysis parameters same as the EIR analysis.

Source: Fehr & Peers, 2008 and 2010.

Based on our analysis, the proposed realignment of Village Drive would not cause any new impacts, or a substantial increase in the severity of previously identified impacts, at the two studied intersections. The previously identified impact at Telegraph Avenue/40th Street intersection would continue to be significant and the mitigation measure identified in the EIR would continue to mitigate the impact. Thus, the proposed changes would remain consistent with the findings of the certified project EIR.

INCREASE IN THE NUMBER OF PARKING SPACES IN THE BART GARAGE

The current MacArthur BART Station parking lot provides 618 parking spaces. The project as analyzed in the EIR would have reduced the number of parking spaces to about 300 spaces. Although the project would have reduced the number of parking spaces available for BART riders by 318 spaces, the traffic impact analysis conservatively assumed that the BART parking garage would continue to generate the same amount of AM and PM peak hour vehicle trips as existing conditions in order to present a "worst case" analysis (Draft EIR pages 172 and 173). However, all BART generated trips were reassigned to the new garage to account for the existing BART parking lot driveways that would be eliminated.

The current FDP would increase the number of parking spaces in the BART garage to 483 spaces (including 33 spaces dedicated to non-BART uses). The BART garage would continue to provide fewer spaces than current conditions. Thus, the EIR analysis and findings, which were based on the current number of parking spaces for BART riders, would continue to be valid, and

the proposed modifications would not cause new significant impacts or a substantial increase in the severity of the previously identified impacts.

WIDENING OF PEDESTRIAN PATH BETWEEN INTERNAL STREET AND WEST MACARTHUR BOULEVARD

Internal Street would remain a cul-de-sac. Due to the redesign of the BART Garage, the current FDP would widen the pedestrian path connecting Internal Street and West MacArthur Boulevard to 26 feet. This would allow the pedestrian path to also serve as emergency vehicle access. Movable bollard would limit vehicular access on the pedestrian path.

The proposed pedestrian path widening would improve pedestrian connection to the south and enhance emergency access for the project. It would not cause any new impacts, or a substantial increase in the severity of previously identified impacts,

REMOVAL OF ON-STREET PARKING ON INTERNAL STREET

The EIR analysis assumed that Village Drive and Internal Street combined would provide up to 45 on-street parking spaces. These spaces would primarily be used by shoppers for the commercial component of the project and visitors to the residential component of the project. The current FDP proposes to remove 18 on-street parking spaces on Internal Street to provide adequate width to accommodate the Fire Services Department requirements. However, The redesigned BART garage would provide 33 spaces dedicated for non-BART uses which would replace the 18 parking spaces removed on Internal Street. Thus, the current FDP would result in 15 additional short-term parking spaces.

Although the EIR analyzed parking as a non-CEQA issue, it identified parking deficit for short term parkers (i.e., visitor and guest parking). The current FDP would provide more short-term parking spaces than the project analyzed for the EIR. However, the project would continue to have a deficit for short-term parking. Although the magnitude of the deficit would be reduced.

CONCLUSIONS

Based on our evaluation as documented above, the proposed modifications would not change the conclusions of the EIR. The proposed modifications would not cause new 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.

Please contact us with questions or comments.

ATTACHMENT G:

CONFORMANCE MEMO

Memorandum

To:	Catherine Payne, CEDA – Planning
Cc:	Deborah Castles, MTCP Lynette Dias, Urban Planning Partners Kathy Kleinbaum, CEDA – Redevelopment Terry McGrath, MTCP Cynthia Parker, MTCP Maria Pracher, Sheppard Mullin
From:	Art May, MTCP
Date:	October 26, 2010
Project:	MacArthur Transit Village Project Phase I FDP and Vesting Tentative Tract Map
Subject:	Substantial Conformance with the PDP Approval

Pursuant to our meeting on June 30, 2010, we prepared this memorandum to summarize the proposed MacArthur Transit Village Phase I FDP's and Vesting Tentative Tract Map's (VTTM) substantial conformance with the existing PDP approval.

1. Planning Code Requirements for Final Development Plan Approval

Oakland Planning Code section 17.140.040 (Submission of final development plan) requires that the "final development plan shall conform in all major respects with the approved development plan." This standard is incorporated into the PDP Condition of Approval (COA) No. 25, which provides that each stage of the FDP shall conform in all major respects with the approved Preliminary Development Plan received by the Planning Division on May 28, 2008."

Oakland City Planning Code section 17.140.060 (Final Planning Commission action) provides in part:

> Upon receipt of the final development plan, the City Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved preliminary development plan, or in the case of the design and arrangement of those portions of the plan shown in

generalized schematic fashion, whether it conforms to applicable design review criteria.

2. Project Refinements

a. BART Garage and Associated Site Plan Changes

The FDP Proposal: The PDP plans proposed by MacArthur Transit Community Partners (MTCP) included a 300 space BART replacement parking garage. The FDP for the BART garage includes 483 parking stalls, with 450 of these stalls dedicated to BART patrons and the remainder (33 spaces) available for retail and other short-term parking. The garage footprint shown in the PDP could not effectively accommodate this increase in spaces. To accommodate the larger garage footprint, the garage structure has been rotated 90 degrees. This change resulted in two other changes to the PDP site plan which are reflected on the VTTM: (1) the affordable project (Parcel D) has been moved from adjacent to the BART garage to the opposite side of Internal Street to fit within the PDP's approved height and bulk conditions, and (2) the market rate parcel lines, parcel sizes, and individual parcel unit counts have been adjusted to accommodate the garage shift while maintaining the overall unit count included in the PDP. (See Attachment A, PDP site plan; Attachment B proposed FDP site plan; Attachment C, proposed VTTM plan, and Attachment D, Unit Count Summary.)

Reason for Change from PDP: The increase in parking spaces in the garage resulted from implementation of the provisions in the Draft Transportation Demand Management Plan (TDMP), which required MTCP to increase the BART garage from 300 to "at least" 400 stalls plus provide an additional 50 spaces in another location. With the changes described above, 150 additional BART parking spaces can be accommodated in the BART garage. Providing 50 additional spaces in the garage instead of at an off-site location will make these spaces more easily available to BART patrons and increase the efficiency of operating and maintaining the required BART parking spaces.

Applicable COA: COA No. 34, with respect to the number of spaces in the BART garage, states: "The BART parking structure shall include a minimum of 300 parking spaces." The condition prescribes the minimum number of spaces, but does not preclude additional spaces, particularly in light of the provisions in the Draft TDMP calling for more spaces to accommodate the displaced BART spaces. The Draft TDMP was included as part of the PDP approval documents and was referenced in COA No. 22. Thus, this change is consistent with Condition No. 34. The COAs do not preclude the parcel adjustments or moving the affordable housing project to the opposite side of Internal Drive.

TDMP Provision: The Draft TDMP, Section C "Parking Strategies not required by CEQA" includes four strategies for increasing the number of spaces available to BART patrons above the 300 spaces proposed in the PDP. Two of these strategies are addressed by this change. (Two other strategies involve the availability of parking in later phases and are not addressed in the Phase I FDP.) The first strategy calls for adding "at least 100 permanent parking spaces through the combination of added levels of parking and attendant parking in the BART garage." (Draft TDMP, p.9) The second

strategy calls for providing 50 temporary spaces at off-site locations within ¼ mile of the site with a lease term for a maximum of 5 years. (Draft TDMP, p.9) The final BART garage will accommodate all 150 additional parking spaces. Given that the Draft TDMP calls for 150 additional spaces and calls for "at least" 100 of these spaces in the garage, the FDP conforms with these requirements. Changing 50 spaces from temporary off-site spaces to permanent on-site spaces substantially conforms with the Draft TDMP in that the 50 spaces will be provided and will be located to conveniently accommodate BART patrons.

Design Guidelines: No Design Guidelines directly apply to these changes and these changes would not interfere with the Project's overall ability to comply with the Design Guidelines.

Development Agreement: By maintaining the overall unit count in the Project, this is consistent with the DA provision 3.4 (i) regarding the minimum density of 106 units per net acre.

b. Adjustment of Internal Street, Widening of Pedestrian Walkway, and Addition of an EVA Connection to W. MacArthur

The FDP and VTTM Proposal: The parcel adjustments made in connection with the changes described above for the BART garage resulted in an approximately 40 foot shift of Internal Street to the west in order to line up this street with the rotated setting of the BART garage. This change allows widening of the planned pedestrian connection from Internal Street to W. MacArthur Boulevard and allows this connection to also serve as an EVA lane.

Reason for Change from the PDP: The change in the alignment of Internal Street results from the adjustment of the parcels associated with the BART garage changes described above. The revised alignment of Internal Street creates direct access to W. MacArthur Boulevard from Internal Street, which provides the opportunity to widen the pedestrian walkway and add an EVA connection.

Applicable COA: No COA directly applies to these changes.

Design Guidelines: These changes would conform with and promote the following Design Guidelines:

Transit Village Guiding Principles

2.1. Reconstruct the neighborhood scale urban fabric between 40th Street, Telegraph Avenue and West MacArthur Boulevard to seamlessly reconnect the BART area to surrounding neighborhood.

The direct pedestrian connection between Internal Street and W. MacArthur enhances the Project's connection with the surrounding neighborhood.

Site Planning

Guideline S1: Integrate new streets and buildings into the surrounding neighborhood.

Guideline S2: Site convenient pedestrian routes that minimize pedestrian conflict with vehicles.

Guideline S6: Locate BART parking structure away from core locations to encourage pedestrian movement through the site. Multiple access points should direct people through key areas that have an active street front such as stoops, plazas, and commercial storefronts.

The wider pedestrian connection will better integrate the new development with the surrounding neighborhood and provide a convenient pedestrian route through Internal Street to an active, central residential area of the site. By limiting vehicle use of this connection to EVA with movable bollards located near W. MacArthur, potential conflicts with pedestrians will be minimized.

Development Agreement: The Development Agreement provisions do not address this street alignment.

c. Realignment of Village Drive

The FDP and VTTM Proposal: The alignment of Village Drive has been adjusted so that it lines up with 39th Street.

Reason for Change from the PDP: This adjustment allows the Project to move forward expeditiously and meet the Proposition 1C deadline for the expenditure of funds associated with the infrastructure (construction must be completed by the end of 2011) without acquisition of the Surgery Center parcel, which is not imminent and would otherwise significantly delay the infrastructure construction schedule. This change also allows the Project to comply with the phasing schedule included in the COA (No. 2) and the Development Agreement.

Applicable COA: No COA directly applies to this change.

Design Guidelines: The introduction to the Architectural Design Guidelines for Village Drive states:

"Village Drive is the primary public street within the Transit Village. The street is angled from Telegraph Avenue to the BART plaza to provide a strong visual connection to the station, as well as the Beebe Memorial Church, a significant historic neighbor to the Transit Village."

Although this introductory language describes the PDP proposal, no specific Design Guideline addresses the alignment of Village Drive. The adjusted alignment will continue to provide a visual connection from Telegraph Avenue to the BART plaza intermodal area, but the street will not be aligned with the Church. Because alignment

with the Church is not required by a specific Design Guideline, this change would not violate the Design Guidelines.

Development Agreement: The Development Agreement provisions do not address this street alignment. Proceeding with the Phase 1 FDP and VTTM without the Surgery Center property allows the Project to meet the deadlines for processing the FDP and commencement of construction under Section 3.3.3, Phasing Plan[1].

d. Street Widening

The FDP and VTTM Proposal: The PDP approval allows some portions of Internal Street and Frontage Road to be 20-feet wide and other portions are required to be 26-feet wide fire staging areas. In the FDP and VTTM plans, Internal Street will be 26 feet wide from Village Drive to the EVA lane adjacent to Parcel E. The combined pedestrian/EVA lane portion of Internal Street will also be 26 feet wide to W. MacArthur Blvd. Frontage Road will be a minimum of 26 feet wide from W. MacArthur Blvd to 40th Street.

Reason for Change from the PDP: In reviewing the FDP and VTTM plans, Oakland Building Services and the Fire Services Division have required a 26-foot clear path along a minimum of two sides of each proposed building.

Applicable COA: COA No. 17(d) provides that the Fire Services Division will review and approve fire crew and apparatus access to the site. COA No. 23 includes requirements for accommodating the intent of the 2008 fire code provisions for increased right-of-way. This condition resulted from the Project Sponsor's desire to have narrower streets than normally allowed by the Fire Services Division. COA No. 23 reflects the compromise reached: (1) Village Drive was required to have a 26-foot wide right of way; (2) Internal Street was required to have a two 26-foot wide staging areas in the right-of-way, each with a minimum length of 30 feet, and the remaining right-of- way was allowed to be 20 feet wide along with other requirements intended to address fire access along this street; (3) Frontage Road was required to have one 26-foot wide staging area, with a minimum length of 30 feet, and the remaining right of way was allowed to "remain the same" (with no width specified, but presumably as scaled on the PDP plans as 20 feet wide) along with other requirements intended to address fire access along this road.

Although COA No. 23 allows a portion of Internal Street and Frontage Road to be 20 feet wide, a portion of each street was required to be 26 feet wide. Additionally, COA No. 17(d) requires that the Fire Services Division approve access to the site. Given that COA No. 23 anticipated that portions of these streets would be 26 feet minimum width, that the ultimate street width is subject to the requirements for access established by the Fire Services Division, and that the change in street width is not substantial form an urban design perspective, the FDP substantially conforms to the PDP.

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[1] 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 circumstance does not preclude development of Phase I as the site development does no effect the Surgery Center parcel.

Design Guidelines:

Public Services

Guideline PS-4: Provide as narrow street widths as possible. The width of streets within the project depends heavily on issues relating to public safety, transit requirements and vehicular access. Given these constraints, streets should be as narrow as possible to create an intimate enclosed environment for pedestrians.

Although these streets have been widened from 20 to 26 feet, this revision resulted from the requirements of the Fire Services Department. At 26 feet in width, the streets continue to contribute to an intimate enclosed environment for pedestrians, particularly given that on-street parking along Internal Street will be removed from the plan as described below.

Development Agreement: The Development Agreement provisions do not address this street alignment.

e. Removal of Parking on Internal Street

The FDP and VTTM Proposal: The on-street parking planned for Internal Street has been removed. The 18 displaced street parking spaces have been accommodated in the BART garage (included within the 33 non-BART dedicated stalls).

Reason for Change from the PDP: To accommodate the City's requirement to widen Internal Street, street parking on one side of the street had to be removed from the plan. In order to widen the pedestrian sidewalks along Internal Street, the street parking on the other side of the street was removed from the plan.

Applicable COA: See discussion above regarding COA No. 23.

Design Guidelines: The introduction to the Architectural Design Guidelines for Internal Street states:

> *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 semi-private gathering space for Transit Village residents that is away from the main traffic and activity of the commercial and transit areas.*

Public Space Improvements

Guideline PS-2: This Guideline provides that sidewalk dimensions should be "wide enough to accommodate active pedestrian traffic activity" and other pedestrian

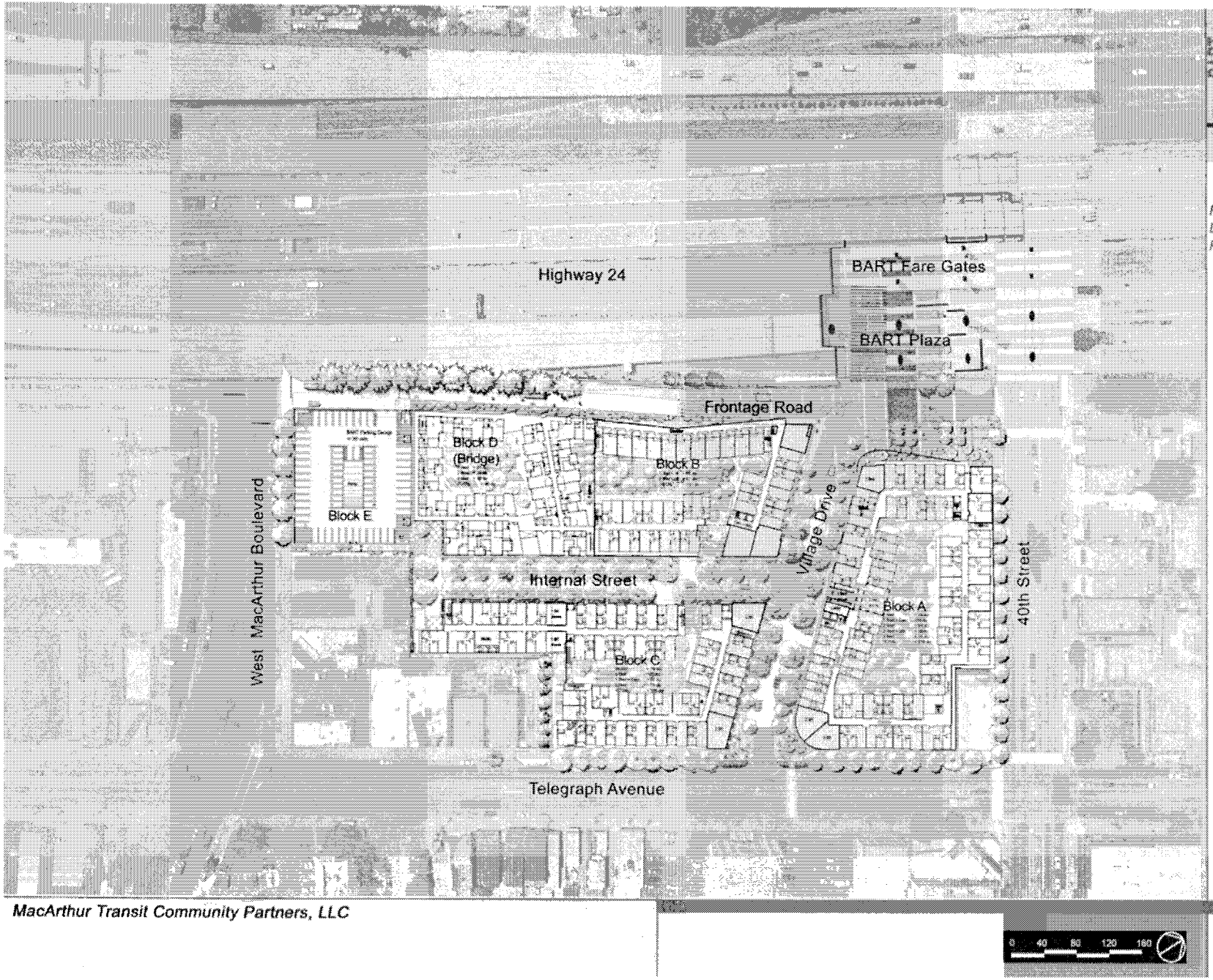
amenities. The Guidelines specify that minimum sidewalk widths for Internal Street is 7 feet on the west side and 5 feet on the east side.

The sidewalks proposed in the FDP and VTTM along Internal Street will be 10 feet wide and will conform with the Design Guidelines.

Development Agreement: The Development Agreement provisions do not address this street alignment.

3. Conclusion

Although the FDP and VTTM proposes the above described clarifying and complementing revisions to the PDP, in all fundamental respects the Project approved in the PDP 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 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 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. Consequently, these facts support a finding by the City that the proposed FDP for Phase I, including the changes and refinements described above, substantially conforms with the PDP and no PDP amendment is required.



BART Transit Village
OAKLAND, CALIFORNIA

June 4, 2008

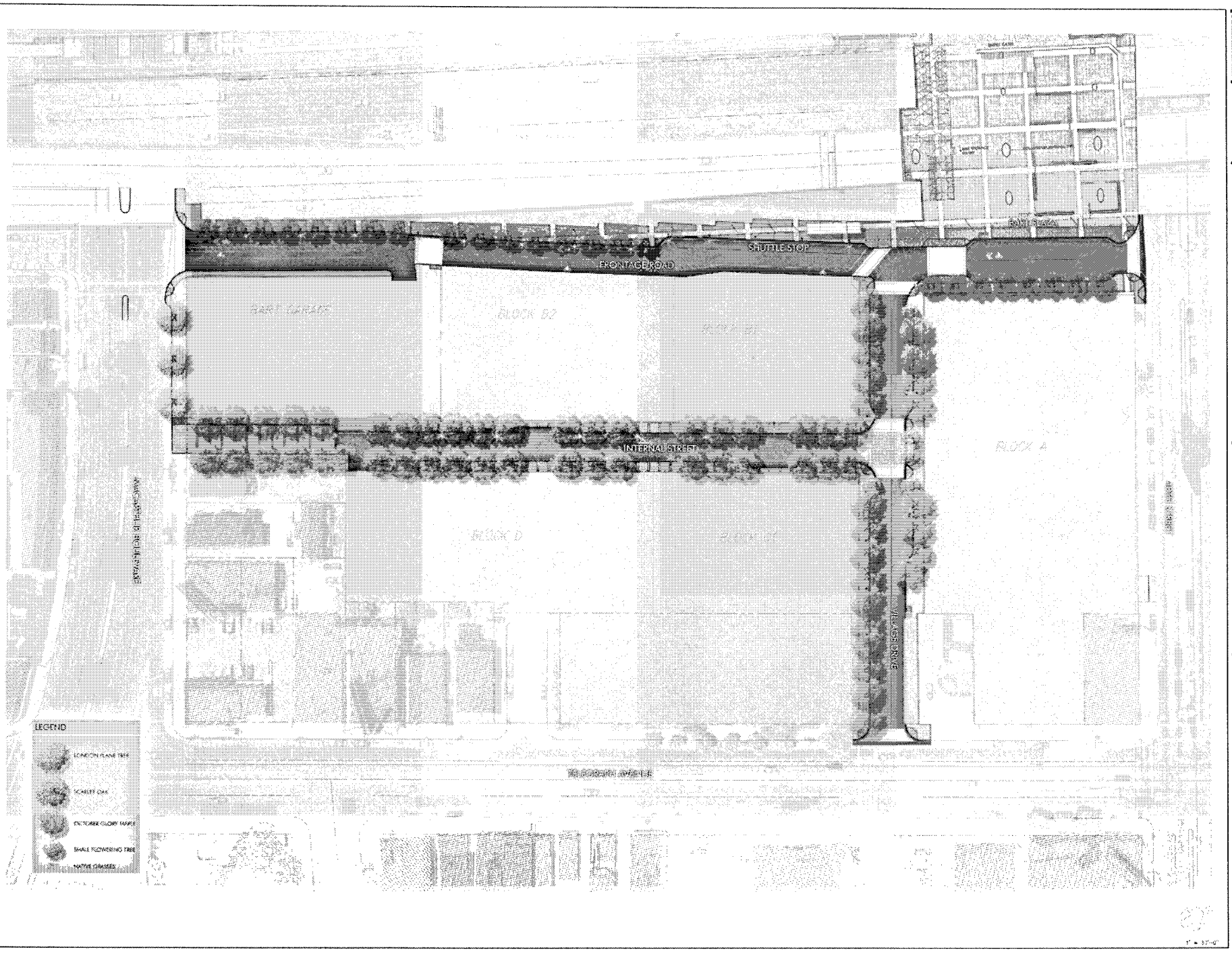
Preliminary Development Plan/ Planning Commission

Attachment A

A-1.02 Typical Upper Level Plan

M&L PARTNERS

MacArthur Transit Community Partners, LLC



LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

Oakland, California
94609

ILLUSTRATIVE PLAN

PGA design
LANDSCAPE ARCHITECTS
444 17th Street
Oakland CA 94612
T 510 465 1284
F 510 465 1256

NOT FOR CONSTRUCTION

NO.	DATE	ISSUES AND REVISIONS	BY
1	3.15.2010	PLANNING SUBMITTAL	
2	8.31.2010	PLANNING RESUBMITTAL	

DATE

DRAWN BY

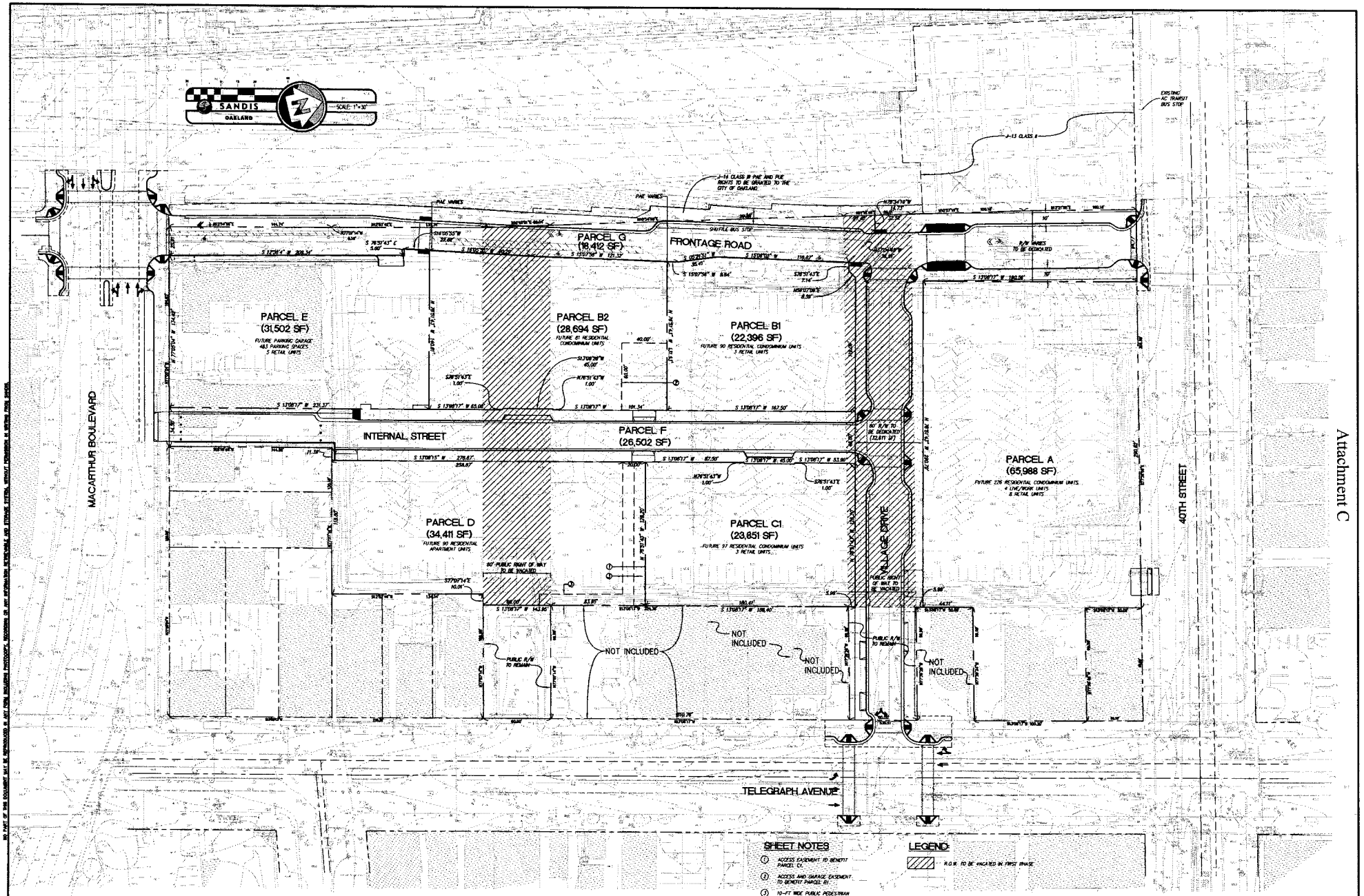
PROJECT NUMBER 2006.0005

SHEET NO. L-1.0

SHEET NUMBER L-1.0

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Attachment B



Attachment C

SANDIS | CIVIL ENGINEERING SURVEYING PLANNING
1721 Broadway, Suite 201 | Oakland, CA 94612 | P. 510.873.8866 | F. 510.873.8866 | www.sandis.net

DATE:	06-30-10
SCALE:	1"=30'
DRAWN BY:	JRR/RAB
APPROVED BY:	MAK
DRAWING NO:	607128

DATE _____, 2010
DAVID W. BETHAM
P.L.S. NO. 7047, EXPIRES 12-31-10

DATE _____, 2010
JEFFREY MICHAEL SETERA
R.C.E. NO. 62793, EXPIRES 06-30-12

No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADD'TL FINAL RESUBMITTAL	10-25-10	BMS

VESTING TENTATIVE TRACT MAP NO. 8047
TENTATIVE MAP

OAKLAND CALIFORNIA

SHEET T-4 OF 7 SHEETS

File: X:\P\607128\PLAN SETS\MAP\T-4.dwg Date: Oct 28, 2010 - 11:31am

Attachment D

MacArthur Transit Village
Final Development Plan - Phase I
October 7, 2010

	PDP	FDP
Parcel A		
Residential Units	213	205
Retail / Commercial SF	23,500	24,000
Residential Parking Stalls	213	205
Retail / Commercial Parking	31	31
Parcel B-1		
Residential Units	132	80
Retail / Commercial SF	5,000	3,000
Parking Stalls	134	80
Parcel B-2		
Residential Units	0	71
Retail / Commercial SF	0	0
Parking Stalls	0	71
Parcel C-1		
Residential Units	189	87
Retail / Commercial SF	9,000	3,000
Community Center	5,000	0
Parking Stalls	189	87
Parcel C-2		
Residential Units	0	91
Retail / Commercial SF	0	7,300
Community Center	0	5,000
Parking Stalls	0	91
Parcel D		
Residential Units	90	90
Retail / Commercial SF	0	0
Parking Stalls	91	90
Parcel E (BART Garage)		
Residential Units	0	0
Retail / Commercial SF	5,000	5,200
Dedicated BART Parking Stalls	300	450
Retail / Guest Parking Stalls	0	30
Other		
On-Site Street Parking Stalls	44	26
Off-Site/Other BART Parking Stalls	150	0
Unbundled Parking - Available to BART	60	60
Street Widths (feet)		
Village Drive	26	26
Frontage Road	20	26
Internal Street	20	26
Internal Street EVA	NA	26
Total Residential	**624**	**624**
Included Affordable Units	108	108
Total Retail / Commercial SF	42,500	42,500
Total Community Center SF	5,000	5,000
Total Parking Stalls	1,152	1,161
Total BART Parking (excluding unbundled)	450	450

ATTACHMENT H:

PROPOSED FINAL TDM

Nelson|Nygaard
consulting associates

785 Market Street, Suite 1300
San Francisco, CA 94103
(415) 284-1544 FAX: (415) 284-1554

MEMORANDUM

To: Catherine Payne

From: Jessica ter Schure and Phil Olmstead

Date: October 26, 2010

Subject: MacArthur Transit Village – Final Transportation Demand Management Plan

I. INTRODUCTION

A. Project Description

MacArthur Transit Community Partnership, LLC ("developer") has proposed to develop the MacArthur Transit Village project on the parking lot of the MacArthur BART Station and seven surrounding parcels in the City of Oakland. The project will include the following key components:

- **Residential Units:** Current plan is for 624 units total (516 market rate units; 108 affordable). However, the conditions of approval do allow for up to 675 units.
- **Retail Space:** Approximately 42,500 sq. ft.
- **Child Care facility or Community Center:** 5,000 sq. ft.
- **BART Parking:** 450 parking spaces included in a new parking garage.
- **Structured Parking:** Residential: Up to 624 parking spaces (1 space per unit) in 4 separate buildings; non-Residential: up to 31 spaces in Block A and 33 spaces in Block E (BART Garage).
- **On-site Street Parking:** A minimum of 26 on-site spaces.

A variety of high-quality transit services are currently provided and would be available to residents, employees, and guests of the MacArthur Transit Village project, including BART, AC Transit, and several shuttle providers. Free shuttle service is provided by Emery-Go-Round, Kaiser Hospital, Alta Bates Summit Hospital and Oakland Children's Hospital. Caltrans also operates a bicycle shuttle during peak travel time and charges for the service.

The design of the site will provide a safe, comfortable pedestrian environment, and support the use of bicycles. The provision of bicycle amenities is described in detail in this plan. Both the design of the site and the abundance of existing transit services promise to support a reduction in vehicle trips generated by the project.

Furthermore, the mix of uses on-site will provide key amenities that will reduce the need for people to travel elsewhere for daily needs. Recommended support services include banking, childcare, a post office, a dry cleaners, and convenience goods. Studies have consistently shown that providing these amenities on-site can lead to a measurable reduction in vehicle trips generated by a development.

The proposed Transportation Demand Management (TDM) Plan is comprised of a comprehensive set of programs and strategies, and a plan for implementation, to help achieve the following objectives:

- Reduce the number of vehicle trips to and from MacArthur Transit Village.
- Support a balance of transportation modes, including transit, carpool and vanpool, bicycling, and walking.
- Assess and manage parking demand, and provide sufficient supply to meet this demand.
- Support goals of reduced environmental impacts, sustained economic vitality, social equity, and improved quality of life.

In addition to these general objectives, the project's environmental impact report (EIR) has identified a need for the TDM Plan to be developed as a traffic mitigation measure and to address the needs for BART patron parking, as further described in the following sections.

B. EIR Requirements

The EIR for the project requires this TDM Plan as a mitigation measure for the project's share of cumulative impacts to two intersections. These two intersections are Telegraph Avenue / 51st Street and Broadway / MacArthur Blvd.[1] The potential impacts are defined as follows:

- **Telegraph Avenue / 51st Street:** Under cumulative Year 2030 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.
- **Broadway / MacArthur Blvd:** Under cumulative Year 2030 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.

For both of these intersections, the EIR states that TDM measures are expected to reduce vehicle trips, and their impact at these intersections. However, it also states:

> *"...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."*

In fulfillment of the EIR mitigation measures:

[1] MacArthur BART Transit Village EIR, Public Draft released January 2008. Prepared by Fehr & Peers. http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/DOWD008406

- The plan will be submitted to the City of Oakland for its review and approval. It has also been submitted to BART and AC Transit for their review and comment.
- The developer will be responsible for funding and implementation of the plan elements required to mitigate CEQA impacts.
- The plan shall include regular monitoring and adjustment to meet plan goals, pursuant to Section D of this TDM plan.

In addition to the TDM Plan, the following mitigation measures are required in the EIR to address these impacts:

- **Telegraph Avenue / 51st Street:** 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. Coordinate signal phasing and timing with the adjacent Telegraph Avenue/52nd Street and Claremont Avenue intersection and other intersections in the same coordination group.
- **Broadway / MacArthur Blvd:** No mitigation measures were deemed feasible[2] and/or effective.

C. BART Parking Replacement

The EIR also examined certain issues not required under CEQA, including replacement parking for BART patrons. Currently, there are approximately 600 parking spaces available in the surface parking lot. In addition, it is estimated that approximately 200 BART patrons park in the surrounding neighborhood. This plan addresses the need to provide replacement parking for these BART patrons.

This plan has been informed by the analysis and strategies contained in the MacArthur BART Station Access Feasibility Study, which examines a broad range of access issues of concern to the City and BART related to the MacArthur BART Station.

II. GOALS

This TDM Plan has two primary goals:

1. To fulfill CEQA mitigation measure requirements by implementing strategies to reduce vehicle trips from the project.

2. To address planning concerns related to displaced BART parkers.

III. STRATEGIES

A. Introduction

The traffic analysis for the EIR determined that 4,886 daily vehicle trips would be generated by the MacArthur Transit Village project, with 358 of those trips occurring during the PM peak hour. The strategies included in this plan had not yet been identified when the EIR was prepared and were therefore not accounted for in the analysis. However, experience has shown that these strategies can reduce vehicle trips significantly, especially in

[2] As used through-out this document, "feasible" or "feasibility" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

combination with other factors such as the mixing of uses on site and the presence of high-quality transit service.

Item B of this section includes strategies directly relating to the goal of fulfilling the CEQA mitigation measure requirements by implementing strategies to reduce vehicle trips from the project.

Item C of this section addresses the planning concerns related to the displacement of BART parkers. These strategies are not required under CEQA.

B. TDM Strategies Required by CEQA

These strategies will help fulfill the EIR requirement that a TDM program be developed for the MacArthur Transit Village project to reduce vehicle trips to and from the project site and therefore help reduce the identified impacts of the project to the intersections of Telegraph Avenue / 51st Street and Broadway / MacArthur Blvd.

1. Discounted Transit Passes

All residents occupying the affordable housing units in Block D (restricted units) will be provided the opportunity to purchase at least one discounted AC Transit bus pass. The principle of this transit program, called EasyPass, is similar to that of group insurance plans – transit agencies offer deep bulk discounts when selling passes to a large group, with universal enrollment, on the basis that not all those offered the pass will actually use them regularly. Discounted and/or free transit passes are often an extremely effective means to reduce the number of vehicle trips in an area. By removing a large amount of the cost barrier to using transit, including the need to search for spare change for each trip, people become much more inclined to take transit to work or for non-work trips. Such programs also increase equity for low-income and individuals who cannot, or choose not to drive, by providing an amenity comparable to free parking.

AC Transit's EasyPass program[3] passes are valid at any time on all AC Transit local and Transbay buses. EasyPass is loaded onto a "Clipper" card (the regional transit fare smart card) with a resident's name and photo, and the participants "tag" the card on the reader each time they board a bus. Pricing for the EasyPass program is based on the number of participants in a residential development (minimums are 100 or more units and one pass per unit) and the current level of AC Transit bus service within ¼ of a mile of the residential development. For example, an EasyPass discounted pass in a 100-unit residential building with a high level of AC Transit service, would cost a resident $115 annually (approximately $9.58 per month). By comparison, an adult Transbay pass, which provides an equivalent amount of service, currently costs $132.50 per month.

Personnel at the affordable housing leasing office will sell both discounted and regular AC Transit passes and tickets, as well as high-value BART tickets (BART currently offers a $64 value ticket for $60 and a $48 value ticket for $45) to residents of the affordable housing development. As BART's tickets are replaced by "Clipper," equivalent tickets will be made available to the residents. At this time BART does not offer discounted passes or fares. If BART were to begin offering a discount, the affordable housing developer could expand the discounted pass program to offer discounted BART tickets and sell them to the affordable units in MacArthur Transit Village.

[3] Please go to www.actransit.org/easypass for more information.

Additionally, the developer will identify at least one location (a designated on-site retailer or the sales / leasing office for market-rate housing) for the purchase of AC Transit tickets and high-value BART tickets by the residents in the market-rate housing units.

2. Secure Residential and Retail Bicycle Parking

The project applicant is committed to meeting the City's goals for bicycle parking for residential and retail uses. The City of Oakland's bicycle parking ordinance[4] includes requirements for a specific quantity of short-term (bicycle racks) and long-term (locker or locked enclosure) bicycle parking spaces, based on land use. Key criteria for the location and design of bicycle racks include: visibility, access, lighting, weather protection, avoidance of conflicts with pedestrians and vehicles, and security (such as being able to lock both wheels).

Figure 1 summarizes the number of bicycle parking spaces required for MacArthur Transit Village under the City of Oakland's bicycle parking ordinance.

Figure 1 – Bicycle Parking Spaces Required by City of Oakland

Land Use	MacArthur Transit Village	Number of Required Bicycle Parking Spaces			
		Long-term	#	Short-term	#
Residential	624 du	1 space per 4 du	156	1 space per 20 du	31
Commercial - Retail	42,500 sq. ft.	1 space per 12,000 sq. ft.	4	1 space per 5,000 sq. ft.	9
Community Center	5,000 sq. ft.	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	TBD	Number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.117.040.	TBD
TOTAL			**160**		**40**

Figure 2 provides a summary of the number of bicycle parking spaces that will be provided on each block of the site. As required by the bike ordinance, a total of 40 short-term and 160 long-term parking spaces will be supplied.

Figure 2 – Bicycle Parking, Spaces per Block

Block	Short-Term		Long-Term	
	Residential	Retail	Residential	Employees
A	10	6	51	2
B	8	1	38	1
C	9	2	44	1
D	4	n/a	23	n/a
TOTAL	31	9	156	4

[4] Adopted July 15, 2008. Additional information about the ordinance can be found at http://www.oaklandpw.com/Page127.aspx#ordinance.

3. Secure BART Bicycle Parking Facility

In addition to providing bicycle parking for residents and retail customers, the developer is committed to working with the City and BART to ensure that BART riders have adequate and secure bicycle parking. Secure bicycle parking is a key amenity for bicycle commuters and bicycle riders, as well as extremely important in showing that bicycling is a viable, convenient, and safe mode of transportation. People want to trust that their bicycle is protected from theft, weather conditions, or other physical damage, especially if parked for an extended period of time.

The developer will work with the City and BART to implement the City's goals for bicycle parking at Railroad and Bus Terminals (which is to provide a combination of short-term and long-term bike parking equal to 5% of the maximum projected ridership for the BART station). The developer recently completed a locational analysis for the bicycle parking facility to determine the ideal site for construction. It was determined that the best site for a new secure bicycle parking facility is the BART plaza outside of the fare gates. BART recently secured a $625,000 capital grant to specifically fund the construction of this bicycle parking facility.

However, many of the design, construction, and operational details of the bicycle parking facility have yet to be finalized. For example, it is unknown at this time whether the facility will be staffed and offer additional amenities, such as bicycle repair services, or if it will be a facility that simply offers secured parking. Currently, no operational funds for a staffed facility have been identified. The developer is currently conducting further financial analysis on this issue and a final determination, with final review and approval by BART, will be made based on the financial viability of a staffed facility and whether an independent operator can be found to manage such a facility in the long-term. Furthermore, the facility design and staging for construction is also under review by BART and will be resolved in the coming months.

4. Unbundling of Parking

Parking has real costs – approximately $30,000 or more to construct each space, in addition to ongoing operations and maintenance costs. If users do not pay directly for the cost of parking, it must be included in the rent or the purchase price of residential units and in the lease costs for businesses. These costs are then passed on to consumers and users of services. Instead of subsuming parking costs into overall residential and business costs, developers can charge separately, or "unbundle" parking. Unbundling parking ties the cost of parking more directly to the user and is one of the most effective strategies to encourage people to use alternatives to a single-occupant vehicle. Residents can choose whether they wish to buy or lease a parking space, and customers can choose whether to pay for parking or use a different mode of transportation to reach retail and service destinations.

Concurrently, provision of parking is considered an important amenity to market the units and it will also be important to provide secure semi-private parking for residents.

The following parking strategies will be employed at MacArthur Transit Village:

- 30 percent of the parking for the first market rate building (Block A) will be unbundled (a minimum of 60 stalls).
- To the extent not prohibited from a legal or financial feasibility standpoint, parking in the affordable component will be unbundled and, to the extent priority for those spaces and overall security for residents can be ensured, under-utilized parking would be shared with BART patrons.

- In Block A, one floor will be shared between various users, while a second floor will be secured only for residents. No residential guest parking will be dedicated in the structured, secured parking facilities.
- In Block A, only 31 parking spaces will be dedicated to retail use. Any unbundled parking not leased by residents will be made available to commercial tenants or BART patrons.
- All on-street parking will be metered and charged hourly at market rate.
- No more than 1 parking space per residential unit will be offered.

Subsequent to the construction and occupation of Block A, but prior to the initiation of the next phase of development, an evaluation will be performed to determine whether residential parking demand supports a reduction in the total number of spaces and/or unbundled parking. A reduction in the residential parking demand, created through unbundling, could enable the developer to increase the number of unbundled spaces and thereby increase on-site parking availability for BART patrons. The developer will maintain security for residential parking by segmenting the garage into separate security zones.

The developer will also explore the feasibility of a lease-back or assigning ownership of all or some of the parking spaces within the market rate buildings to the HOA, with first priority of use provided to residents and commercial tenants, with any unused spaces being available to lease to the general public. The feasibility analysis will be submitted to the City for review and comment for mutual determination by the parties as to feasibility. To the extent this approach is determined feasible, a plan will be submitted to the City for review and approval. If approved by the City, developer shall implement the approved plan.

5. Phased Parking Construction

Parking will be constructed in several phases, in the order indicated below:

1. Block E – BART parking garage
2. Block D – Affordable housing
3. Block A – Housing and retail
4. Blocks B and C – Housing and retail

As described in the previous section, after Block A is constructed, prior to the construction of the next block, parking demand will be assessed on site to determine whether the residential parking supply can be reduced and the number of unbundled spaces increased, perhaps increasing the on-site parking available to BART patrons. The potential to reduce parking supply will be determined as follows:

If occupancy of short-term parking (commercial and on-street) is more than 85 percent and occupancy for long-term parking (residential, employee, and BART) is more than 90 percent then no reduction in parking ratios will be pursued. If occupancy is less than 85 percent and 90 percent, respectively, and a reduction in pricing to increase occupancy is not deemed cost-effective, then parking ratios could be reduced to help achieve the adjusted occupancy.

Notwithstanding the above, the developer has the right to switch the phasing of Blocks A, B, and C, in which case the developer will submit a revised parking unbundling plan to the City for approval.

ATTACHMENT A:

PROJECT PLANS



VESTING TENTATIVE TRACT MAP AND FINAL DEVELOPMENT PLAN

BART REPLACEMENT PARKING STRUCTURE AND MASTER PLAN SITE DEVELOPMENT

PLANNING SUBMITTAL 3 - OCTOBER 26, 2010

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA 94609

CONSULTANTS

NOT FOR CONSTRUCTION

NO.	DATE	BY
1	06/15/2010	EP
2	08/16/2010	EP
3	10/26/2010	EP

DATE

BY EP

SCALE AS NOTED

COVER SHEET

SHEET NUMBER A0.0

MACARTHUR BART PARKING STRUCTURE

OAKLAND, CA 94609

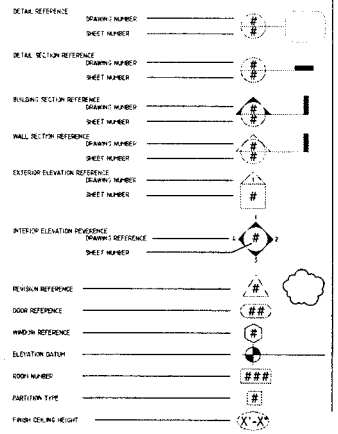
ABBREVIATIONS

ABF	ABOVE FINISHED FLOOR	LAM	LAMINATE
ACOUS	ACOUSTICAL	LH	LEFT HAND
ADJ	ADJUSTABLE	LHR	LEFT HAND REVERSE
AL	ALIGN	LT	LIGHT
ALT	ALTERNATE	LTW	LIGHT WEIGHT
AB	ANCHOR BOLT	L	LONG, LENGTH
APPROV	APPROVED		
ARCH	ARCHITECTURAL	MA	MACHINE BOLTS
AUTO	AUTOMATIC	MAINT	MAINTENANCE
		MAX	MAXIMUM
BLDG	BUILDING	MECH	MECHANICAL
BLKG	BLOCKING	MANF	MANUFACTURER
BM	BEAM	MTL	METAL
BD	BOARD	MEZZ	MEZZANINE
BO	BOTTOM OF	MIN	MINIMUM
BS	BOTH SIDES	MISC	MISCELLANEOUS
		MTD	MOUNTED
CAB	CABINET	MUL	MULLION
CI	CAST IRON		
CIP	CAST IN PLACE	(N)	NEW
COL	COLUMN	NEG	NEGATIVE
CTR	CENTER	NOM	NOMINAL
CL	CENTER LINE	NIC	NOT IN CONTRACT
CTC	CENTER TO CENTER	NTS	NOT TO SCALE
CER	CERAMIC	NO	NUMBER
CJ	CONSTRUCTION JOINT		
CL	CLEAR	OC	ON CENTER
CMU	CONCRETE MASONRY UNIT	OD	OUTSIDE DIAMETER
CON	CONNECTION	OP	OPENING
CONT	CONTINUOUS	OPP	OPPOSITE
CP	COMPLETE PENETRATION	ORIG	ORIGINAL
CTR	COUNTERSINK		
CW	COLD WATER	PART	PARTITION
		PEN	PARTIAL PENETRATION
DET	DETAIL	PAF	PANELPOWER ACTUATED FASTENER
DEPT	DEPARTMENT	PLAM	PLASTIC LAMINATE
DIA	DIAMETER	PL	PLATE
DIV	DIVISION	PN	PLATE NAILING
DR	DOOR	PLYWD	PLYWOOD
DBL	DOUBLE	PT	POINT
DF	DOUGLAS FIR	LB	POUND
DN	DOWN	PRES	PRESSURE
DS	DIAGONAL SHEATHING		
DWG	DRAWING	QUAL	QUALITY
DRWR	DRAWER	QUAN	QUANTITY
(E)	EXISTING	PT	PRESSURE/PRESERVATIVE TREATED
EA	EACH	PS	PRESTRESSED
EF	EACH FACE	PART	PARTITION
EW	EACH WAY		
EN	EDGE NAILING	RAD	RADIUS
EL	ELEVATION	RWL	RAIN WATER LEADER
ELEV	ELEVATOR	RECEPT	RECEPTACLE
ELEC	ELECTRICAL	REF	REFERENCE
ENG	ENGINEER	REIN	REINFORCEMENT REINFORCED
EQ	EQUAL	REQD	REQUIRED
EQUIP	EQUIPMENT	REDWD	REDWOOD
EXH	EXHAUST	RH	RIGHT HAND
EXP	EXPESITE	RHR	RIGHT HAND REVERSE
EXT	EXTERIOR	RM	ROOM
		RND	ROUND
FAB	FABRICATE	RO	ROUGH OPENING
FOC	FACE OF CONCRETE	REV	REVISION
FOF	FACE OF FINISH		
FOS	FACE OF STUD	SS	SANITARY SEWER
FOW	FACE OF WALL	SAD	SEE ARCHITECTURAL DRAWINGS
FIN	FINISH	SCD	SEE CONSULTANT DRAWINGS
FF	FINISHED FLOOR	SED	SEE ELECTRICAL DRAWINGS
FE	FIRE EXTINGUISHER	SKD	SEE KITCHEN CONSULTANT DRAWINGS
FA	FIRE ALARM		
FLR	FLOOR	SSD	SEE STRUCTURAL DRAWINGS
FLUOR	FLUORESCENT	SMD	SEE MECHANICAL DRAWINGS
FL	FLUSH	SFWD	SEE FINISH CARPENTRY DRAWINGS
FOUND	FOUNDATION	SPD	SEE PLUMBING DRAWINGS
FTNG	FOOTING	SJ	SEISMIC JOINT
FR	FRAMING	SCHED	SCHEDULE, SCHEDULE
FUR	FURRING	SECT	SECTION
		SHT	SHEET
GA	GAUGE	SM	SHEET METAL
GALV	GALVANIZED, GALVANIZING	SIM	SIMILAR
GL	GLASS, GLAZING	SP	SPACE
GLULAM	GLUE LAMINATED BEAM	SPEC	SPECIFICATION
GYP BD	GYPSUM BOARD	SQ	SQUARE
		SQFT	SQUARE FOOT
HVAC	HEATING VENTILATION & AIR CONDITIONING	ST	STRAP TIE
		STAG	STAGGERED
HSR	HIGH STRENGTH RODS	SSTL	STAINLESS STEEL
HSB	HIGH STRENGTH BOLT	STAND	STANDARD
HT	HEIGHT	STL	STEEL
HD	HOLD DOWN	STOR	STORAGE
HORIZ	HORIZONTAL	STRUCT	STRUCTURAL
HW	HOT WATER	SUS	SUSPENDED
		SYM	SYMMETRICAL
INC	INCLUDING, INCLUDED	SYS	SYSTEM
INFO	INFORMATION		
INT	INTERIOR		
JH	JOIST HANGER		
JT	JOINT		

ABBREVIATIONS

TEMP	TEMPERED
TH	THICKNESS
THRD	THREADED
TD	THE DOWN
TOB	TOP AND BOTTOM
TAG	TONGUE AND GROOVE
TOC	TOP OF CONCRETE
TOF	TOP OF FINISH
TOP	TOP OF PLATE
TOS	TOP OF STEEL
TOW	TOP OF WALL
TN	TRUE NORTH
TYP	TYPICAL
UL	UNDERWRITERS LABORATORY
UON	UNLESS OTHERWISE NOTED
UTIL	UTILITY, UTILITIES
VERT	VERTICAL
VIF	VERIFY IN FIELD
VER	VERIFY
VEST	VESTIBULE
WC	WATER CLOSET
WH	WATER HEATER
W/	WITH
W/O	WITH OUT
WD	WOOD
YD	YARD

GRAPHIC SYMBOLS



DEFERRED SUBMITTALS

SURVEY
GRADING PLAN
SIGN PLAN
STORMWATER PLAN
LIGHTING PLAN
TREE SURVEY
REVISED MATERIALS AND COLOR BOARD

PROJECT INFORMATION

DESCRIPTION

THIS PROJECT CONSISTS OF THE DEMOLITION OF TWO EXISTING HOTELS AND RECAPTURE OF A PORTION OF THE BART SURFACE PARKING LOT, IN ORDER TO ACCOMMODATE A NEW 4-5 LEVEL PARKING STRUCTURE WITH APPROXIMATELY 470 STALLS AND GROUND LEVEL RETAIL. THE NEW GARAGE WILL REPLACE AN EXISTING ON-GRADE PARKING LOT USED BY BART PATRONS AND IS AN INTEGRAL PART OF THE LARGER MACARTHUR TRANSIT VILLAGE NEAR THE MACARTHUR BART STATION.

LOT SIZE	31,566 S.F.
LOT COVERAGE	29,933 S.F.
PERCENT LOT COVERAGE	95.1%
RETAIL AREA	5,000 S.F.
OCCUPANCY	S-2 M
NUMBER OF STORIES	6
PROPOSED BUILDING HEIGHT	90'-3" (APPROX)
MAX BUILDING HEIGHT	98'-0"

PARKING

ACCESSIBLE STALLS	7
VAN ACCESSIBLE STALLS	2
FULL SIZE STALLS	471
TOTAL STALLS	480

DIRECTORY

CLIENT: MACARTHUR TRANSIT COMMUNITY PARTNERS
345 SPEAR STREET, SUITE 700
SAN FRANCISCO, CA 94105PROJECT

CONTACT: ART MAY
KEYSTONE DEVELOPMENT
510.903.2090
SMAY@KEYSTONEDG.COM

ARCHITECT: LOWNEY ARCHITECTURE
360 17TH STREET, SUITE 100
OAKLAND, CA 94612
ATTN: ERIC PRIZE
510.836.5100
510.835.5454 (FAX)
ERIC@LOWNEYARCH.COM

PARKING CONSULTANT: INTERNATIONAL PARKING DESIGN
1270 MARINA VILLAGE PARKWAY, SUITE 100
ALAMEDA, CA 94501
ATTN: RAJAN N. NANDWANA
510.473.7306
510.473.8360 (FAX)
RAJANN@IMPD-SAF.COM

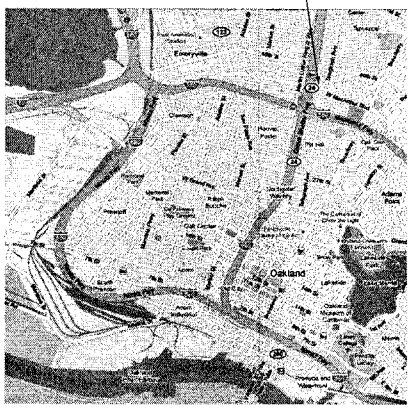
CIVIL ENGINEERING: SANDIS
1700 BROADWAY, SUITE 250
OAKLAND, CA 94612
ATTN: HENRY PHILLIPS
510.873.8990 (VOP)
510.873.8868 (FAX)
HPHILLIPS@SANDIS.NET

LANDSCAPE ARCHITECT: PGA DESIGN
464 - 17TH STREET
OAKLAND, CA 94612
ATTN: CHRIS KENT
510.465.1284
510.465.1095
CKENT@PGADESIGN.COM

DRAWING LIST

Sheet Number	Sheet Name
A1.0	COVER SHEET
A1.1	INDEX
T-1	TENTATIVE MAP COVER SHEET
T-2	TENTATIVE MAP INFO
T-3	EXISTING BOUNDARY AND INTERNAL PROPERTY LINES
T-4	TENTATIVE MAP
T-5	GRADING PLAN
T-6	UTILITY PLAN
T-7	TYPICAL SECTIONS AND NOTES
L1.0	ILLUSTRATIVE
L2.0	LANDSCAPE PLAN
L3.0	PLANTING PLAN
L4.0	MATERIALS PLAN
A1.0	EXISTING SITE PLAN
A1.1	PROSPECTIVE GARAGE PLAN
A1.01	ARCHITECTURAL SITE PLAN
A1.2	EXISTING PHOTOS
A2.01	GROUND LEVEL PLAN
A2.02	SECOND LEVEL PLAN
A2.03	THIRD LEVEL PLAN
A2.04	FOURTH LEVEL PLAN
A2.05	FIFTH LEVEL PLAN
A2.06	SIXTH LEVEL (ROOF) PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.03	BUILDING SECTIONS
A4.0	PERSPECTIVE VIEWS
A4.1	PERSPECTIVE VIEWS
A4.2	PERSPECTIVE VIEWS

VICINITY MAP



LOCATION MAP



LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA 94609

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NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2010	PLANNING SUBMITTAL	EP
2.	08.18.2010	PLANNING RESUBMITTAL	EP
3.	10.28.2010	PLANNING RESUBMITTAL	EP

DATE

DRAWN BY EP

PROJECT NUMBER 10.006

SHEET TITLE

INDEX

SHEET NUMBER A0.1

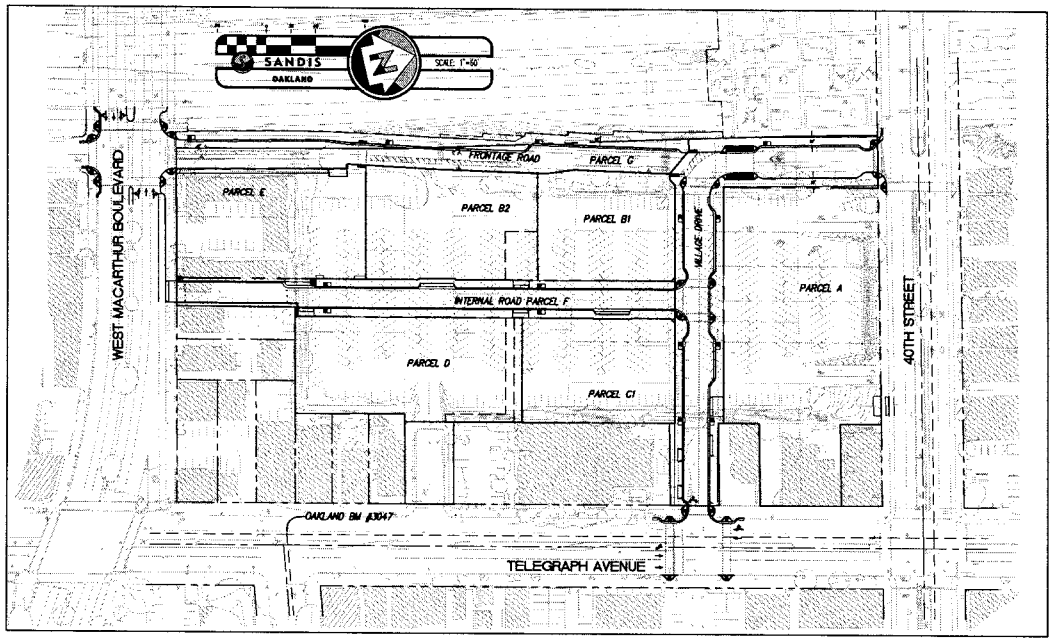
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NOTES AND LEGEND

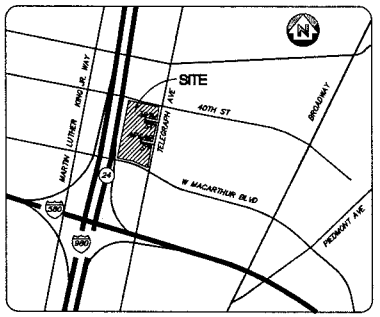
ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

ALL SCREENED INFORMATION REFLECTS EXISTING CONDITIONS.

	PROPOSED BOUNDARY
	EXISTING BOUNDARY LINE TO REMAIN
	EXISTING LOT LINE OUTSIDE OF SCOPE
	INTERNAL PARCEL LINE TO BE REMOVED
	PROPOSED EASEMENT
	EXISTING EASEMENT LINE OUTSIDE OF SCOPE
SS	SANITARY SEWER
SD	STORM DRAIN
W	WATER
G	GAS
JT	JOINT TRENCH UTILITIES
X	CHAIN LINK FENCE
O	WOOD FENCE
OHE	OVERHEAD ELECTRIC LINE
	PROPERTY LINE
●	FOUND STANDARD CITY MONUMENT
SD	STORM MANHOLE
S	SANITARY MANHOLE
o	SANITARY CLEANOUT
AC	ASPHALTIC CONCRETE
AD □ ●	AREA DRAIN
BW	BACK OF WALK
EI	ELECTRIC UTILITY BOX
FL	FLOW LINE
G, GRD	GROUND
GB	GRADE BREAK
P	PAVEMENT
TC	TOP OF CURB
WLK	SIDEWALK
CONC	CONCRETE
EP	EDGE OF PAVEMENT
BLDG	BUILDING CORNER
PLNTR	PLANTER
HCR	HANDICAP RAMP
TOB	TOP OF AC BERM
PIV	POST INDICATOR VALVE
FF	FINISH FLOOR
TP	TELEPHONE PULL BOX
TV	CABLE TELEVISION BOX
TOP, TB	TOP OF BANK
TOW	TOP OF WALL
PP	POWER POLE
WV	WATER VALVE
WM	WATER METER
GV	GAS VALVE
HR	HANDICAP RAMP
POL	POINT ON LINE
BLDG	BUILDING LINE
CL	CENTERLINE
FL	FLOWLINE
VG	VALLEY GUTTER
CLF	CHAIN LINK FENCE
BOW	BOTTOM OF WALL
OH	BUILDING OVERHANG
TYP.	TYPICAL
o—☼	ELECTROLIER
EV	ELECTRIC VALVE
	SIGN
	GUY WIRE
	FIRE HYDRANT
WV	WATER VALVE
PIV	POST INDICATOR VALVE
BFP	BACK FLOW PREVENTER
WM	WATER METER
FH	FIRE HYDRANT
FS	FIRE SERVICE
FND	FOUND
TP	TELEPHONE UTILITY BOX
	PUBLIC RIGHT OF WAY TO BE VACATED



KEY MAP
1"=60'



VICINITY MAP
N.T.S.

UNDERGROUND UTILITY NOTE:

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THIS SURVEY.

TENTATIVE MAP NOTES

1. MINIMUM EROSION CONTROL MEASURES WILL CONSIST OF SILT FENCE STRAW WATTLES AT PROPERTY LINES, NEAREST DOWNSTREAM INLET WILL BE PROTECTED WITH INSERT. ADDITIONAL MEASURES SHALL BE INCLUDED AS NECESSARY IN THE P-JOB SUBMITTAL SUBJECT TO CITY REVIEW AND APPROVAL.
2. TRAFFIC REGULATORY SIGNAGE MEETING CITY OF OAKLAND STANDARDS WILL BE IMPLEMENTED IN THE P-JOB, SUBJECT TO REVIEW AND APPROVAL OF THE CITY'S TRANSPORTATION SERVICES DIVISION.

CODE COMPLIANCE

THIS TENTATIVE MAP VESTS THE RIGHT TO CREATE THE PARCELS SHOWN AND TO DEVELOP THEM TO UP TO THE TOTAL NUMBER OF UNITS INDICATED. EACH INDIVIDUAL PARCEL SHALL BE REQUIRED TO CONFORM TO THE APPLICABLE BUILDING AND FIRE CODES AT THE TIME OF THE APPLICATION FOR BUILDING PERMIT IS FILED. ADDITIONALLY, EACH PARCEL SHALL CONFORM TO THE PROJECT CONDITIONS OF APPROVAL WHICH FURTHER DEFINE PROJECT REQUIREMENTS.

PARCELS B1 & B2 - TO ENSURE CODE COMPLIANCE THREE SCENARIOS/OPTIONS ARE ENVISIONED FOR THESE PARCELS.

OPTION 1	DEVELOP AS A SINGLE LOT WITH FIRE ACCESS ON THE WEST, NORTH, AND EAST SIDES. ENTRANCE DRIVEWAY OFF THE EAST SIDE. CONSTRUCTION TYPE TO BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION.
OPTION 2	DEVELOP AS A TWO LOTS WITH A 26 FOOT WIDE EMERGENCY VEHICLE ACCESS EASEMENT LOCATED BETWEEN THE LOTS. THE EASEMENT SHALL BE 1/3 THE TOTAL DEPTH OF THE LOT AND BE ACCESSED FROM THE EAST. THE BUILDINGS SHALL EACH HAVE A THREE HOUR RATED WALL ALONG THE SHARED PROPERTY LINE. FIRE ACCESS SHALL BE PROVIDED ALONG THE WEST AND EAST SIDES OF BOTH PARCELS, AND ON THE NORTH SIDE OF PARCEL B2. ENTRANCE DRIVEWAY(S) WILL BE OFF THE EAST SIDE.
OPTION 3	DEVELOP AS TWO LOTS WITH FIRE ACCESS ON THE WEST AND EAST SIDES OF BOTH PARCELS. PARCEL B2 WILL HAVE ACCESS ON THE NORTH SIDE AS WELL. BUILDING SETBACKS AND THE SPECIFIC CONSTRUCTION TYPE WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION IN SUCH MANNER AS TO COMPLY WITH THE APPLICABLE BUILDING AND FIRE CODES.

PARCELS D & C1 - TO ENSURE CODE COMPLIANCE TWO SCENARIOS/OPTIONS ARE ENVISIONED FOR THESE PARCELS.

OPTION 1	FIRE ACCESS ON THE WEST SIDE OF BOTH PARCELS WITH ACCESS ON THE NORTH SIDE OF PARCEL C1. PROVIDE A 26 FOOT WIDE EMERGENCY ACCESS EASEMENT LOCATED BETWEEN THE LOTS FOR APPROXIMATELY 90% OF THE DEPTH OF THE LOT.
OPTION 2	FIRE ACCESS ON THE WEST SIDE OF BOTH PARCELS WITH ACCESS ON THE NORTH SIDE OF PARCEL C1. BUILDING SETBACKS AND THE SPECIFIC CONSTRUCTION TYPE WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION IN SUCH A MANNER AS TO COMPLY WITH THE APPLICABLE BUILDING AND FIRE CODES. IN THE EVENT THE PARCELS ARE COMBINED THE EASEMENT WOULD BE REMOVED.

TRANSPORTATION IMPROVEMENTS NOTES

1. SPECIAL PROJECT DRIVEWAY IMPROVEMENTS
THE FOLLOWING DESIGN MEASURE SHALL BE INCLUDED IN THE P-JOB PLANS SUBJECT TO REVIEW AND APPROVAL OF THE CITY'S TRANSPORTATION SERVICES DIVISION (TSD):
   A. INSTALL A HIGH-VISIBILITY CROSSWALK ACROSS FRONTAGE ROAD CONNECTING THE BART GARAGE TO THE WESTERN SIDEWALK.
   B. FOR DRIVEWAYS PROVIDE ADEQUATE SIGHT DISTANCE AT ALL RESIDENTIAL GARAGE EXITS, END THE RAMP BEFORE THE SIDEWALK SO THAT THE SIDEWALK REMAINS LEVEL AND VEHICLES DO NOT ENCROACH ON THE SIDEWALK.
2. BICYCLE ACCESS AND BICYCLE PATH
THE FOLLOWING MEASURES SHALL BE IMPLEMENTED IN THE P-JOB, SUBJECT TO REVIEW AND APPROVAL BY THE CITY'S TRANSPORTATION SERVICES DIVISION:
   A. INSTALL STOP SIGNS FOR VEHICLES EXITING THE BART GARAGE AND FOR SOUTHBOUND SHUTTLES APPROACHING THE BART GARAGE.
   B. PROVIDE ADEQUATE SIGHT DISTANCE AT THE GARAGE EXIT.
   C. PROVIDE SIGNAGE AT THE WEST MACARTHUR BOULEVARD/FRONTAGE ROAD INTERSECTION DIRECTING BICYCLISTS TO THE BICYCLE PATH OR LANES ON FRONTAGE ROAD.
   D. INSTALL BICYCLE DETECTION FOR ALL ACTUATED THROUGH MOVEMENTS OR LEFT TURNS AT THE NEW SIGNAL AT 40TH STREET AND FRONTAGE ROAD; THE NEW SIGNAL AT TELEGRAPH AVENUE AND VILLAGE DRIVE; AND WEST MACARTHUR BOULEVARD AND FRONTAGE ROAD.
   E. INSTALL SIGNAGE (I.E., "LEFT TURN ONLY, EXCEPT SHUTTLES AND BICYCLES" AND "LEFT TURN ONLY, EXCEPT SHUTTLES AND BICYCLES") AND STRIPING AT THE FRONTAGE ROAD/ VILLAGE DRIVE INTERSECTION TO PROHIBIT SOUTHBOUND AND WESTBOUND VEHICLES , EXCEPT SHUTTLE BUSES AND BICYCLES, FROM CONTINUING SOUTHBOUND TO WEST MACARTHUR BOULEVARD.
   F. INSTALL A "BICYCLE BOX" AT THE SOUTHBOUND APPROACH TO THE WEST MACARTHUR BOULEVARD/FRONTAGE ROAD/37TH STREET INTERSECTION AND AT THE NORTHBOUND APPROACH TO THE FRONTAGE ROAD/40TH STREET INTERSECTION IF DETERMINED FEASIBLE BY THE TRANSPORTATION SERVICES DIVISION.
   G. IF FEASIBLE PROVIDE VISUAL TREATMENTS ON THE BIKE PATH OR LANES TO INCREASE THEIR VISIBILITY AND USE BY BICYCLISTS.
3. AREA RIGHT OF WAY IMPROVEMENTS
IF FEASIBLE AS DETERMINED BY THE TRANSPORTATION SERVICES DIVISION AND THE CITY PLANNING DEPARTMENT THE FOLLOWING SHALL BE PART OF THE P-JOB.
   A. REMOVAL OF THE SLIP RIGHT-TURNS ON NORTHBOUND AND SOUTHBOUND TELEGRAPH AVENUE AT WEST MACARTHUR BOULEVARD.
   B. PROVIDING STREET FURNITURE AND WIDENING SIDEWALKS WHERE FEASIBLE FOR STREET FRONTAGES IMMEDIATELY ADJACENT TO THE PROJECT SITE.
4. SPECIFIC PROJECT INTERSECTION IMPROVEMENTS
THE FOLLOWING MEASURES SHALL BE IMPLEMENTED IN THE P-JOB, SUBJECT TO REVIEW AND APPROVAL BY THE CITY'S TRANSPORTATION SERVICES DIVISION (TSD):
   A. FOR THE INTERSECTION OF 40TH STREET AND THE FRONTAGE ROAD:
      1. PROHIBIT RIGHT TURNS ON RED AND PROVIDE A LEADING PEDESTRIAN INTERVAL.
      2. INCREASE THE INITIAL WALK INTERVAL (TIMS ALLOWS MORE TIME FOR CLUSTERS OF PEDESTRIANS TO LEAVE THE SIDEWALK WHEN CROSSING).
   B. FOR THE INTERSECTION OF TELEGRAPH AVENUE AND VILLAGE DRIVE:
      1. INCREASE THE INITIAL WALK INTERVAL.
      2. INSTALL HIGH VISIBILITY CROSS WALKS.
   C. FOR THE INTERSECTION OF FRONTAGE ROAD AND VILLAGE DRIVE:
      1. INSTALL HIGH VISIBILITY CROSS WALKS.
      2. PROVIDE A RAISED INTERSECTION WITH HIGH VISIBILITY STRIPING TO CONNECT PEDESTRIANS FROM THE BART PLAZA TO VILLAGE DRIVE.
      3. INSTALL SIGNAGE (I.E., "LEFT TURN ONLY, EXCEPT SHUTTLES AND BICYCLES") AND STRIPING AT THIS INTERSECTION TO PROHIBIT SOUTH BOUND TRAFFIC EXCEPT SHUTTLES AND BICYCLES FROM CONTINUING SOUTH TO MACARTHUR BOULEVARD.
   D. FOR THE INTERSECTION OF WEST MACARTHUR BOULEVARD AND FRONTAGE ROAD:
      1. INCREASE THE INITIAL WALK INTERVAL (TIMS ALLOWS MORE TIME FOR CLUSTERS OF PEDESTRIANS TO LEAVE THE SIDEWALK WHEN CROSSING).
      2. INSTALL HIGH VISIBILITY CROSS WALKS.
      3. INSTALL AUDIBLE PEDESTRIAN COUNTDOWN SIGNALS.
      4. PROVIDE SEPARATE CURB RAMPS FOR EACH CROSS WALK.

FEMA NOTE

PER FEMA COMMUNITY-PANEL NUMBER 0900100036G, THE PROJECT SITE LIES IN ZONE X. ZONE X IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

TOPOGRAPHIC SURVEY

TOPOGRAPHIC SURVEY BY SANDIS WITH AERIAL TOPOGRAPHIC SURVEY PERFORMED BY AERIAL PHOTOMAPPING SERVICES, 2929 LAIRING AVE., CLOVIS, CA 93612, JUNE 2009. THE AERIAL SURVEY WAS SUPPLEMENTED WITH GROUND SURVEYED DATA, TO DETERMINE THE TYPE AND SIZES OF UTILITY FEATURES, AND TO ACQUIRE DATA IN AREAS WHERE GREATER DETAIL IS REQUIRED.

BENCH MARK

THE CITY OF OAKLAND BENCHMARK, DESIGNATION 3047 WAS USED AS THE BASIS OF ELEVATION FOR THIS SURVEY. BM NO. 3047 IS A CUT SQUARE, LOCATED 12 FEET WEST OF THE CENTERLINE OF TELEGRAPH AND 3 FEET NORTH OF THE CENTERLINE OF 38TH STREET.

ELEV =69.44 FEET

BASIS OF BEARINGS

BEARINGS AND DISTANCES ARE RELATED TO THE CALIFORNIA COORDINATE SYSTEM, ZONE 3, AS ESTABLISHED BY CITY OF OAKLAND MONUMENTS AND RECORD DATA SHOWN ON RIGHT OF WAY MAPS FOR HIGHWAY 24 AND BAY AREA RAPID TRANSIT DISTRICT.

SEISMIC HAZARD NOTE

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA: A SEISMIC HAZARD ZONE - LIQUEFACTION ZONE PURSUANT TO SECTION 2696 OF THE PUBLIC RESOURCES CODE. THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

FINAL MAP NOTE

FINAL MAPS FOR THIS TENTATIVE PARCEL MAP ARE PROPOSED TO BE PHASED, AT THE APPLICANT'S OPTION, TO PERMIT SEPARATE RECORDATION OF UP TO SIX FINAL MAPS. THE INTENT IS TO ALLOW DEVELOPMENT AND RECORDATION OF THE MACARTHUR COMMUNITY PARTNERS PARCELS SEPARATELY FROM THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCELS.

THE SPONSOR OF THE FIRST PARCEL TO BE CONSTRUCTED SHALL CONSTRUCT OR CAUSE TO BE CONSTRUCTED THE IMPROVEMENTS TO FRONTAGE ROAD, VILLAGE DRIVE AND INTERNAL ROAD.

THE SPONSOR OF THE FIRST TO BE CONSTRUCTED OF PARCELS B1 AND B2 SHALL CONSTRUCT OR CAUSE TO BE CONSTRUCTED THE SHARED ACCESS DRIVE ASSOCIATED WITH PARCELS B1 AND B2.

THE SPONSOR OF THE CONSTRUCTION OF PARCELS A (STAGE 1 PER PROJECT CONDITIONS OF APPROVAL) SHALL CONSTRUCT OR CAUSE TO BE CONSTRUCTED THE IMPROVEMENTS IDENTIFIED UNDER "TRANSPORTATION IMPROVEMENTS NOTES" AS PARTS 3 AND 4, "AREA RIGHT OF WAY IMPROVEMENTS" AND "SPECIFIC PROJECT INTERSECTION IMPROVEMENTS" RESPECTIVELY.

MAP PREPARER

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OAKLAND, CA 94612
510-873-8666

DEVELOPERS

MACARTHUR TRANSIT COMMUNITY PARTNERS LLC
345 SPEAR STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

PROPERTY ADDRESS

BETWEEN 40TH STREET AND MACARTHUR BOULEVARD AND BETWEEN TELEGRAPH AVE. AND ROUTE 24.

OWNERS

VIMAL DESAI AND JIGNASHABEN DESAI

JAGDISHKUMAR BHIKHABHAI PATEL

YEU BIN WU AND TSUI YING SHEN

SAN FRANCISCO BAY AREA RAPID TRANSIT, ET AL.

PLANNER

CATHERINE PAYNE
COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
CITY OF OAKLAND
510-238-2071

UTILITY INFORMATION

STORM DRAINS:
CITY OF OAKLAND 7101 EDGEWATER DRIVE, BUILDING #4
OAKLAND, CA 94621
(510) 615-5566

SANITARY SEWERS:
CITY OF OAKLAND
(510) 615-5566

WATER:
EBMUD 375 ELEVENTH STREET
OAKLAND, CA 94607-4240
1-(866) 406-2683

POWER AND GAS
PACIFIC GAS & ELECTRIC
1-800-743-500

FIRE PROTECTION:
CITY OF OAKLAND
FIRE PREVENTION BUREAU
(510) 238-4049

SHEET INDEX

T-1 COVER SHEET
T-2 LOT INFORMATION AND NOTES
T-3 EXISTING BOUNDARY MAP AND INTERNAL PROPERTY LINES
T-4 TENTATIVE MAP
T-5 GRADING PLAN
T-6 UTILITY PLAN
T-7 TYPICAL SECTIONS

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SCALE: AS NOTED
DRAWN BY: JRR/BAB
APPROVED BY: MAK
DRAWING NO: 607128

DATE _____, 2010
DAVID W. BETHAM
P.L.S. NO. 7047, EXPIRES 12-31-10

DATE _____, 2010
JEFFREY MICHAEL SETERA
R.C.E. NO. 62793, EXPIRES 06-30-12

No.	REVISION	DATE	BY
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2	ADDIT. FINAL RESUBMITTAL	10-29-10	BMS

VESTING TENTATIVE TRACT MAP NO. 8047
COVER SHEET

OAKLAND CALIFORNIA

SHEET T-1 OF 7 SHEETS

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EXISTING LOT INFORMATION

EXISTING PARCELS				
PARCEL	USE	LOT SIZE	APN	OWNER
1	PAVED ACCESS	3841 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2	PARKING	3759 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
3	PARKING	8618 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
4	PARKING	9315 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
5	PARKING	5008 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
6	PARKING	5008 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
7	PARKING	6258 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
8	PAVED ACCESS	3548 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
9	PARKING	3863 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
10	PARKING	4292 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
11	PARKING	4257 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
12	PARKING	4307 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
13	PARKING	2504 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
14	PARKING	2504 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
15	PARKING	3759 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
16	PAVED ACCESS	8991 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
17	PARKING	4781 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
18	PARKING	4858 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
19	PARKING	4771 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
20	PARKING	6272 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
21	PARKING	5339 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
22	PARKING	5447 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
23	PARKING	8186 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
24	PARKING	4858 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
25	PARKING	4858 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXISTING LOT INFORMATION

EXISTING PARCELS				
PARCEL	USE	LOT SIZE	APN	OWNER
26	PARKING	4351 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
27	PARKING	7063 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
28	PARKING	6397 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
29	PARKING	505 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
30	PARKING	4236 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
31	PARKING	11336 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
32	PAVED ACCESS	3476 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
33	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
34	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
35	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
36	PARKING	6717 SQFT	012-9687-048-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
37	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
38	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
39	PAVED ACCESS	5068 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
40	HOTEL	8682 SQFT	012-0967-009	DESAI
41	HOTEL	14510 SQFT	012-968-010-01	PATEL
45	RETAIL	5099 SQFT	012-969-002	WU AND SHEN
46	RETAIL	2505 SQFT	012-969-003-01	WU AND SHEN
48	RETAIL	2504 SQFT	012-969-053-02	WU AND SHEN
49	R/W PAVED ACCESS	26223 SQFT	APGAR STREET	PUBLIC RIGHT OF WAY, CITY OF OAKLAND
50	R/W PARKING	25966 SQFT	39TH STREET	PUBLIC RIGHT OF WAY, CITY OF OAKLAND
J-13	STATE R/W PEDESTRIAN ACCESS	NOT DEFINED BY THIS MAP	CLASS A JOINT ACCESS	
J-14	STATE R/W LOCAL STREET	NOT DEFINED BY THIS MAP	CLASS M JOINT ACCESS	

NOTE:
1. EXISTING INDIVIDUAL PARCEL BOUNDARIES HAVE NOT BEEN CORRECTED TO RESOLVE APPARENT OVERLAP; ONLY THE OVERALL PARCEL BOUNDARY HAS BEEN VERIFIED.
2. PARCELS 42, 43, 44 AND 47 HAVE BEEN INTENTIONALLY OMITTED.

PROPOSED LOT INFORMATION

PROPOSED PARCELS			
PARCEL	USE	LOT SIZE	LOT DESCRIPTION
A	MIXED USE	63,988 SQFT	226 RESIDENTIAL CONDOMINIUM UNITS 4,000 SF – 4 LIVE/WORK UNITS 20,150 SF – 8 RETAIL UNITS
B1	MIXED USE	22,396 SQFT	90 RESIDENTIAL CONDOMINIUM UNITS 1,000 SF – 3 RETAIL UNITS
B2	MIXED USE	28,694 SQFT	81 RESIDENTIAL CONDOMINIUM UNITS
C1	MIXED USE	23,851 SQFT	97 RESIDENTIAL CONDOMINIUM UNITS 1,000 SF – 3 RETAIL UNITS
D	RESIDENTIAL	34,411 SQFT	90 RESIDENTIAL APARTMENT UNITS
E	PARKING GARAGE/ COMMERCIAL RESIDENTIAL	31,502 SQFT	483 PARKING SPACES 5,200 SF – 5 RETAIL UNITS
F	INTERNAL ROAD	26,502 SQFT	ROAD ACCESS FOR PARCELS B1, B2, C1, C2, D AND E. PUBLIC ACCESS EASEMENT
G	FRONTAGE AREA	18,412 SQFT	BART GARAGE AND SHUTTLE ACCESS PUBLIC ACCESS EASEMENT
VILLAGE DRIVE	R/W PARKING	32,611 SQFT	PROPOSED DEDICATION OF VILLAGE DRIVE
J-13	STATE R/W PEDESTRIAN ACCESS	NOT DEFINED BY THIS MAP	CLASS A JOINT ACCESS BETWEEN BART AND CALTRANS
J-14	STATE R/W LOCAL STREET	NOT DEFINED BY THIS MAP	CLASS M JOINT ACCESS BETWEEN BART AND CALTRANS TO INCLUDE CITY OF OAKLAND

EASEMENTS DESCRIPTION

AS NOTED ON THIS TENTATIVE MAP THE PROPOSED PUBLIC EASEMENTS ARE DEFINED AS FOLLOWS:

PUBLIC ACCESS EASEMENT (PAE) – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE PUBLIC THE RIGHT OF INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR. A MINIMUM CLEAR DISTANCE OF 26 FEET SHALL BE MAINTAINED FOR EMERGENCY VEHICLE ACCESS. ALL SURFACE IMPROVEMENTS WITHIN THE PAE SHALL BE MAINTAINED BY THE LAND OWNER.

PUBLIC PEDESTRIAN ACCESS EASEMENT – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE PUBLIC THE RIGHT OF PEDESTRIAN INGRESS AND EGRESS.

PUBLIC UTILITY EASEMENT (PUE) – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE CITY OF OAKLAND, AND ALL UTILITIES WITH FRANCHISE RIGHTS WITHIN THE CITY OF OAKLAND, THE RIGHT TO ACCESS, INSTALL, AND MAINTAIN UTILITY INFRASTRUCTURE INCLUDING STORM DRAINAGE, SANITARY SEWER, NATURAL GAS, ELECTRICAL, TELECOM, WATER, FIBER OPTIC, STREET LIGHTING, AND CABLE TELEVISION. THE OWNER RESERVES THE RIGHT TO INSTALL PRIVATE UTILITIES WITHIN THE PUE AS NECESSARY TO SERVE THE PROPERTY, INSTALL AND MAINTAIN LANDSCAPING INCLUDING TREES AND IRRIGATION, AND THE RIGHT TO INSTALL SURFACE IMPROVEMENTS SUCH AS SIDEWALKS AND PAVEMENT. THE INSTALLATION OF PERMANENT STRUCTURES OR FENCING THAT WOULD OBSTRUCT ACCESS IS PROHIBITED.

AS NOTED ON THIS TENTATIVE PLAN THE PROPOSED PRIVATE EASEMENTS ARE DEFINED AS FOLLOWS:

PRIVATE ACCESS EASEMENT (PRAE) – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE RIGHT OF INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR. ALL SURFACE IMPROVEMENTS WITHIN THE PRIVATE ACCESS EASEMENT SHALL BE MAINTAINED IN ACCORDANCE WITH THE PROPORTIONAL BENEFIT TO THE PARCELS.

NO PART OF THIS DOCUMENT MAY BE REPRODUCED IN ANY FORM INCLUDING PHOTOCOPY, RECORDING OR ANY INFORMATION RETRIEVAL AND STORAGE SYSTEM, WITHOUT PERMISSION IN WRITING FROM SANDIS.

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APPROVED BY: MAK
DRAWING NO.: 607128

DATE _____, 2010
DAVID W. BETHAM
P.L.S. NO. 7047, EXPIRES 12-31-10

DATE _____, 2010
JEFFREY MICHAEL SETERA
R.G.E. NO. 62793, EXPIRES 06-30-12

No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADD'L FINAL RESUBMITTAL	10-25-10	BNS

OAKLAND

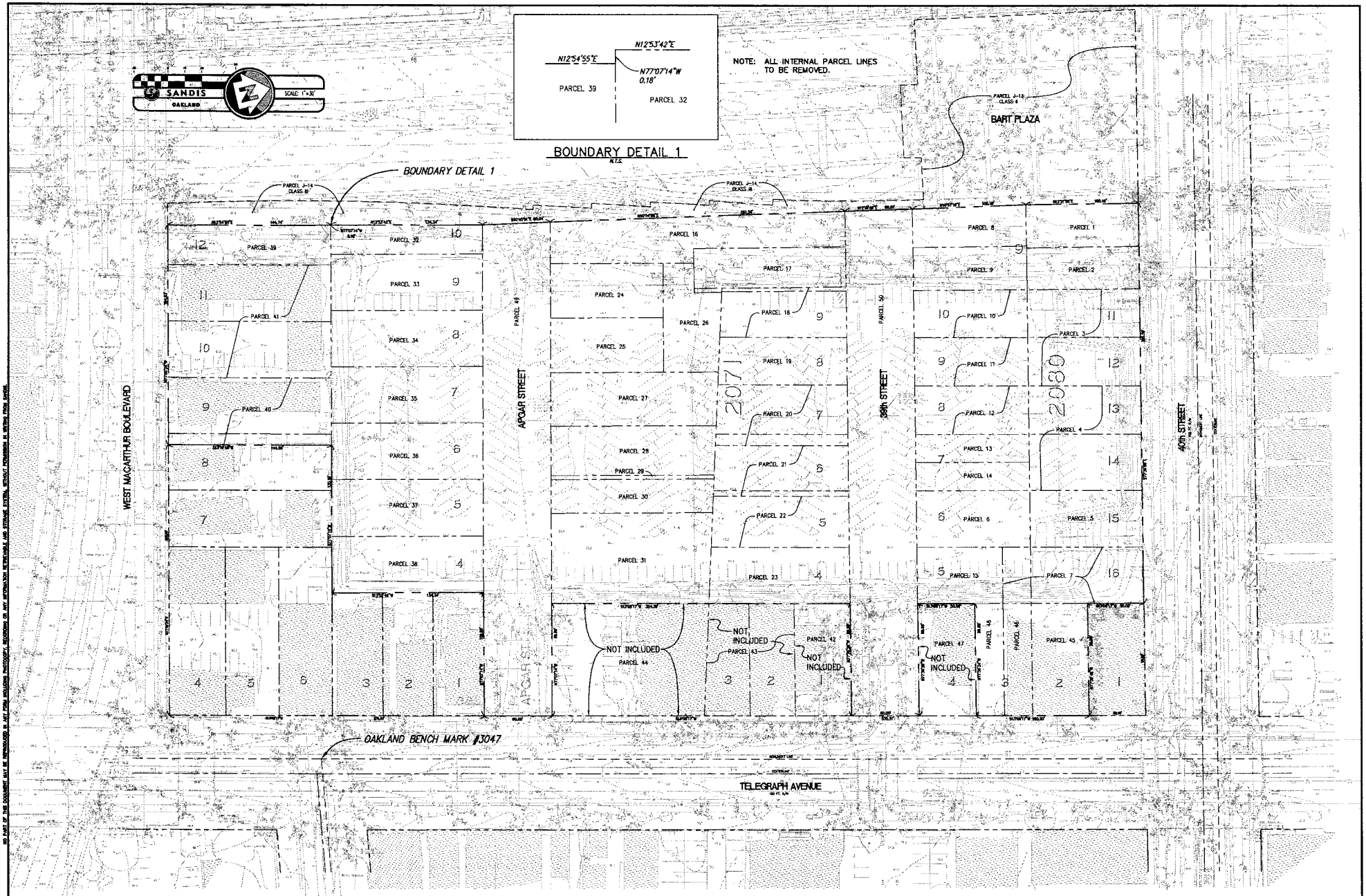
VESTING TENTATIVE TRACT MAP NO. 8047
LOT INFORMATION

CALIFORNIA

SHEET T-2 OF 7 SHEETS

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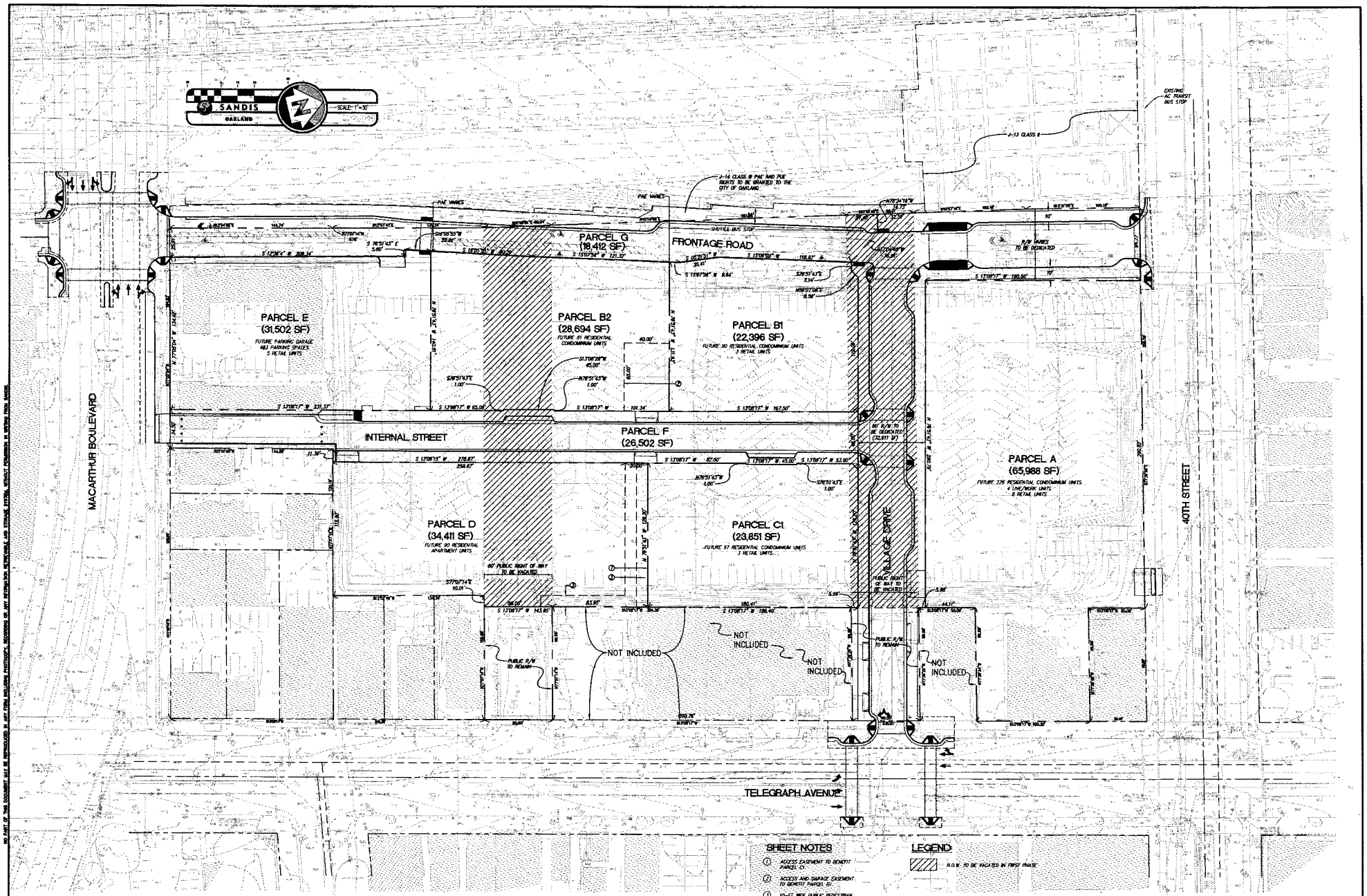
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VESTING TENTATIVE TRACT MAP NO. 8047
EXISTING BOUNDARY AND INTERNAL PROPERTY LINES

CALIFORNIA

SHEET T-3 OF 7 SHEETS

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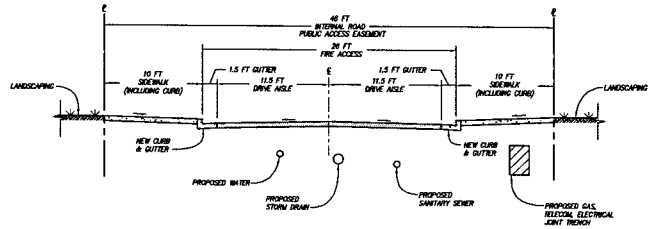
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VESTING TENTATIVE TRACT MAP NO. 8047
TENTATIVE MAP

CALIFORNIA

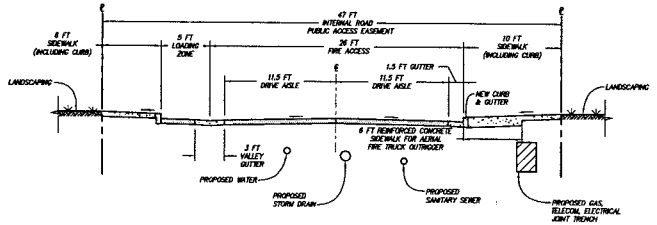
SHEET T-4 OF 7 SHEETS

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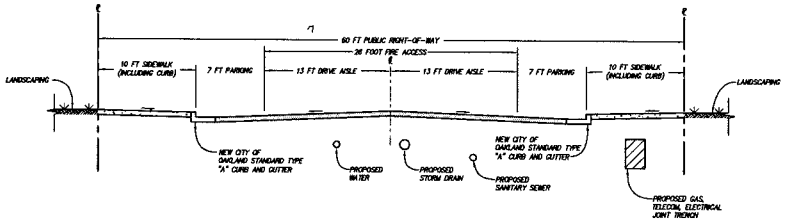
INTERNAL STREET TYPICAL SECTION (A)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



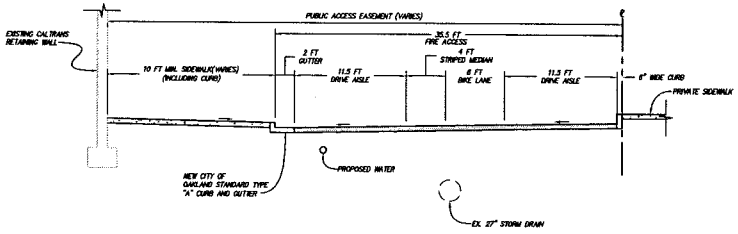
INTERNAL STREET LOADING ZONE SECTION (A1)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



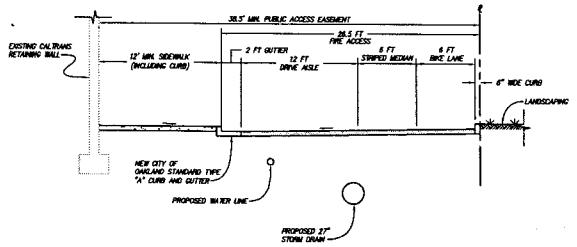
VILLAGE DRIVE (FORMERLY 39TH STREET) (B)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



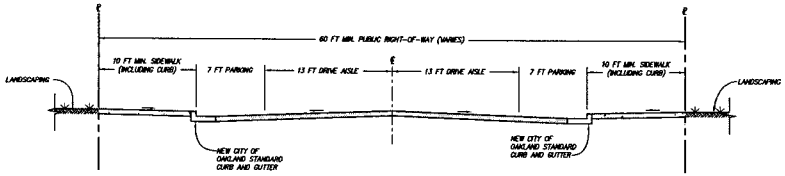
FRONTAGE ROAD (SOUTH END OF BART GARAGE) (C)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



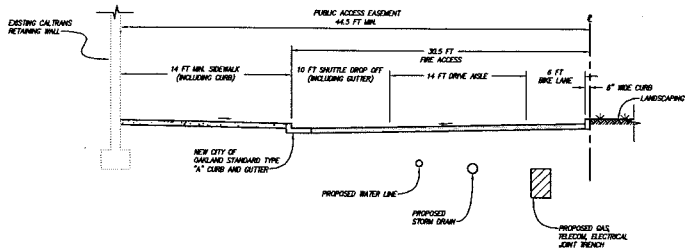
FRONTAGE ROAD (NORTH END OF BART GARAGE) (D)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



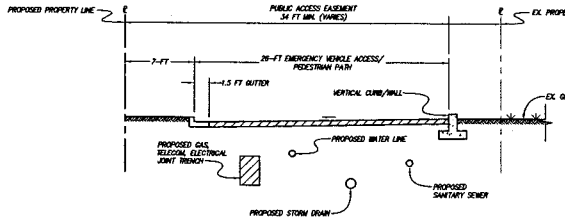
VILLAGE DRIVE (E)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



FRONTAGE ROAD (SHUTTLE DROP OFF) (F)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



SECTION @ EMERGENCY VEHICLE ACCESS NEAR WEST MACARTHUR (G)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.

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P.L.S. NO. 7047, EXPIRES 12-31-10

DATE _____, 2010
JEFFREY MICHAEL SETERA
R.C.E. NO. 62793, EXPIRES 06-30-12

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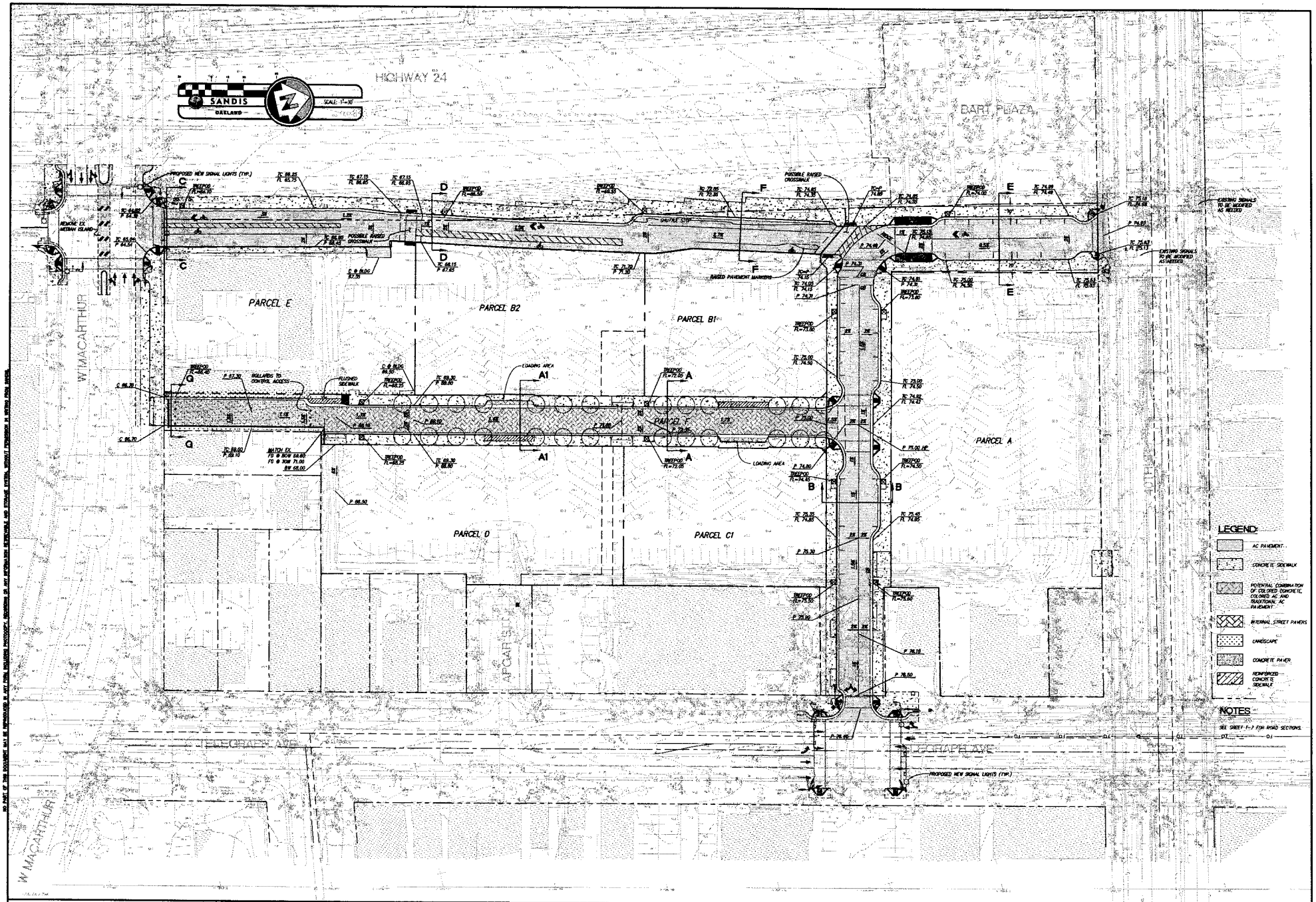
VESTING TENTATIVE TRACT MAP NO. 8047
TYPICAL SECTIONS AND NOTES

OAKLAND CALIFORNIA

SHEET T-7 OF 7 SHEETS

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OAKLAND

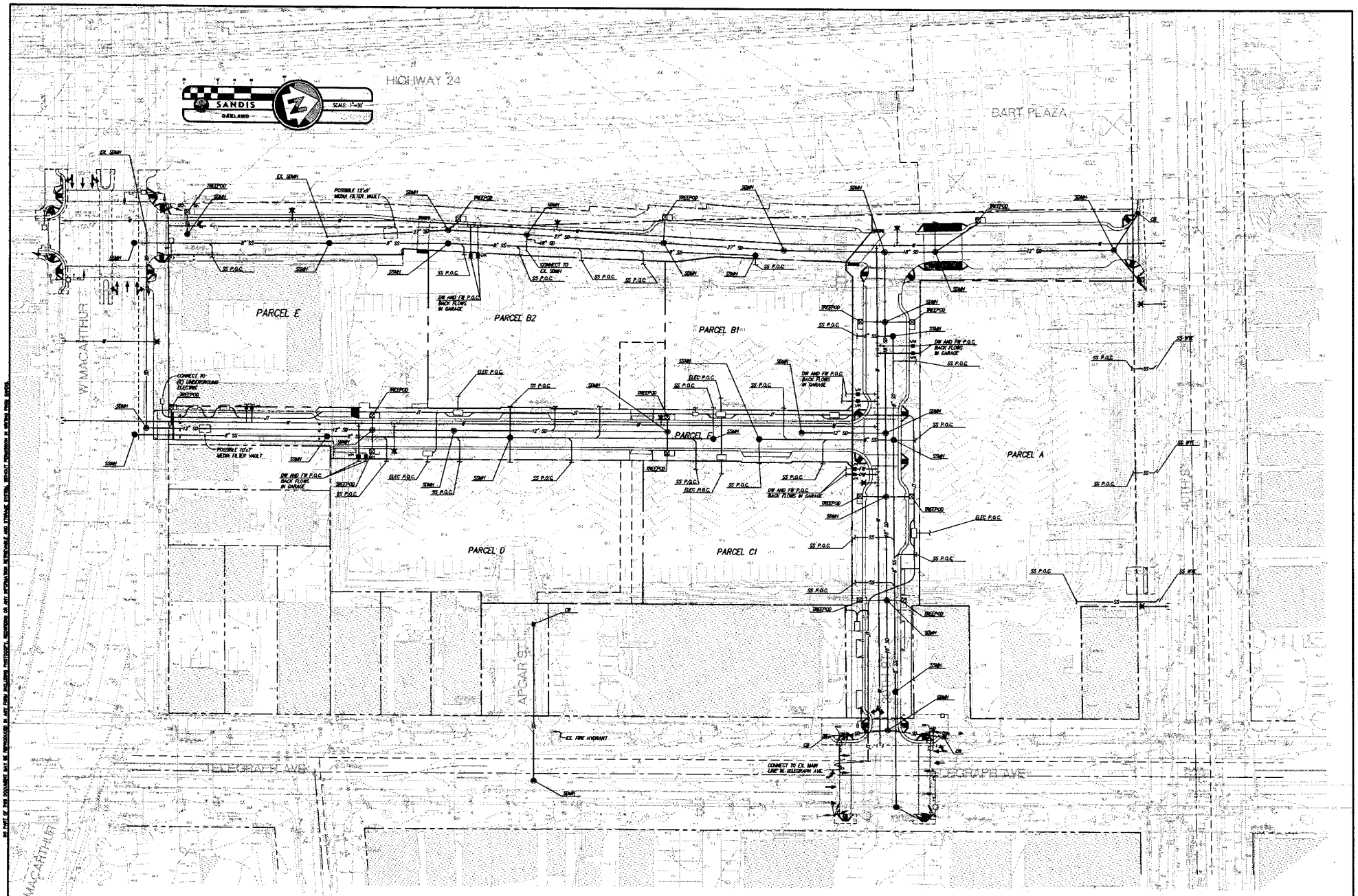
VESTING TENTATIVE TRACT MAP NO. 8047
GRADING PLAN

CALIFORNIA

SHEET T-5 OF 7 SHEETS

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DATE _____, 2010
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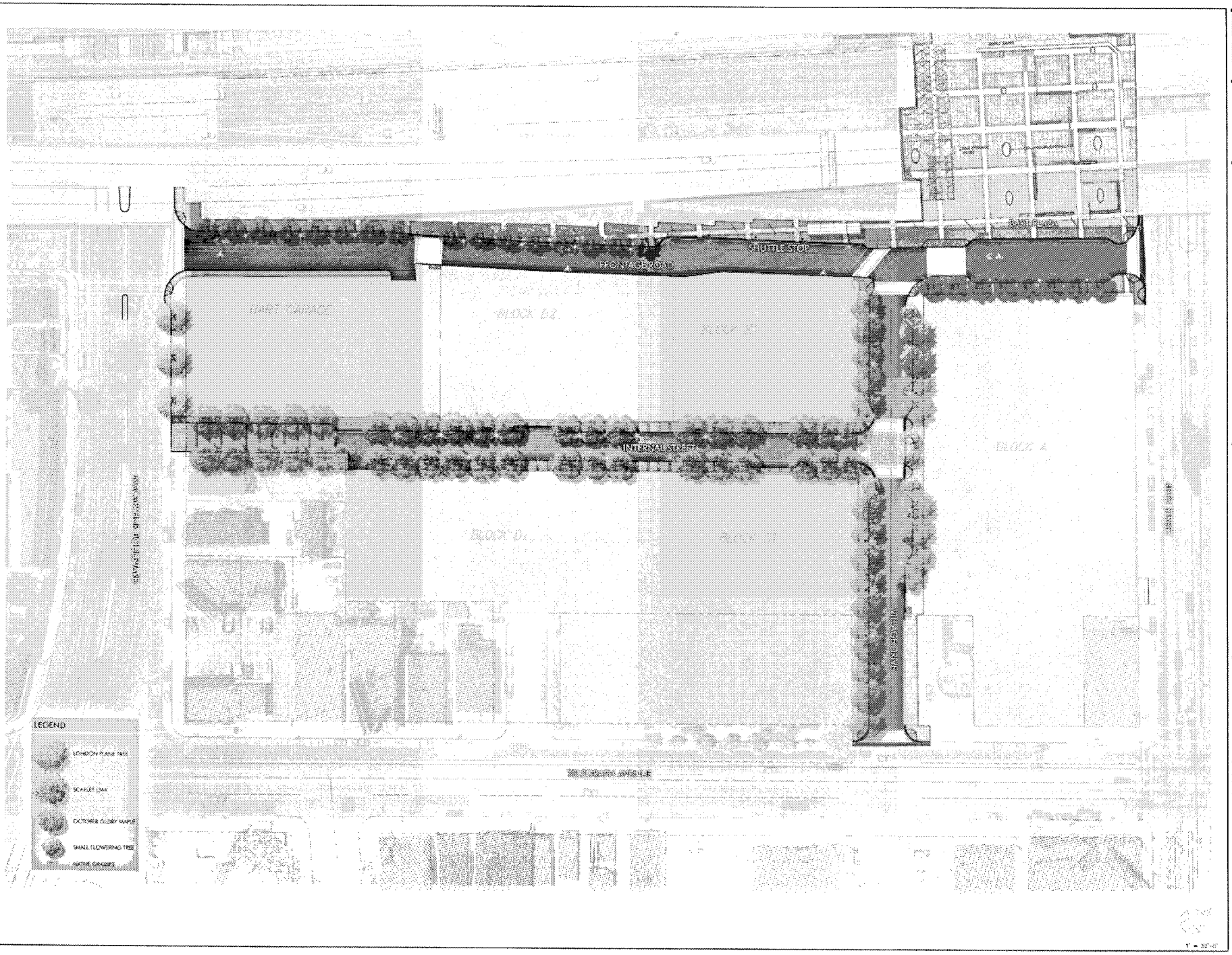
OAKLAND

VESTING TENTATIVE TRACT MAP NO. 8047
UTILITY PLAN

CALIFORNIA

SHEET T-6 OF 7 SHEETS

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LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

Oakland, California
94609

ILLUSTRATIVE PLAN

CONSULTANTS

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LANDSCAPE ARCHITECTS
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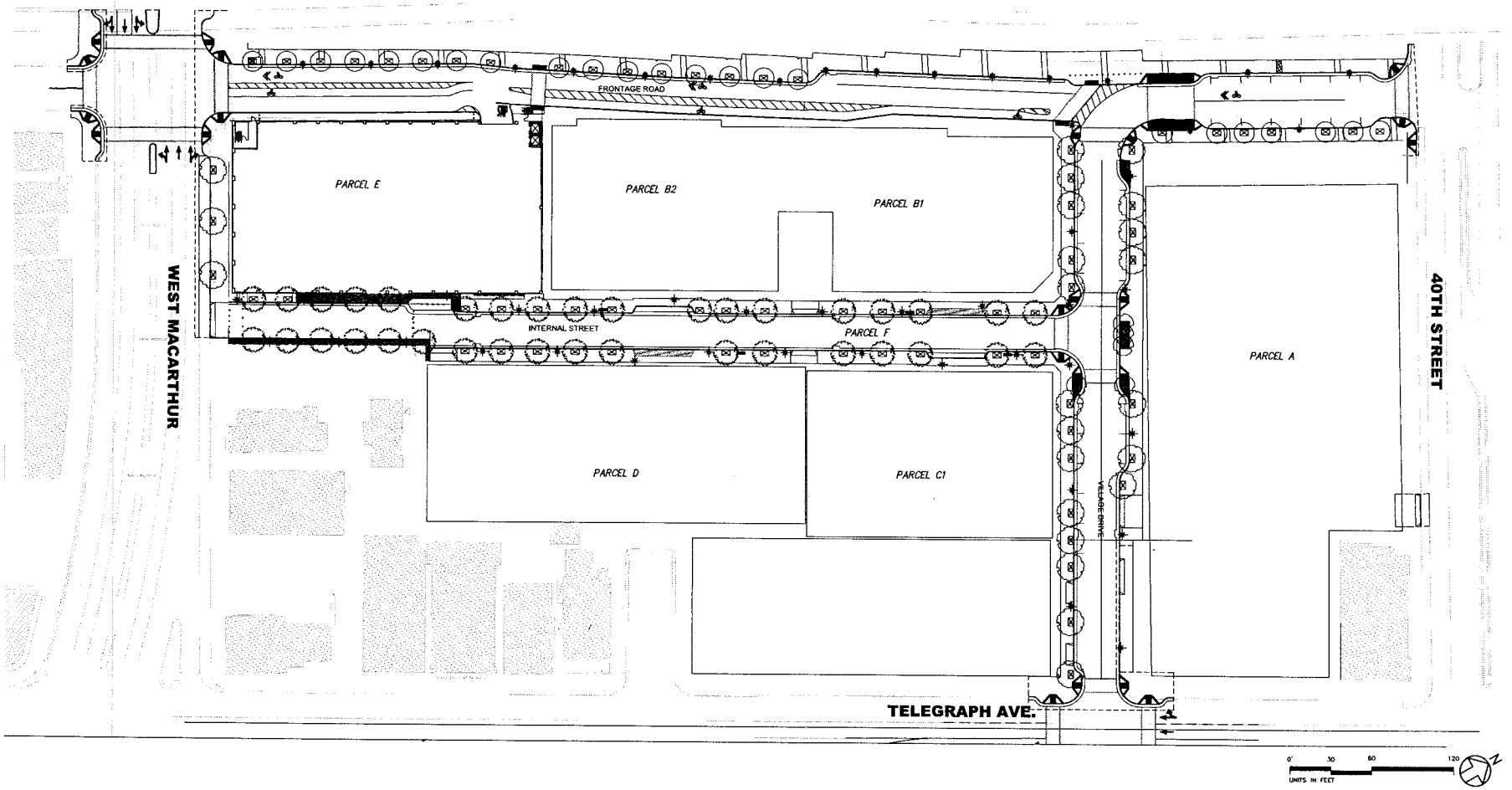
PROJECT NUMBER 00-000

SHEET TITLE

SHEET NUMBER

L-1.0

1" = 32'-0"



LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

Oakland, California 94609

SITE PLAN

CONSULTANTS

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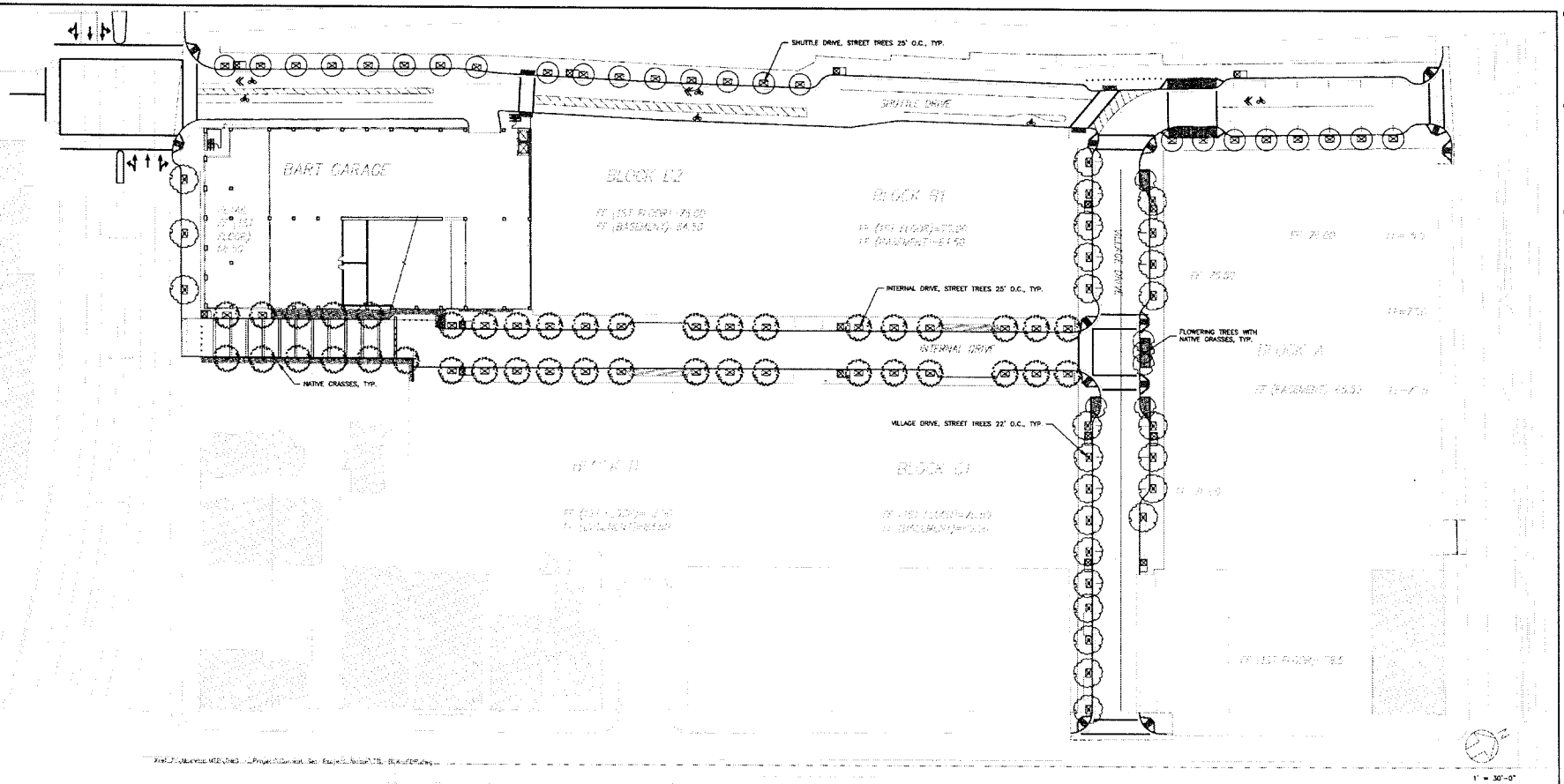
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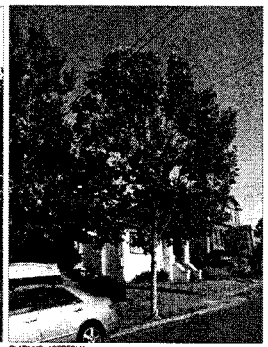
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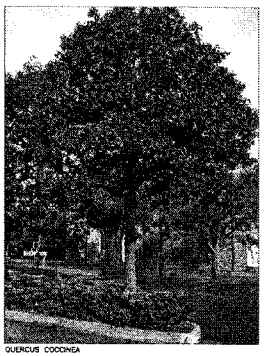
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS	WATER USE
	QUERCUS COCCINEA	SCARLET OAK	LARGE	HIGH, LIGHT, OPEN BRANCHING HABIT	LOW
	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY MAPLE	MEDIUM	FAST GROWING COLUMNAR	LOW
	PLATANUS ACERFOLIA 'YARWOOD'	LONDON PLANE	LARGE	SHADE TREE	MEDIUM
	SMALL FLOWERING TREES	PEAR, CHERRY OR EASTERN REDBUD	SMALL	SPRING FLOWERING	LOW
	NATIVE GRASSES	DEER GRASS, SEDGE	MED	NATIVE	LOW

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, EBMUD 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 DESIGNED FOR MINIMAL MAINTENANCE BURDEN, AND WILL SPECIFY A HAND-HELD REMOTE FOR THE USE OF MAINTENANCE PERSONNEL.

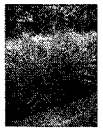

ACER RUBRUM


PLATINUS ACERFOLIA


QUERCUS COCCINEA



SMALL FLOWERING TREES



NATIVE GRASSES

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN
Oakland, California
94609

STAGE 1 SITE PLAN: PLANTING PLAN

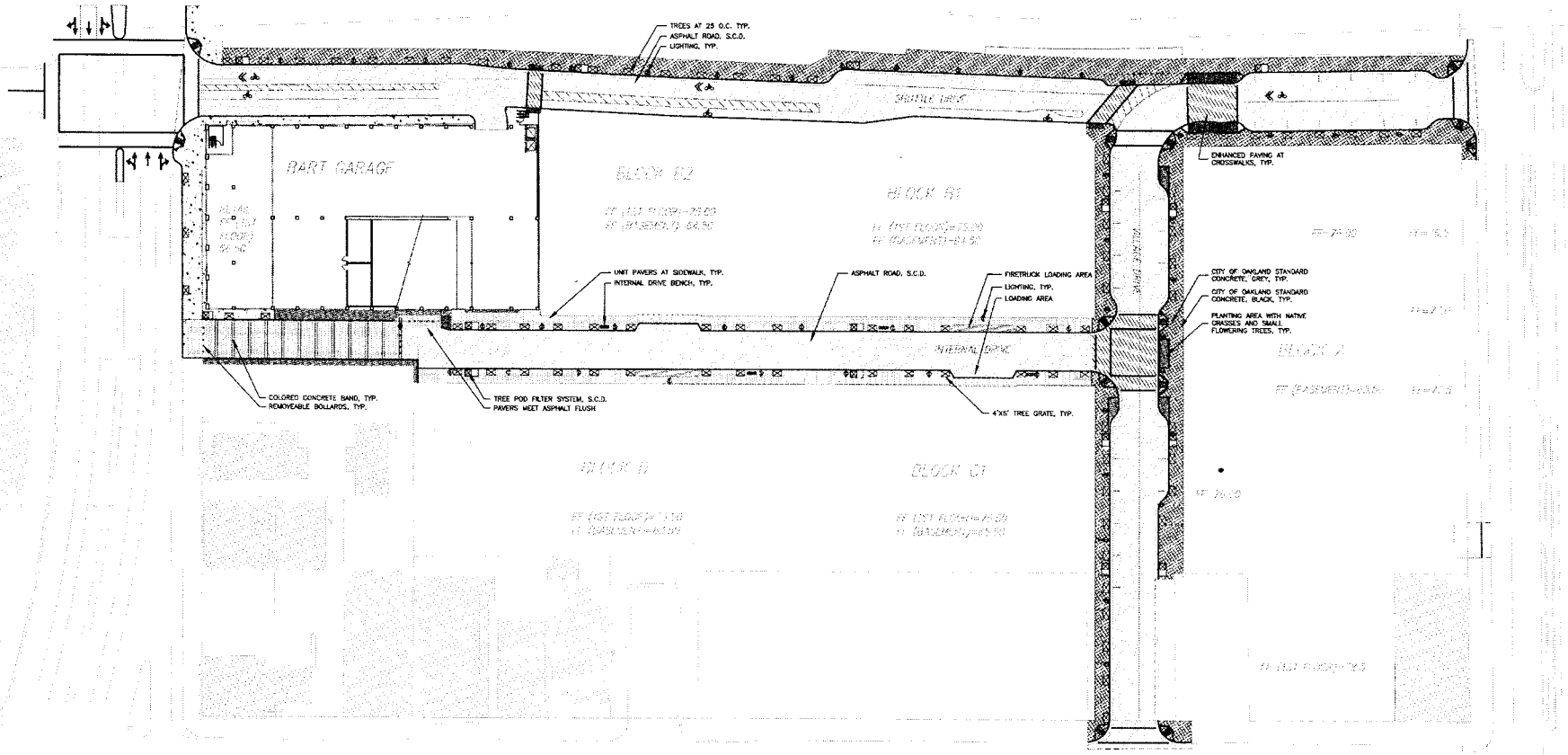
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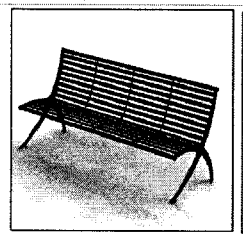
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PROJECT NUMBER 00-000
SHEET TITLE
PLANTING PLAN
SHEET NUMBER L-3.0

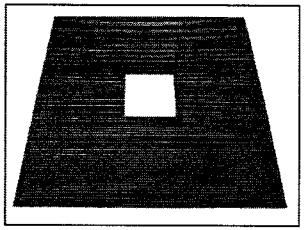
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MATERIAL LEGEND

- AC PAVING, S.C.D.
- CITY STANDARD CONCRETE
- PLANTING AREA, SEE PLANTING PLAN
- UNIT PAVERS
- TREE GRATE
- BOLLARD
- SEAT WALL
- BENCH, TYP.
- STREET LIGHT
- TREE POD



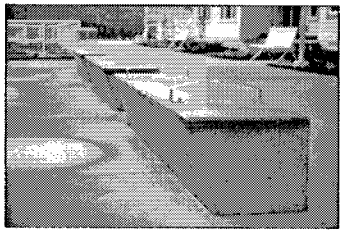


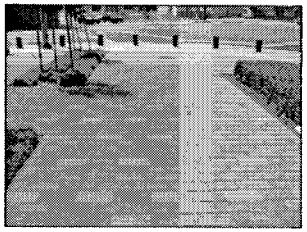


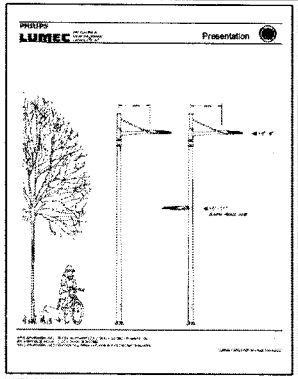




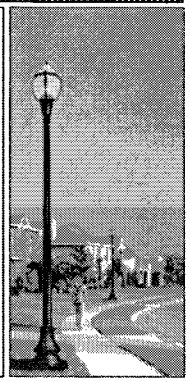
1" = 30'-0"







LUMEC ROADSTER FOR SHUTTLE DRIVE



WASHINGTON LUMINAIRE FOR VILLAGE DRIVE AND INTERNAL DRIVE

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

Oakland, California 94609

STAGE 1 SITE PLAN: MATERIALS PLAN

CONSULTANTS

PGA design INC
LANDSCAPE ARCHITECTS
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MATERIALS PLAN

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1 SITE PLAN
1" = 50'-0"

KEY NOTES

1. HOTEL
2. BART SURFACE PARKING
3. BART STATION
4. HIGHWAY
5. ELEVATED HIGHWAY
6. BART PLATFORM
7. BART PLAZA

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA 94609

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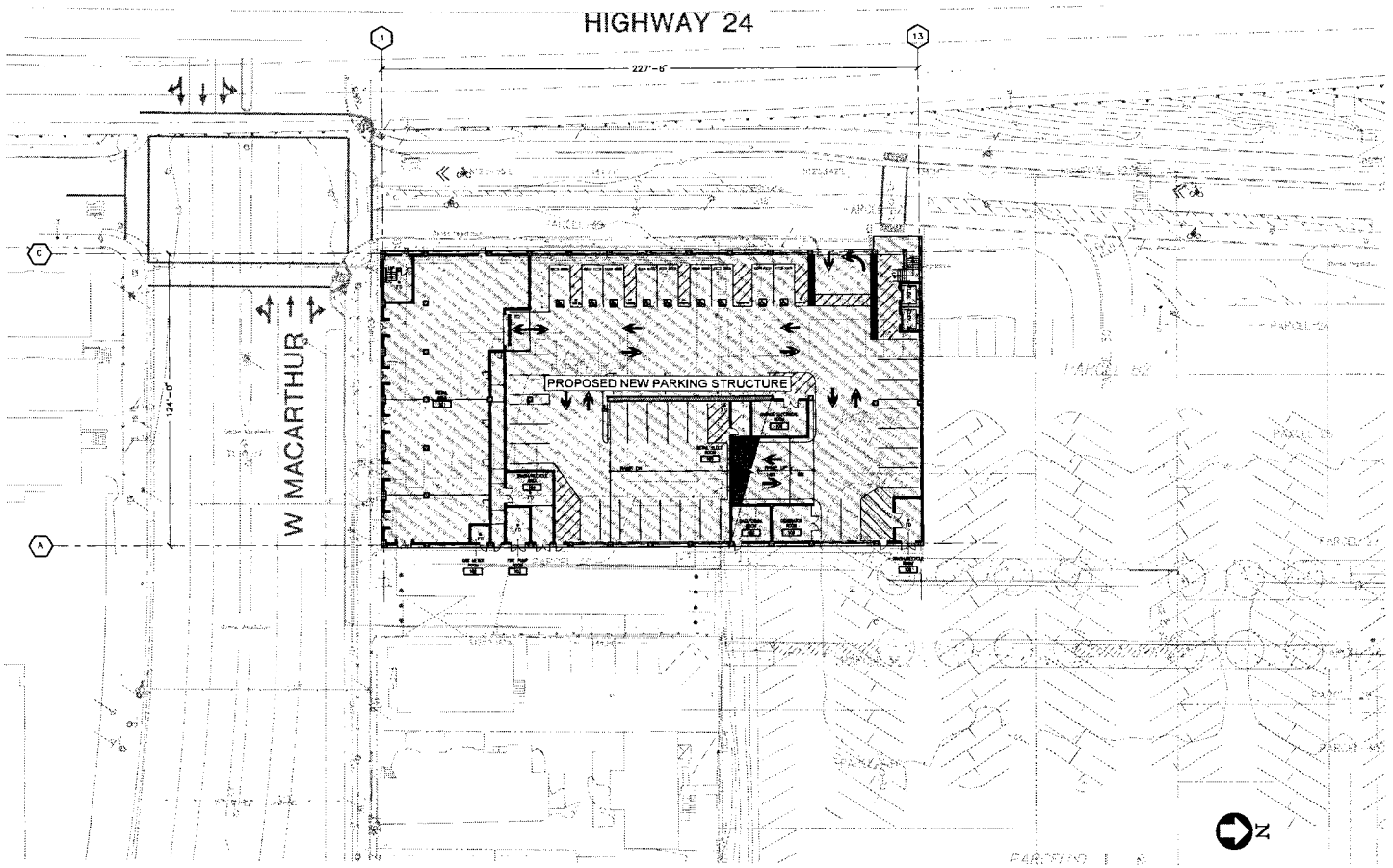
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EXISTING SITE PLAN

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ARCHITECTURAL SITE PLAN
SCALE: 1" = 20'-0"

1

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

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HPD

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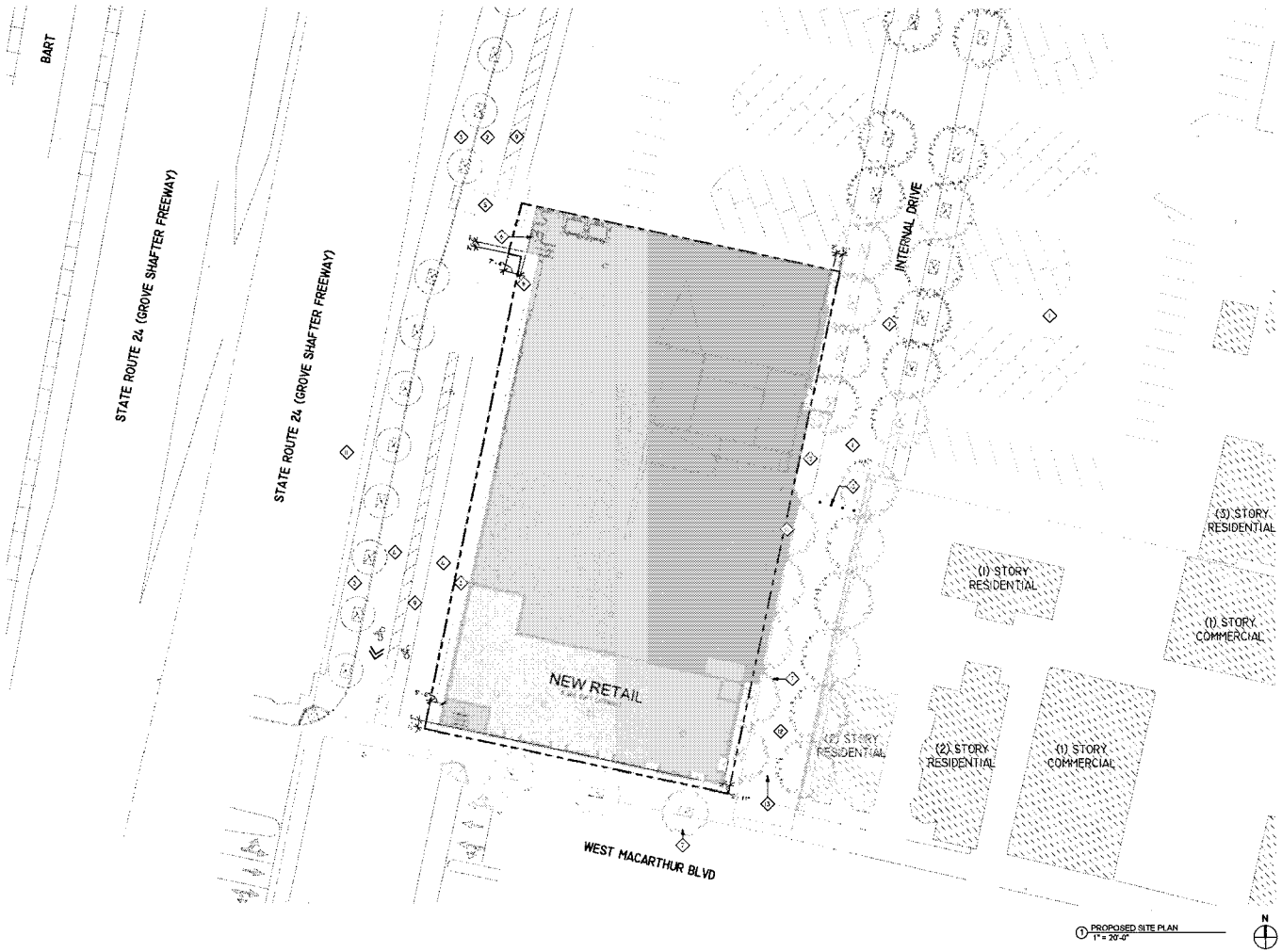
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ARCHITECTURAL SITE PLAN

SHEET NUMBER

A1.01

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1 PROPOSED SITE PLAN
1" = 20'-0"

KEY NOTES

1. NEW INTERNAL "STREET" - SEE CIVIL AND LANDSCAPE PLANS
2. ONE WAY SHUTTLE ACCESS ROAD
3. PEDESTRIAN PATH
4. NEW VEHICULAR ACCESS ROAD
5. PEDESTRIAN CROSS WALK
6. EXTERIOR STAIR
7. NEW STREET TREE - SEE LANDSCAPE DRAWINGS
8. GARAGE ENTRY
9. NEW DEDICATED BIKE PATH
10. LANDSCAPING - SEE LANDSCAPE DRAWINGS
11. CALTRANS RIGHT-OF-WAY
12. PEDESTRIAN WALK STREET - EMERGENCY VEHICLE ACCESS
13. BOLLARDS

LEGEND

- (E) BUILDINGS
- LANDSCAPING - TBD
- RETAIL
- NEW PARKING STRUCTURE

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA 94609

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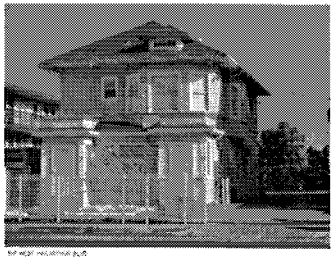
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PROSPECTIVE GARAGE PLAN

SHEET NUMBER

A1.1

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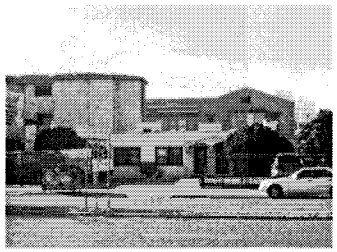








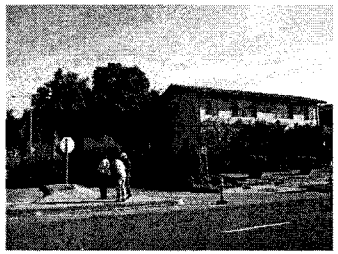














LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

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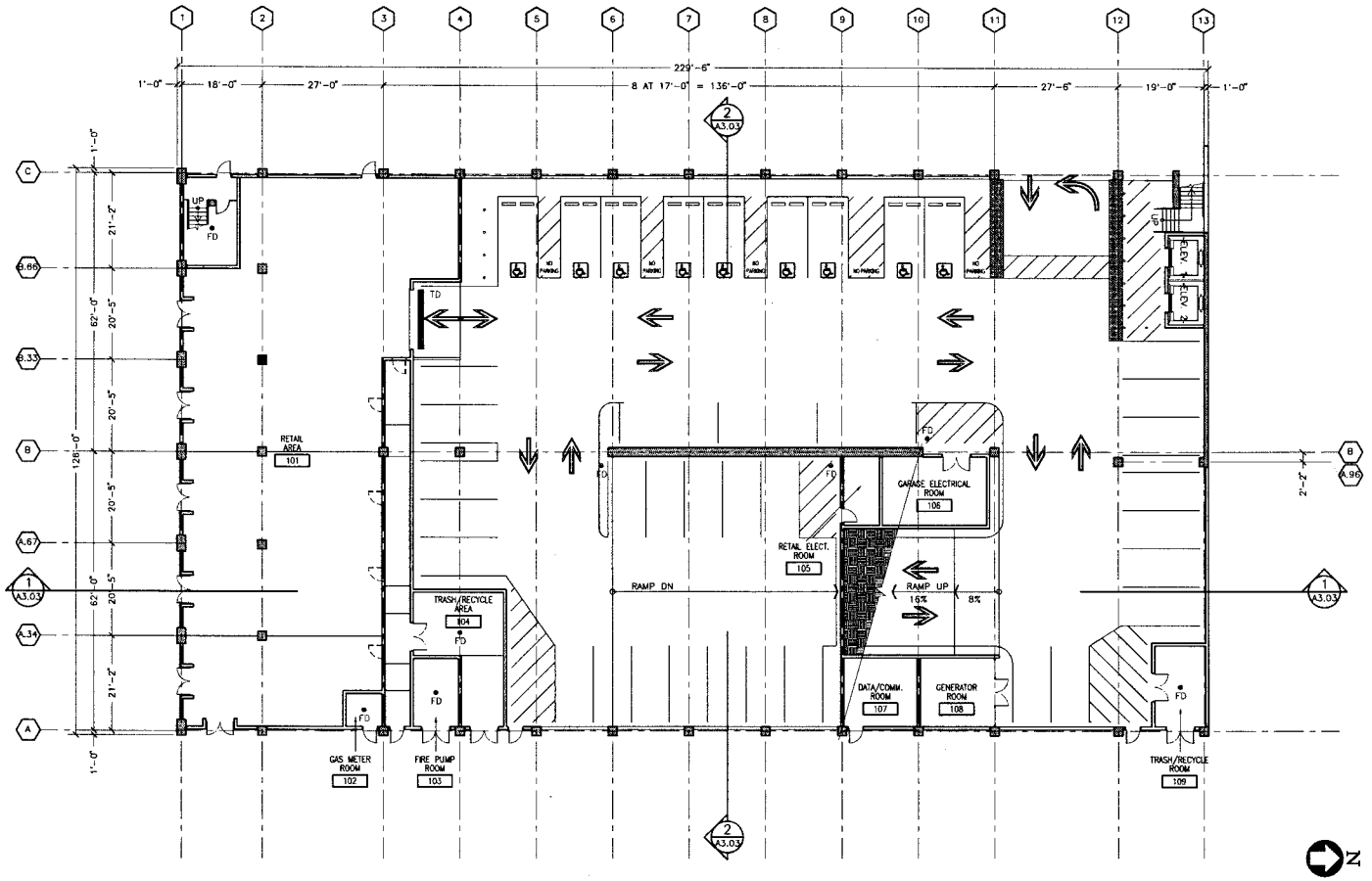
SHEET TITLE

EXISTING PHOTOS

SHEET NUMBER

A1.2

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GROUND LEVEL PLAN
SCALE: 3/32" = 1'-0"

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

Oakland, California 94609

HPD

Architecture / Engineering / Consulting

1261 Moraga Village Parkway, Suite 100 Alameda, CA 94501
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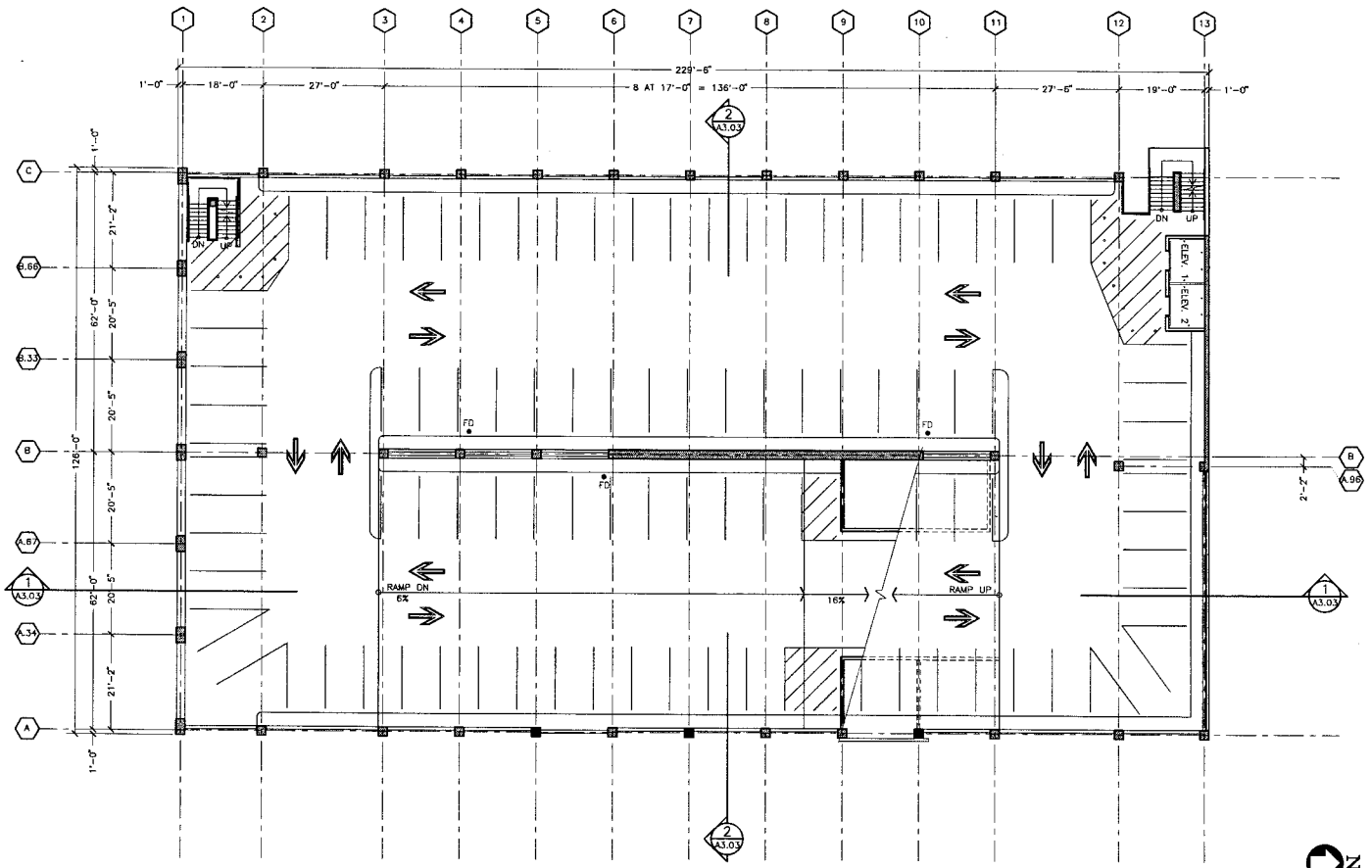
SHEET TITLE

GROUND LEVEL PLAN

SHEET NUMBER

A2.01

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SECOND LEVEL PLAN
SCALE: 3/32" = 1'-0"

1

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Oakland, California 94609

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Architecture / Engineering / Consulting

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PROJECT NUMBER 10-644

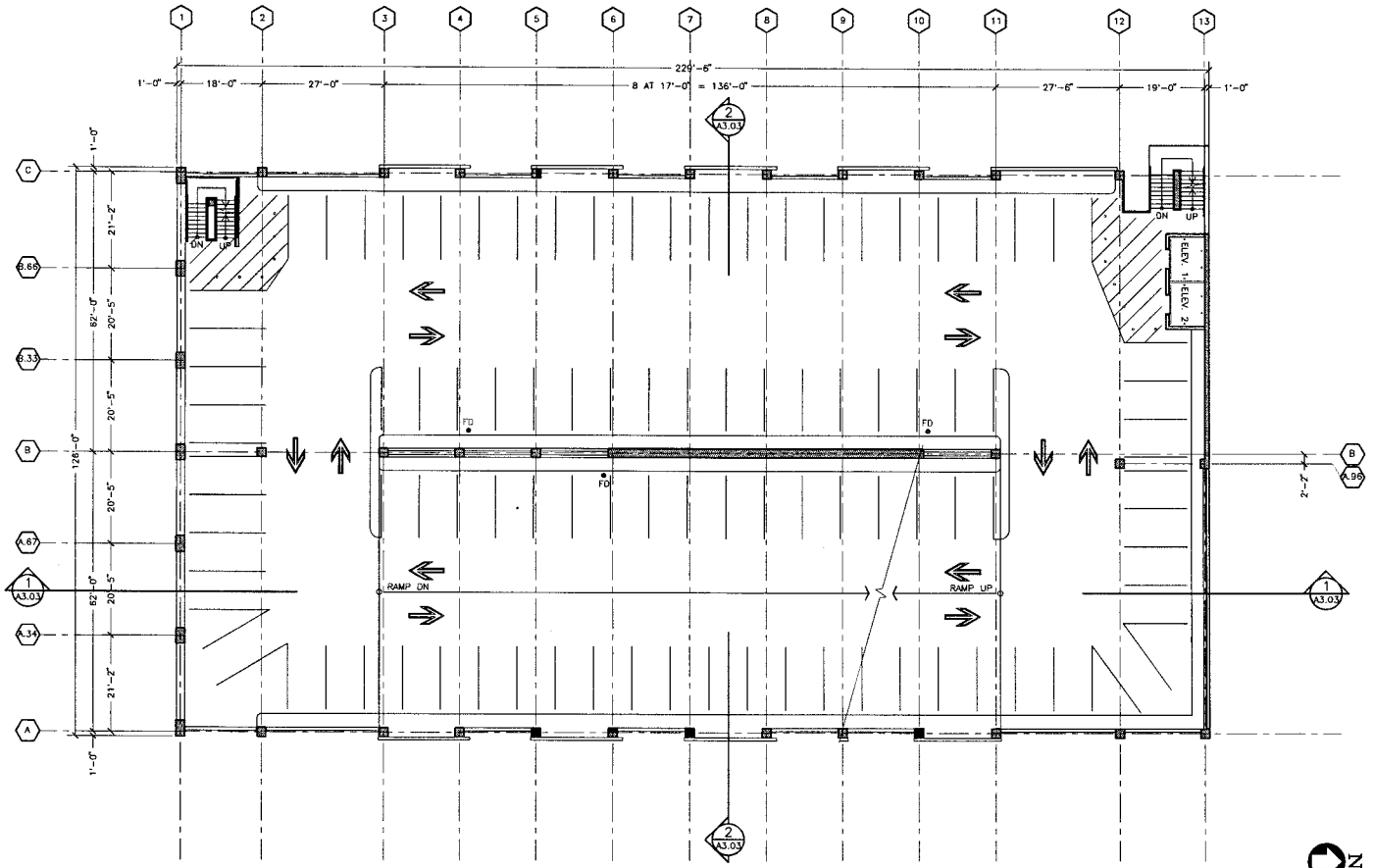
SHEET TITLE

SECOND LEVEL PLAN

SHEET NUMBER

A2.02

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THIRD LEVEL PLAN
SCALE: 3/32" = 1'-0"

1

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PROJECT NUMBER: 10-544

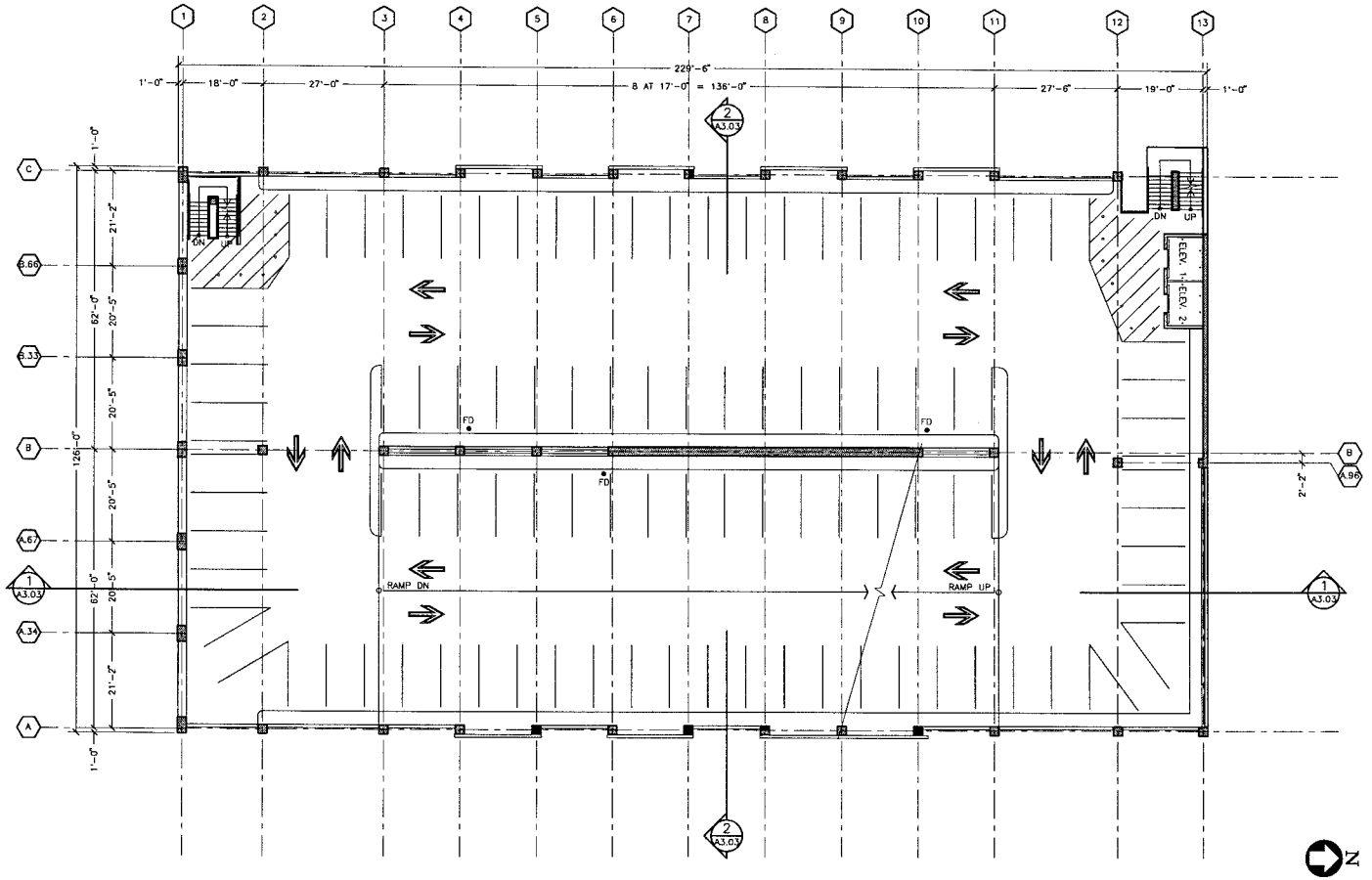
SHEET TITLE

THIRD LEVEL PLAN

SHEET NUMBER

A2.03

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FOURTH LEVEL PLAN
SCALE: 3/32" = 1'-0"

1

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

Oakland, California 94609

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PROJECT NUMBER 10-544

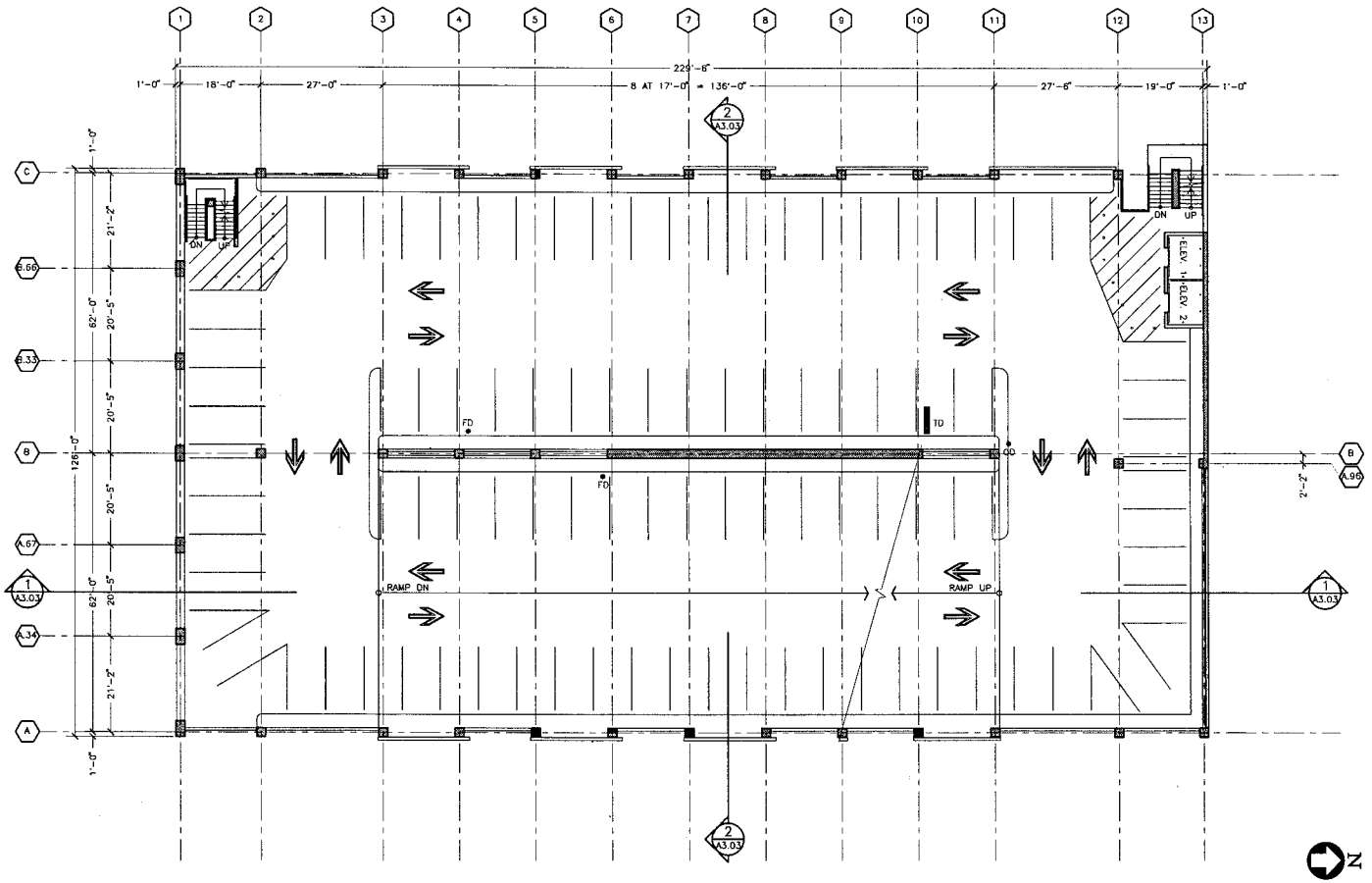
SHEET TITLE

FOURTH LEVEL PLAN

SHEET NUMBER

A2.04

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FIFTH LEVEL PLAN
SCALE: 3/32" = 1'-0"

1
-

LOWNEY ARCHITECTURE

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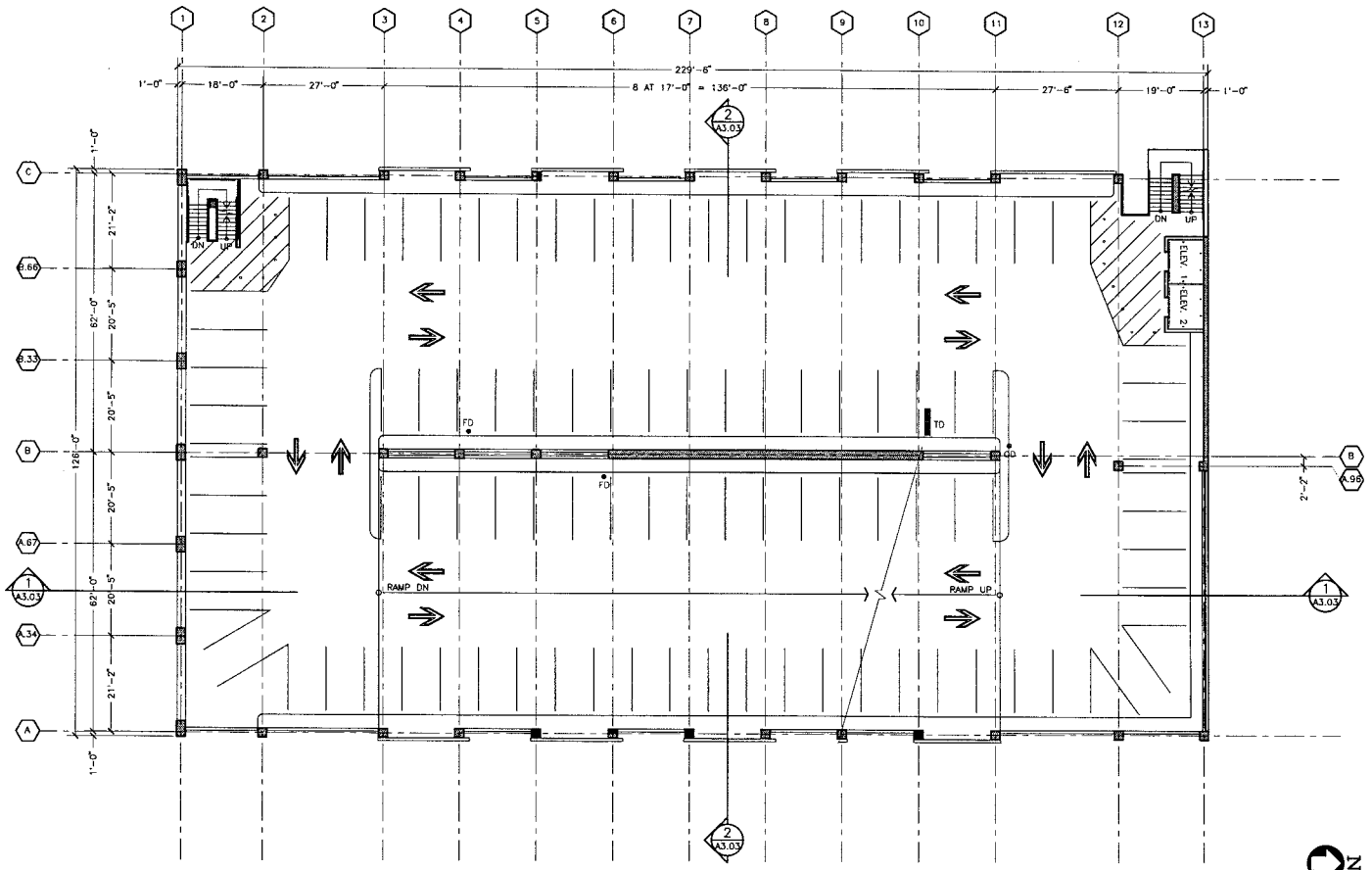
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PROJECT NUMBER 10-544
SHEET TITLE
FIFTH LEVEL PLAN

SHEET NUMBER
A2.05

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SIXTH (ROOF) LEVEL PLAN
SCALE: 3/32" = 1'-0"

1

LOWNEY ARCHITECTURE

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Oakland, California 94609

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PROJECT NUMBER 10-544

SHEET TITLE

SIXTH (ROOF) LEVEL PLAN

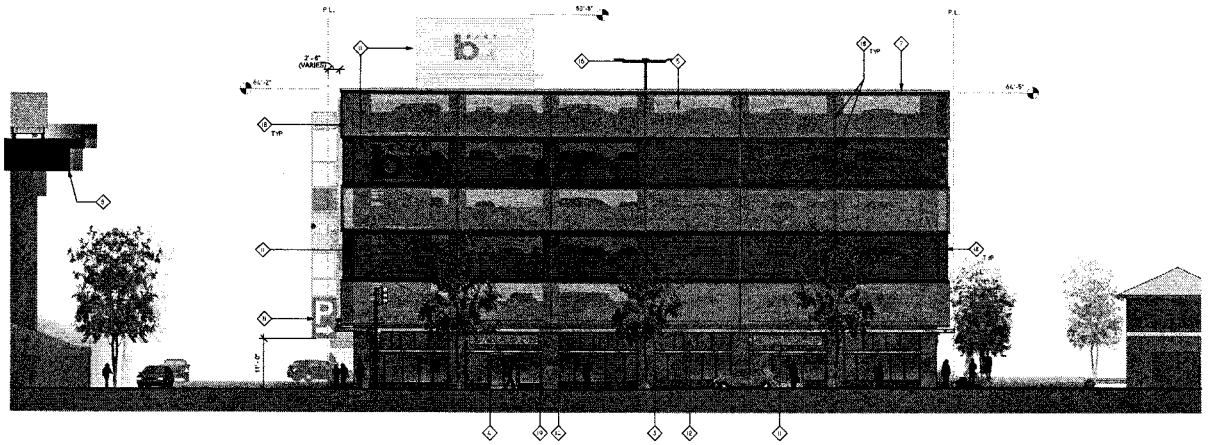
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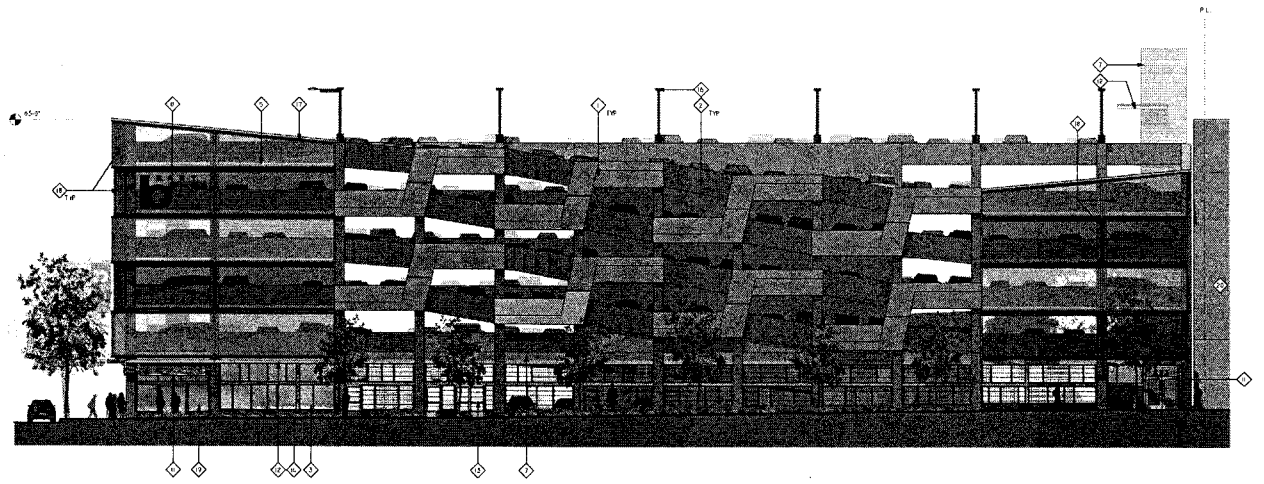
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KEY NOTES

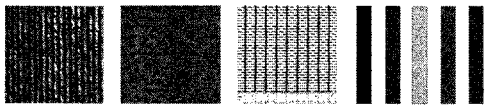
1. SMOOTH TEXTURED PRECAST CONCRETE
2. ROUGH TEXTURED PRECAST CONCRETE
3. ALUMINUM AND GLASS STOREFRONT
4. PEDESTRIAN/EGRESS DOOR
5. WOVEN METAL SCREEN
6. VEHICLE ENTRY/EXIT
7. METAL PANELS
8. FREEWAY - CA ROUTE 24
9. CONCRETE EGRESS STAIR WITH STEEL GUARDRAILING
10. CONCRETE SHEAR WALL
11. SIGNAGE
12. METAL ARCHITECTURAL AWNING/OVERHANG
13. METAL SECURITY SCREEN - SHOP PAINTED CUSTOM COLOR(S) TO MATCH METAL ACCENT PANELS
14. NOT USED
15. COLORED GLASS
16. LIGHTING FOR ROOF LEVEL PARKING
17. PAINTED METAL ACCENT PANELING
18. METAL ACCENT PANEL
19. EXPOSED CAST-IN-PLACE CONCRETE - FINE FINISH
20. FUTURE DEVELOPMENT



1 SOUTH ELEVATION
3/32" = 1'-0"



2 EAST ELEVATION
3/32" = 1'-0"



ROUGH TEXTURED CONCRETE | SMOOTH TEXTURED CONCRETE | WOVEN METAL DESIGN PANELING | SHOP PAINTED METAL PANELING CTO MATCH:

BM 1237	RAUSIN
HC-80	GEORGIAN BRICK
BM 171	SWEET BUTTER
BM 164	SIENNA CLAY
TBD	CHARCOAL GREY

MATERIALS LEGEND
1" = 20'-0"

LOWNEY ARCHITECTURE

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OAKLAND, CALIFORNIA
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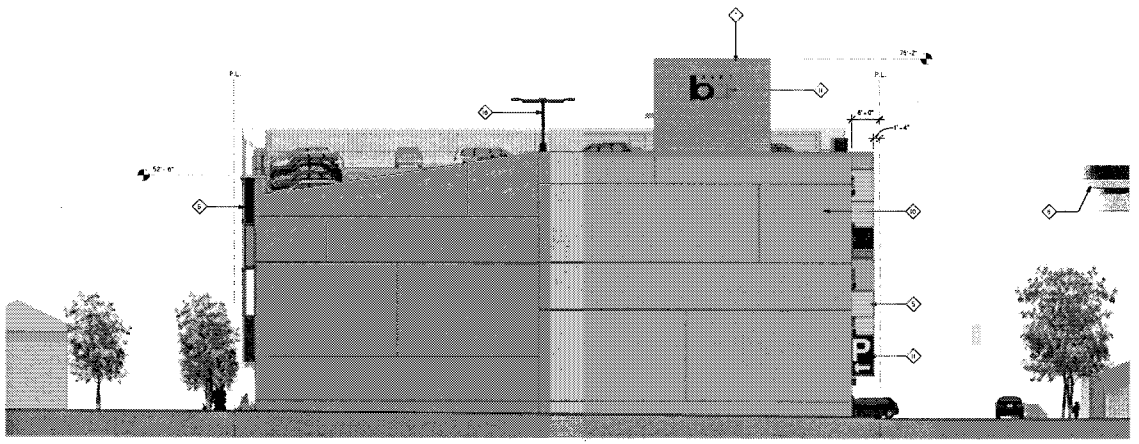
SHEET TITLE: EXTERIOR ELEVATIONS

SHEET NUMBER: A3.1

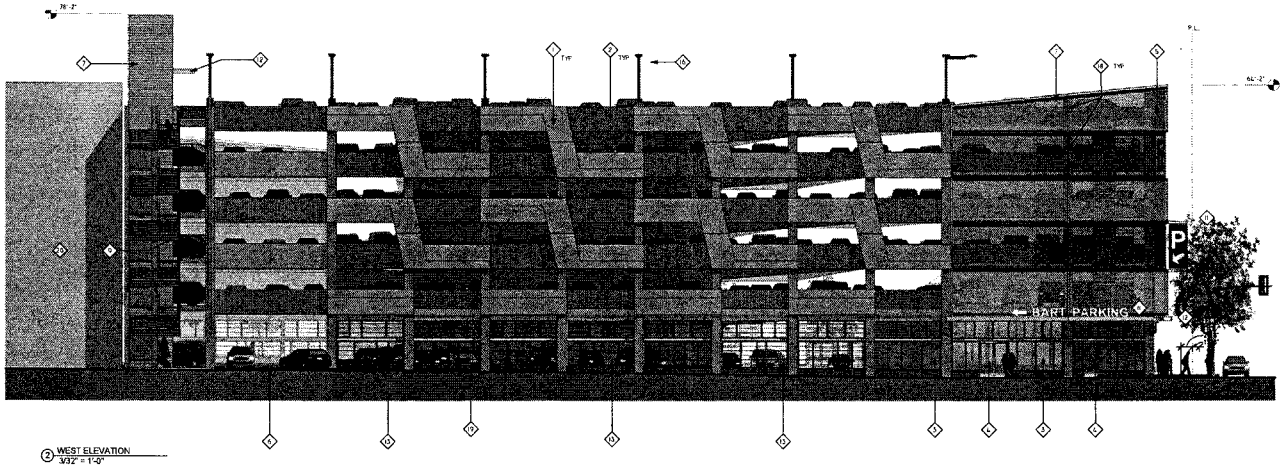
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KEY NOTES

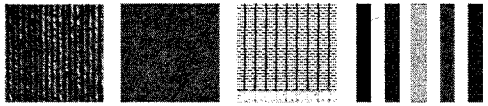
1. PRECAST CONCRETE
2. PRECAST ROUGH TEXTURED CONCRETE
3. ALUMINUM AND GLASS STOREFRONT
4. PEDESTRIAN EGRESS DOOR
5. WOVEN METAL SCREEN
6. VEHICLE ENTRY/EXIT
7. METAL PANELS
8. FREEWAY - CA ROUTE 24
9. CONCRETE EGRESS STAIR WITH STEEL GUARDRAILING
10. CONCRETE SHEAR WALL
11. SIGNAGE
12. METAL ARCHITECTURAL AWNING/OVERHANG
13. METAL SECURITY SCREEN - SHOP PAINTED CUSTOM COLORED TO MATCH METAL ACCENT PANELS
14. NOT USED
15. COLORED GLASS
16. LIGHTING FOR ROOF LEVEL PARKING
17. PAINTED METAL ACCENT PANELING
18. NOT USED
19. TILE BASE



1 NORTH ELEVATION
3/32" = 1'-0"



2 WEST ELEVATION
3/32" = 1'-0"



MATERIALS LEGEND
1" = 20'-0"

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA
94609

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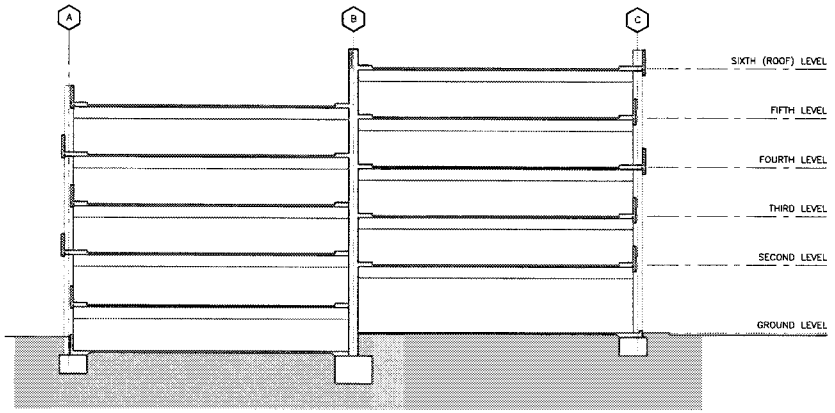
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EXTERIOR ELEVATIONS

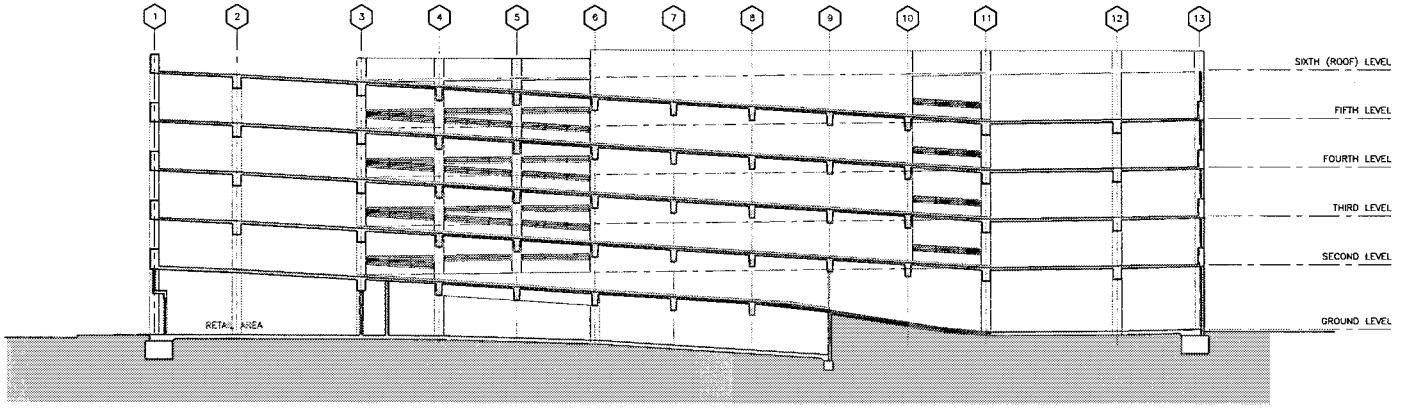
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CROSS SECTION 2
SCALE: 3/32" = 1'-0"



LONGITUDINAL SECTION 1
SCALE: 3/32" = 1'-0"

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

Oakland, California 94609

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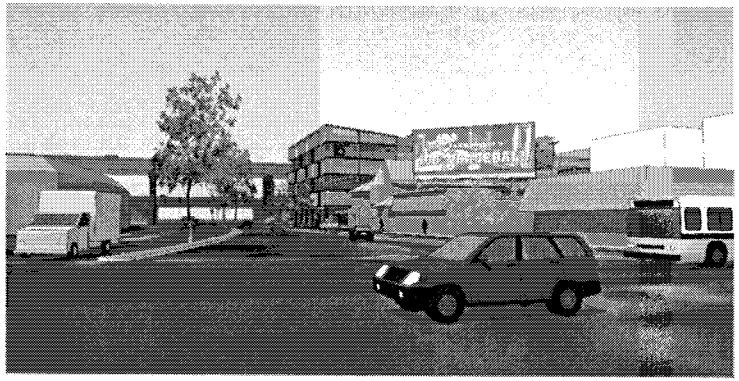
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BUILDING SECTIONS

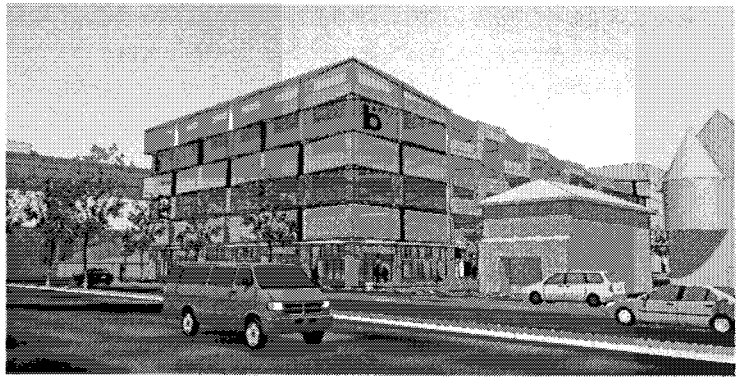
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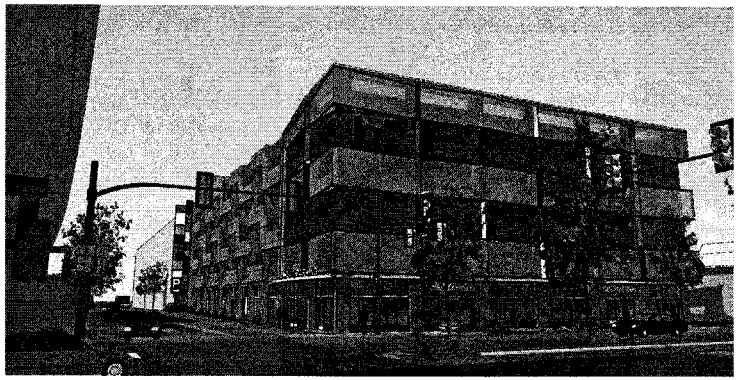
LOOKING WEST FROM INTERSECTION OF MACARTHUR BLVD AND TELEGRAPH AVE



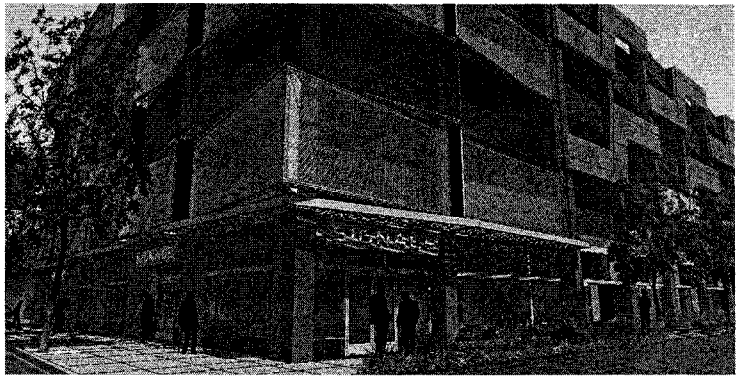
LOOKING NORTHWEST FROM WEST MACARTHUR BLVD



GROUND FLOOR COMMERCIAL AT SOUTHEAST CORNER OF GARAGE



LOOKING NORTHEAST FROM UNDER THE FREEWAY



MACARTHUR PEDESTRIAN EXPERIENCE

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA 94609

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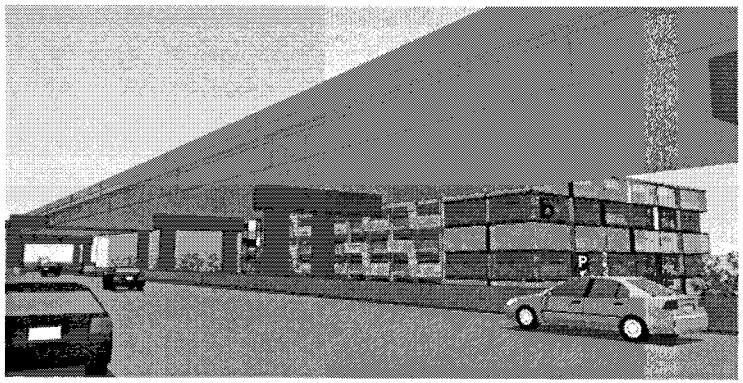
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PERSPECTIVE VIEWS

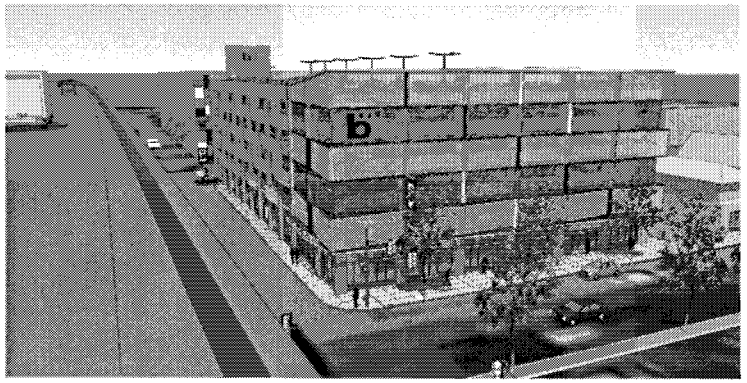
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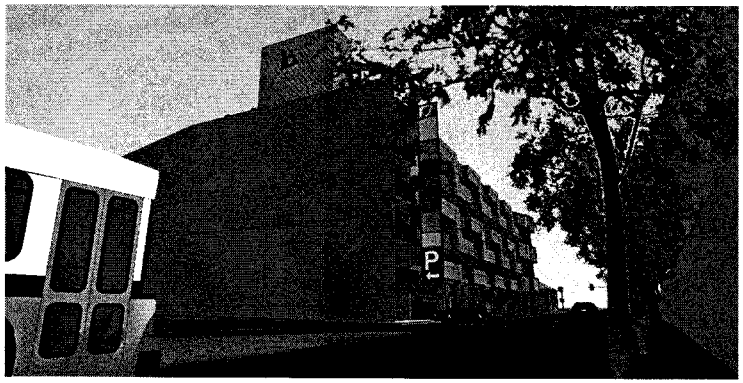
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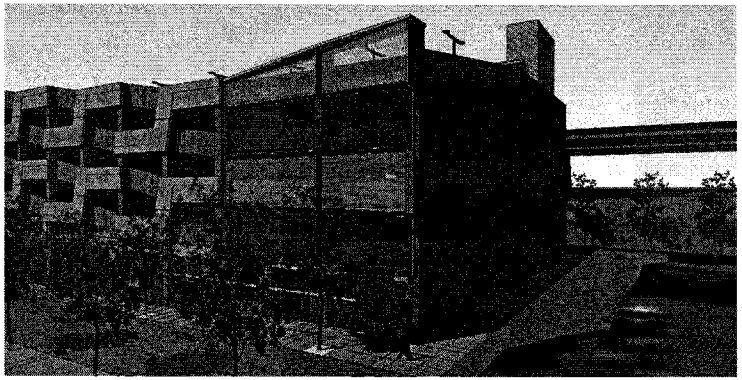
VIEW FROM EASTBOUND 24



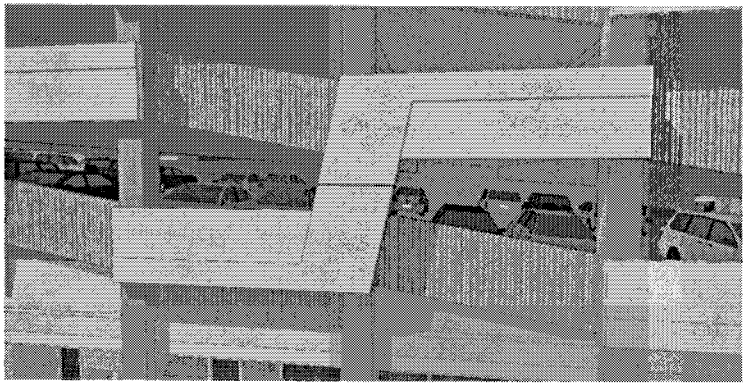
VIEW FROM ELEVATED 24/580 CONNECTOR



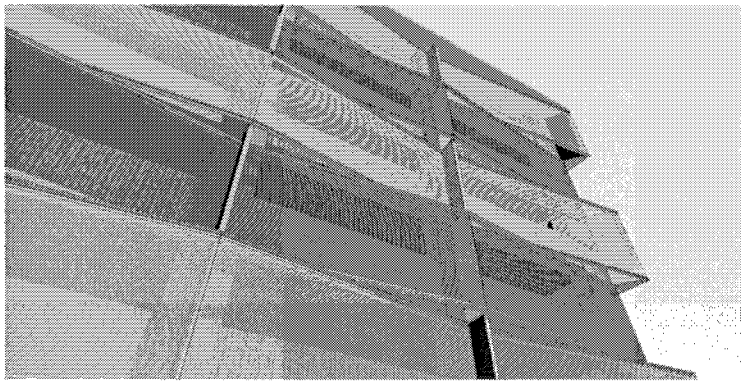
LOOKING SOUTHEAST FROM PROPOSED SHUTTLE ACCESS ROAD



ELEVATION ACROSS FROM (FUTURE) HOUSING PROJECT



DETAIL OF CONCRETE ALONG EAST/WEST FACADES



DETAIL OF METAL SCREENING ALONG MACARTHUR FACADE

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA 94609

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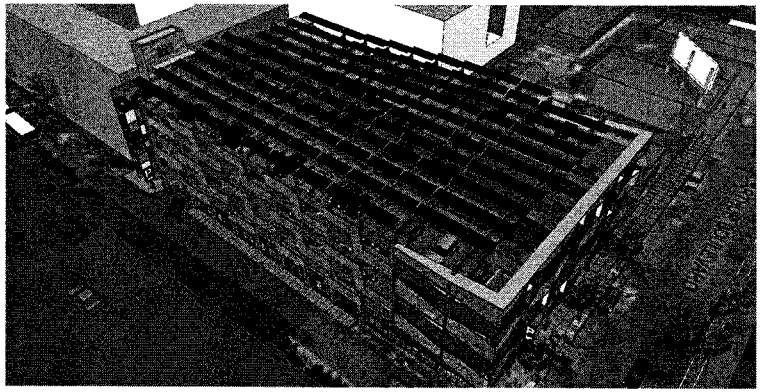
SHEET TITLE

PERSPECTIVE VIEWS

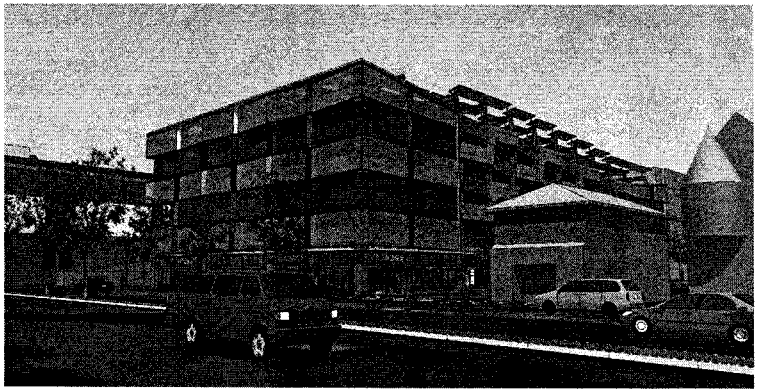
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ALTERNATE OPTION: SOLAR PANEL ARRAY (AERIAL VIEW)



ALTERNATE OPTION: SOLAR PANEL ARAY, VIEW FROM MACARTHUR

LOWNEY ARCHITECTURE

MACARTHUR TRANSIT VILLAGE - STAGE I FINAL DEVELOPMENT PLAN

OAKLAND, CALIFORNIA 94609

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SHEET TITLE

PERSPECTIVE VIEWS

SHEET NUMBER

A4.2

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ATTACHMENT B:

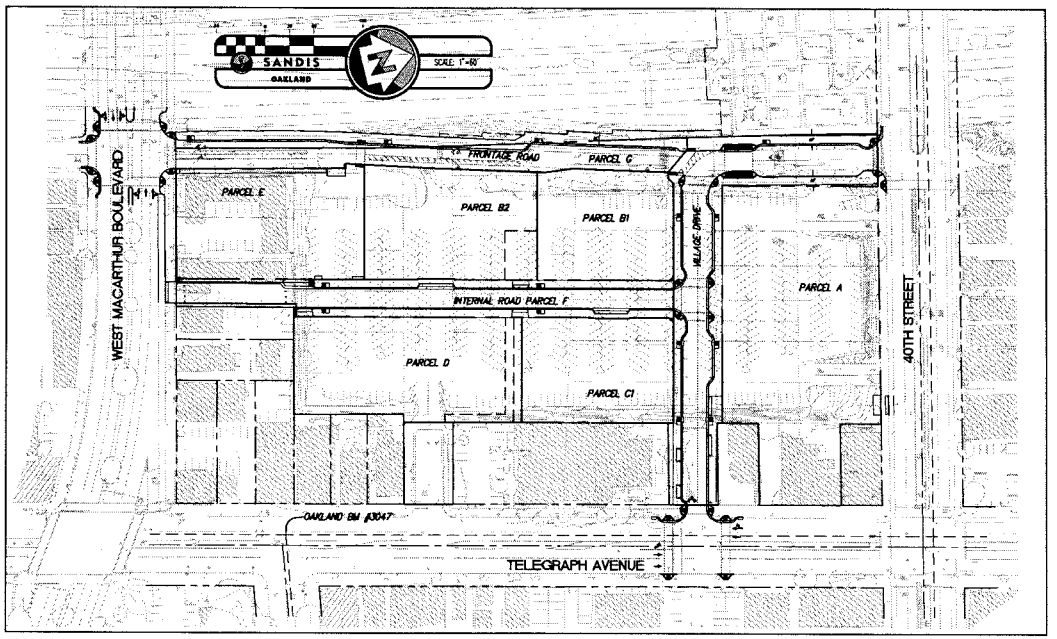
TTM8047

NOTES AND LEGEND

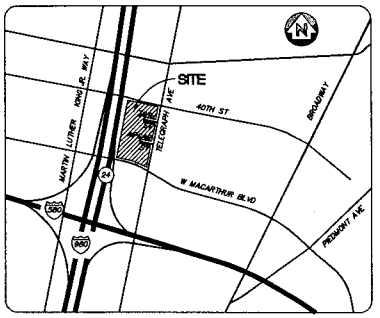
ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

ALL SCREENED INFORMATION REFLECTS EXISTING CONDITIONS.

	PROPOSED BOUNDARY
	EXISTING BOUNDARY LINE TO REMAIN
	EXISTING LOT LINE OUTSIDE OF SCOPE
	INTERNAL PARCEL LINE TO BE REMOVED
	PROPOSED EASEMENT
	EXISTING EASEMENT LINE OUTSIDE OF SCOPE
SS	SANITARY SEWER
SD	STORM DRAIN
W	WATER
G	GAS
JT	JOINT TRENCH UTILITIES
X	CHAIN LINK FENCE
O	WOOD FENCE
OHE	OVERHEAD ELECTRIC LINE
	TIE LINE
●	FOUND STANDARD CITY MONUMENT
◎	STORM MANHOLE
○	SANITARY MANHOLE
○	SANITARY CLEANOUT
AC	ASPHALTIC CONCRETE
AD □ ●	AREA DRAIN
BW	BACK OF WALK
EU	ELECTRIC UTILITY BOX
FL	FLOW LINE
G, GRD	GROUND
GB	GRADE BREAK
P	PAVEMENT
TC	TOP OF CURB
WLK	SIDEWALK
CONC	CONCRETE
EP	EDGE OF PAVEMENT
BLDG	BUILDING CORNER
PLNTR	PLANTER
HCR	HANDICAP RAMP
TOB	TOP OF AC BERM
PIV	POST INDICATOR VALVE
FF	FINISH FLOOR
TI	TELEPHONE PULL BOX
CI	CABLE TELEVISION BOX
TOP, TB	TOP OF SHMH
TOW	TOP OF WALL
PP	POWER POLE
WV	WATER VALVE
WM	WATER METER
GV	GAS VALVE
HR	HANDICAP RAMP
POL	POINT ON LINE
BLDL	BUILDING LINE
CL	CENTERLINE
FL	FLOWLINE
VG	VALLEY GUTTER
CLF	CHAIN LINK FENCE
BOW	BOTTOM OF WALL
OH	BUILDING OVERHANG
TYP.	TYPICAL
	ELECTROLIER
	ELECTRIC VALVE
	SIGN
	GUY WIRE
	FIRE HYDRANT
WV	WATER VALVE
PIV	POST INDICATOR VALVE
BFP	BACK FLOW PREVENTER
WM	WATER METER
FH	FIRE HYDRANT
FS	FIRE SERVICE
FND	FOUND
TI	TELEPHONE UTILITY BOX
	PUBLIC RIGHT OF WAY TO BE VACATED



KEY MAP
1"=60'



VICINITY MAP
N.T.S.

MAP PREPARER

SANDIS
1731 BROADWAY, SUITE #201
OAKLAND, CA 94612
510-873-8866

DEVELOPERS

MACARTHUR TRANSIT COMMUNITY PARTNERS LLC.
345 SPEAR STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

PROPERTY ADDRESS

BETWEEN 40TH STREET AND MACARTHUR BOULEVARD AND BETWEEN TELEGRAPH AVE. AND ROUTE 24.

OWNERS

VIMAL DESAI AND JIGNASHABEN DESAI

JAGDISHKUMAR BHIKHABHAI PATEL

YEU BIN WU AND TSUI YING SHEN

SAN FRANCISCO BAY AREA RAPID TRANSIT, ET AL.

PLANNER

CATHERINE PAYNE
COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
CITY OF OAKLAND
510-238-2077

UNDERGROUND UTILITY NOTE:

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. THE SURVEYOR CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THIS SURVEY.

TENTATIVE MAP NOTES

1. MINIMUM EROSION CONTROL MEASURES WILL CONSIST OF SILT FENCE STRAW WATTLES AT PROPERTY LINES, NEAREST DOWNSTREAM INLET WILL BE PROTECTED WITH INSERT. ADDITIONAL MEASURES SHALL BE IMPLEMENTED AS NECESSARY IN THE P-JOB SUBMITTAL SUBJECT TO CITY REVIEW AND APPROVAL.
2. TRAFFIC REGULATORY SIGNAGE MEETING CITY OF OAKLAND STANDARDS WILL BE IMPLEMENTED IN THE P-JOB, SUBJECT TO REVIEW AND APPROVAL OF THE CITY'S TRANSPORTATION SERVICES DIVISION.

CODE COMPLIANCE

THIS TENTATIVE MAP VESTS THE RIGHT TO CREATE THE PARCELS SHOWN AND TO DEVELOP THEM TO UP TO THE TOTAL NUMBER OF UNITS INDICATED. EACH INDIVIDUAL PARCEL SHALL BE REQUIRED TO CONFORM TO THE APPLICABLE BUILDING AND FIRE CODES AT THE TIME OF THE APPLICATION FOR BUILDING PERMIT IS FILED. ADDITIONALLY EACH PARCEL SHALL CONFORM TO THE PROJECT CONDITIONS OF APPROVAL WHICH FURTHER DEFINE PROJECT REQUIREMENTS.

PARCELS B1 & B2 – TO ENSURE CODE COMPLIANCE THREE SCENARIOS/OPTIONS ARE ENVISIONED FOR THESE PARCELS.

OPTION 1	DEVELOP AS A SINGLE LOT WITH FIRE ACCESS ON THE WEST, NORTH, AND EAST SIDES. ENTRANCE/DRIVEWAY OFF THE EAST SIDE. CONSTRUCTION TYPE TO BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION.
OPTION 2	DEVELOP AS A TWO LOTS WITH A 26 FOOT WIDE EMERGENCY VEHICLE ACCESS EASEMENT LOCATED BETWEEN THE LOTS. THE EASEMENT SHALL BE 1/3 THE TOTAL DEPTH OF THE LOT AND BE ACCESSED FROM THE EAST. THE BUILDINGS SHALL EACH HAVE A THREE HOUR RATED WALL ALONG THE SHARED PROPERTY LINE. FIRE ACCESS SHALL BE PROVIDED ALONG THE WEST AND EAST SIDES OF BOTH PARCELS AND ON THE NORTH SIDE OF PARCEL B2. ENTRANCE DRIVEWAY(S) WILL BE OFF THE EAST SIDE.
OPTION 3	DEVELOP AS TWO LOTS WITH FIRE ACCESS ON THE WEST AND EAST SIDES OF BOTH PARCELS. PARCEL B2 WILL HAVE ACCESS ON THE NORTH SIDE AS WELL. BUILDING SETBACKS AND THE SPECIFIC CONSTRUCTION TYPE WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION IN SUCH MANNER AS TO COMPLY WITH THE APPLICABLE BUILDING AND FIRE CODES.

PARCELS D & C1 – TO ENSURE CODE COMPLIANCE TWO SCENARIOS/OPTIONS ARE ENVISIONED FOR THESE PARCELS.

OPTION 1	FIRE ACCESS ON THE WEST SIDE OF BOTH PARCELS WITH ACCESS ON THE NORTH SIDE OF PARCEL C1. PROVIDE A 26 FOOT WIDE EMERGENCY ACCESS EASEMENT LOCATED BETWEEN THE LOTS FOR APPROXIMATELY 90% OF THE DEPTH OF THE LOT.
OPTION 2	FIRE ACCESS ON THE WEST SIDE OF BOTH PARCELS WITH ACCESS ON THE NORTH SIDE OF PARCEL C1. BUILDING SETBACKS AND THE SPECIFIC CONSTRUCTION TYPE WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION IN SUCH A MANNER AS TO COMPLY WITH THE APPLICABLE BUILDING AND FIRE CODES. IN THE EVENT THE PARCELS ARE COMBINED THE EASEMENT WOULD BE REMOVED.

TRANSPORTATION IMPROVEMENTS NOTES

1. SPECIAL PROJECT DRIVEWAY IMPROVEMENTS
THE FOLLOWING DESIGN MEASURE SHALL BE INCLUDED IN THE P-JOB PLANS SUBJECT TO REVIEW AND APPROVAL OF THE CITY'S TRANSPORTATION SERVICES DIVISION (TSD):
   A. INSTALL A HIGH-VISIBILITY CROSSWALK ACROSS FRONTAGE ROAD CONNECTING THE BART GARAGE TO THE WESTERN SIDEWALK.
   B. FOR DRIVEWAYS PROVIDE ADEQUATE SIGHT DISTANCE AT ALL RESIDENTIAL GARAGE EXITS, END THE RAMP BEFORE THE SIDEWALK SO THAT THE SIDEWALK REMAINS LEVEL AND VEHICLES DO NOT ENCROACH ON THE SIDEWALK.
2. BICYCLE ACCESS AND BICYCLE PATHS
THE FOLLOWING MEASURES SHALL BE IMPLEMENTED IN THE P-JOB, SUBJECT TO REVIEW AND APPROVAL BY THE CITY'S TRANSPORTATION SERVICES DIVISION:
   A. INSTALL STOP SIGNS FOR VEHICLES EXITING THE BART GARAGE AND FOR SOUTHBOUND SHUTTLES APPROACHING THE BART GARAGE.
   B. PROVIDE ADEQUATE SIGHT DISTANCE AT THE GARAGE EXIT.
   C. PROVIDE SIGNAGE AT THE WEST MACARTHUR BOULEVARD/FRONTAGE ROAD INTERSECTION DIRECTING BICYCLISTS TO THE BICYCLE PATH OR LANES ON FRONTAGE ROAD.
   D. INSTALL BICYCLE DETECTION FOR ALL ACTUATED THROUGH MOVEMENTS OR LEFT TURNS AT THE NEW SIGNAL AT 40TH STREET AND FRONTAGE ROAD; THE NEW SIGNAL AT TELEGRAPH AVENUE AND VILLAGE DRIVE; AND WEST MACARTHUR BOULEVARD AND FRONTAGE ROAD.
   E. INSTALL SIGNAGE (I.E., "LEFT TURN ONLY, EXCEPT SHUTTLES AND BICYCLES" AND "LEFT TURN ONLY, EXCEPT SHUTTLES AND BICYCLES") AND STRIPING AT THE FRONTAGE ROAD/ VILLAGE DRIVE INTERSECTION TO PROHIBIT SOUTHBOUND AND WESTBOUND VEHICLES , EXCEPT SHUTTLE BUSES AND BICYCLES, FROM CONTINUING SOUTHBOUND TO WEST MACARTHUR BOULEVARD.
   F. INSTALL A "BICYCLE BOX" AT THE SOUTHBOUND APPROACH TO THE WEST MACARTHUR BOULEVARD/FRONTAGE ROAD/13TH STREET INTERSECTION AND AT THE NORTHBOUND APPROACH TO THE FRONTAGE ROAD/40TH STREET INTERSECTION IF DETERMINED FEASIBLE BY THE TRANSPORTATION SERVICES DIVISION.
   G. IF FEASIBLE PROVIDE VISUAL TREATMENTS ON THE BIKE PATH OR LANES TO INCREASE THEIR VISIBILITY AND USE BY BICYCLISTS.
3. AREA RIGHT OF WAY IMPROVEMENTS
IF FEASIBLE AS DETERMINED BY THE TRANSPORTATION SERVICES DIVISION AND THE CITY PLANNING DEPARTMENT THE FOLLOWING SHALL BE PART OF THE P-JOB:
   A. REMOVAL OF THE SLIP RIGHT- TURNS ON NORTHBOUND AND SOUTHBOUND TELEGRAPH AVENUE AT WEST MACARTHUR BOULEVARD.
   B. PROVIDING STREET FURNITURE AND WIDENING SIDEWALKS WHERE FEASIBLE FOR STREET FRONTAGES IMMEDIATELY ADJACENT TO THE PROJECT SITE.
4. SPECIFIC PROJECT INTERSECTION IMPROVEMENTS
THE FOLLOWING MEASURES SHALL BE IMPLEMENTED IN THE P-JOB SUBJECT TO REVIEW AND APPROVAL BY THE CITY'S TRANSPORTATION SERVICES DIVISION (TSD):
   A. FOR THE INTERSECTION OF 40TH STREET AND THE FRONTAGE ROAD:
      1. PROHIBIT RIGHT TURNS ON RED AND PROVIDE A LEADING PEDESTRIAN INTERVAL.
      2. INCREASE THE INITIAL WALK INTERVAL (TWS ALLOWS MORE TIME FOR CLUSTERS OF PEDESTRIANS TO LEAVE THE SIDEWALK WHEN CROSSING).
   B. FOR THE INTERSECTION OF TELEGRAPH AVENUE AND VILLAGE DRIVE:
      1. INCREASE THE INITIAL WALK INTERVAL.
      2. INSTALL HIGH VISIBILITY CROSS WALKS.
   C. FOR THE INTERSECTION OF FRONTAGE ROAD AND VILLAGE DRIVE:
      1. INSTALL HIGH VISIBILITY CROSS WALKS.
      2. PROVIDE A RAISED INTERSECTION WITH HIGH VISIBILITY STRIPING TO CONNECT PEDESTRIANS FROM THE BART PLAZA TO VILLAGE DRIVE.
      3. INSTALL SIGNAGE (I.E. "LEFT TURN ONLY, EXCEPT SHUTTLES AND BICYCLES") AND STRIPING AT THIS INTERSECTION TO PROHIBIT SOUTH BOUND TRAFFIC EXCEPT SHUTTLES AND BICYCLES FROM CONTINUING SOUTH TO MACARTHUR BOULEVARD.
   D. FOR THE INTERSECTION OF WEST MACARTHUR BOULEVARD AND FRONTAGE ROAD:
      1. INCREASE THE INITIAL WALK INTERVAL (TWS ALLOWS MORE TIME FOR CLUSTERS OF PEDESTRIANS TO LEAVE THE SIDEWALK WHEN CROSSING).
      2. INSTALL HIGH VISIBILITY CROSS WALKS.
      3. INSTALL AUDIBLE PEDESTRIAN COUNTDOWN SIGNALS.
      4. PROVIDE SEPARATE CURB RAMPS FOR EACH CROSS WALK.

FEMA NOTE

PER FEMA COMMUNITY-PANEL NUMBER 06001C0059G, THE PROJECT SITE LIES IN ZONE X. ZONE X IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

TOPOGRAPHIC SURVEY

TOPOGRAPHIC SURVEY BY SANDIS WITH AERIAL TOPOGRAPHIC SURVEY PERFORMED BY AERIAL PHOTOGRAPHING SERVICES, 2929 LARKING AVE. CLOVIS, CA. 93612, JUNE 2007. THE AERIAL SURVEY WAS SUPPLEMENTED WITH GROUND SURVEYED DATA, TO DETERMINE THE TYPE AND SIZES OF UTILITY FEATURES, AND TO ACCURE DATA IN AREAS WHERE GREATER DETAIL IS REQUIRED.

BENCH MARK

THE CITY OF OAKLAND BENCHMARK, DESIGNATION 3047 WAS USED AS THE BASIS OF ELEVATION FOR THIS SURVEY. BM NO. 3047 IS A CUT SQUARE LOCATED 12 FEET WEST OF THE CENTERLINE OF TELEGRAPH AND 5 FEET NORTH OF THE CENTERLINE OF 38TH STREET.

ELEV =69.44 FEET

BASIS OF BEARINGS

BEARINGS AND DISTANCES ARE RELATED TO THE CALIFORNIA COORDINATE SYSTEM, ZONE 3, AS ESTABLISHED BY CITY OF OAKLAND MONUMENTS AND RECORD DATA SHOWN ON RIGHT OF WAY MAPS FOR HIGHWAY 24 AND BAY AREA RAPID TRANSIT DISTRICT.

SEISMIC HAZARD NOTE

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA: A SEISMIC HAZARD ZONE – LIQUEFACTION ZONE PURSUANT TO SECTION 2696 OF THE PUBLIC RESOURCES CODE. THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

FINAL MAP NOTE

FINAL MAPS FOR THIS TENTATIVE PARCEL MAP ARE PROPOSED TO BE PHASED, AT THE APPLICANT'S OPTION, TO PERMIT SEPARATE RECORDATION OF UP TO SIX FINAL MAPS. THE INTENT IS TO ALLOW DEVELOPMENT AND RECORDATION OF THE MACARTHUR COMMUNITY PARTNERS PARCELS SEPARATELY FROM THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT PARCELS.

THE SPONSOR OF THE FIRST PARCEL TO BE CONSTRUCTED SHALL CONSTRUCT OR CAUSE TO BE CONSTRUCTED THE IMPROVEMENTS TO FRONTAGE ROAD, VILLAGE DRIVE AND INTERNAL ROAD.

THE SPONSOR OF THE FIRST TO BE CONSTRUCTED OF PARCELS B1 AND B2 SHALL CONSTRUCT OR CAUSE TO BE CONSTRUCTED THE SHARED ACCESS DRIVE ASSOCIATED WITH PARCELS B1 AND B2.

THE SPONSOR OF THE CONSTRUCTION OF PARCELS A (STAGE 3 PER PROJECT CONDITIONS OF APPROVAL) SHALL CONSTRUCT OR CAUSE TO BE CONSTRUCTED THE IMPROVEMENTS IDENTIFIED UNDER "TRANSPORTATION IMPROVEMENTS NOTES" AS PARTS 3 AND 4, "AREA RIGHT OF WAY IMPROVEMENTS" AND "SPECIFIC PROJECT INTERSECTION IMPROVEMENTS" RESPECTIVELY.

UTILITY INFORMATION

STORM DRAINS:
CITY OF OAKLAND 7101 EXECWATER DRIVE, BUILDING #4
OAKLAND, CA 94621
(510) 615-5580

SANITARY SEWERS:
CITY OF OAKLAND
(510) 615-5566

WATER:
EBMUD 375 ELEVENTH STREET
OAKLAND, CA 94607-4240
1-(866) 406-2683

POWER AND GAS
PACIFIC GAS & ELECTRIC
1-800-743-5000

FIRE PROTECTION:
CITY OF OAKLAND
FIRE PREVENTION BUREAU
(510) 238-4049

SHEET INDEX

T-1 COVER SHEET
T-2 LOT INFORMATION AND NOTES
T-3 EXISTING BOUNDARY MAP AND INTERNAL PROPERTY LINES
T-4 TENTATIVE MAP
T-5 GRADING PLAN
T-6 UTILITY PLAN
T-7 TYPICAL SECTIONS

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SANDIS | CIVIL ENGINEERS SURVEYORS PLANNERS
1731 Broadway, Suite 201 | Oakland, CA 94612 | P. 510.873.8866 | F. 510.873.8868 | www.sandis.net

DATE: 06-30-10
SCALE: AS NOTED
DRAWN BY: JRR/RAD
APPROVED BY: MAK
DRAWING NO: 607128

DATE _____, 2010
DAVID W. BETHAN
P.L.S. NO. 7047, EXPIRES 12-31-10

DATE _____, 2010
JEFFREY MICHAEL SETERA
R.C.E. NO. 62793, EXPIRES 06-30-12

No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADDT'L FINAL RESUBMITTAL	10-25-10	BHS

OAKLAND

VESTING TENTATIVE TRACT MAP NO. 8047
COVER SHEET

CALIFORNIA

SHEET T-1 OF 7 SHEETS

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File: X:\P\607128\PLAN SETS\TMAP\T-1.dwg Date: Oct 26, 2010 - 5:00pm

EXISTING LOT INFORMATION

EXISTING PARCELS				
PARCEL	USE	LOT SIZE	APN	OWNER
1	PAVED ACCESS	3841 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2	PARKING	3759 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
3	PARKING	8618 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
4	PARKING	9315 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
5	PARKING	5008 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
6	PARKING	5008 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
7	PARKING	6258 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
8	PAVED ACCESS	3548 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
9	PARKING	3863 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
10	PARKING	4292 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
11	PARKING	4257 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
12	PARKING	4307 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
13	PARKING	2504 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
14	PARKING	2504 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
15	PARKING	3759 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
16	PAVED ACCESS	8991 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
17	PARKING	4781 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
18	PARKING	4859 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
19	PARKING	4771 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
20	PARKING	6272 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
21	PARKING	5319 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
22	PARKING	5447 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
23	PARKING	6186 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
24	PARKING	4850 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
25	PARKING	4850 SQFT	012-968-055-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXISTING LOT INFORMATION

EXISTING PARCELS				
PARCEL	USE	LOT SIZE	APN	OWNER
26	PARKING	4351 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
27	PARKING	7083 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
28	PARKING	6397 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
29	PARKING	505 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
30	PARKING	4258 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
31	PARKING	11336 SQFT	012-964-053-03	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
32	PAVED ACCESS	3476 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
33	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
34	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
35	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
36	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
37	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
38	PARKING	6717 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
39	PAVED ACCESS	5068 SQFT	012-9687-049-01	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
40	HOTEL	8682 SQFT	012-0967-009	DESAI
41	HOTEL	14510 SQFT	012-968-010-01	PATEL
45	RETAIL	5009 SQFT	012-969-002	WU AND SHEN
46	RETAIL	2505 SQFT	012-969-003-01	WU AND SHEN
48	RETAIL	2504 SQFT	012-969-053-02	WU AND SHEN
49	R/W PAVED ACCESS	26223 SQFT	APGAR STREET	PUBLIC RIGHT OF WAY, CITY OF OAKLAND
50	R/W PARKING	26966 SQFT	39TH STREET	PUBLIC RIGHT OF WAY, CITY OF OAKLAND
J-13	STATE R/W PEDESTRIAN ACCESS	NOT DEFINED BY THIS MAP	CLASS II JOINT ACCESS	
J-14	STATE R/W LOCAL STREET	NOT DEFINED BY THIS MAP	CLASS III JOINT ACCESS	

NOTE:
1. EXISTING INDIVIDUAL PARCEL BOUNDARIES HAVE NOT BEEN CORRECTED TO RESOLVE APPARENT OVERLAP. ONLY THE OVERALL PARCEL BOUNDARY HAS BEEN VERIFIED.
2. PARCELS 42, 43, 44 AND 47 HAVE BEEN INTENTIONALLY OMITTED.

PROPOSED LOT INFORMATION

	PROPOSED PARCELS		
PARCEL	USE	LOT SIZE	LOT DESCRIPTION
A	MIXED USE	65,988 SQFT	226 RESIDENTIAL CONDOMINIUM UNITS 4,000 SF ~ 4 LIVE/WORK UNITS 20,156 SF ~ 8 RETAIL UNITS
B1	MIXED USE	22,396 SQFT	90 RESIDENTIAL CONDOMINIUM UNITS 3,000 SF ~ 3 RETAIL UNITS
B2	MIXED USE	28,694 SQFT	81 RESIDENTIAL CONDOMINIUM UNITS
C1	MIXED USE	23,851 SQFT	97 RESIDENTIAL CONDOMINIUM UNITS 3,000 SF ~ 3 RETAIL UNITS
D	RESIDENTIAL	34,411 SQFT	98 RESIDENTIAL APARTMENT UNITS
E	PARKING GARAGE/ COMMERCIAL RESIDENTIAL	31,502 SQFT	483 PARKING SPACES 5,200 SF ~ 5 RETAIL UNITS
F	INTERNAL ROAD	26,502 SQFT	ROAD ACCESS FOR PARCELS B1, B2, C1, C2, D AND E. PUBLIC ACCESS EASEMENT
G	FRONTAGE AREA	18,412 SQFT	BART GARAGE AND SHUTTLE ACCESS PUBLIC ACCESS EASEMENT
VILLAGE DRIVE	R/W PARKING	32,611 SQFT	PROPOSED DEDICATION OF VILLAGE DRIVE
J-13	STATE R/W PEDESTRIAN ACCESS	NOT DEFINED BY THIS MAP	CLASS II JOINT ACCESS BETWEEN BART AND CALTRANS
J-14	STATE R/W LOCAL STREET	NOT DEFINED BY THIS MAP	CLASS III JOINT ACCESS BETWEEN BART AND CALTRANS TO INCLUDE CITY OF OAKLAND

EASEMENTS DESCRIPTION

AS NOTED ON THIS TENTATIVE MAP, THE PROPOSED PUBLIC EASEMENTS ARE DEFINED AS FOLLOWS:

PUBLIC ACCESS EASEMENT (PAE) – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE PUBLIC THE RIGHT OF INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR. A MINIMUM CLEAR DISTANCE OF 26 FEET SHALL BE MAINTAINED FOR EMERGENCY VEHICLE ACCESS. ALL SURFACE IMPROVEMENTS WITHIN THE PAE SHALL BE MAINTAINED BY THE LAND OWNER.

PUBLIC PEDESTRIAN ACCESS EASEMENT – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE PUBLIC THE RIGHT OF PEDESTRIAN INGRESS AND EGRESS.

PUBLIC UTILITY EASEMENT (PUE) – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE CITY OF OAKLAND, AND ALL UTILITIES WITH FRANCHISE RIGHTS WITHIN THE CITY OF OAKLAND, THE RIGHT TO ACCESS, INSTALL, AND MAINTAIN UTILITY INFRASTRUCTURE INCLUDING STORM DRAINAGE, SANITARY SEWER, NATURAL GAS, ELECTRICAL, TELECOM, WATER, FIBER OPTIC, STREET LIGHTING, AND CABLE TELEVISION. THE OWNER RESERVES THE RIGHT TO INSTALL PRIVATE UTILITIES WITHIN THE PUE AS NECESSARY TO SERVE THE PROPERTY; INSTALL AND MAINTAIN LANDSCAPING INCLUDING TREES AND IRRIGATION; AND THE RIGHT TO INSTALL SURFACE IMPROVEMENTS SUCH AS SIDEWALKS AND PAVEMENT. THE INSTALLATION OF PERMANENT STRUCTURES OR FENCING THAT WOULD DENY PROJECT ACCESS IS PROHIBITED.

AS NOTED ON THIS TENTATIVE PLAN, THE PROPOSED PRIVATE EASEMENTS ARE DEFINED AS FOLLOWS:

PRIVATE ACCESS EASEMENT (PRAE) – THAT CERTAIN PIECE OF LAND OVER WHICH THE OWNER GRANTS THE RIGHT OF INGRESS AND EGRESS, BOTH PEDESTRIAN AND VEHICULAR. ALL SURFACE IMPROVEMENTS WITHIN THE PRIVATE ACCESS EASEMENT SHALL BE MAINTAINED IN ACCORDANCE WITH THE PROPORTIONAL BENEFIT TO THE PARCELS.

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DRAWN BY: JRR/RAB
APPROVED BY: MAK
DRAWING NO.: 607128

DATE _____, 2010
DAVID W. BETHAM
P.L.S. NO. 7047, EXPIRES 12-31-10

DATE _____, 2010
JEFFREY MICHAEL SETERA
R.C.E. NO. 62793, EXPIRES 06-30-12

No.	REVISION	DATE	BY
1	FIRST RESUBMITTAL	9-17-10	
2	ADDT'L FINAL RESUBMITTAL	10-25-10	BHS

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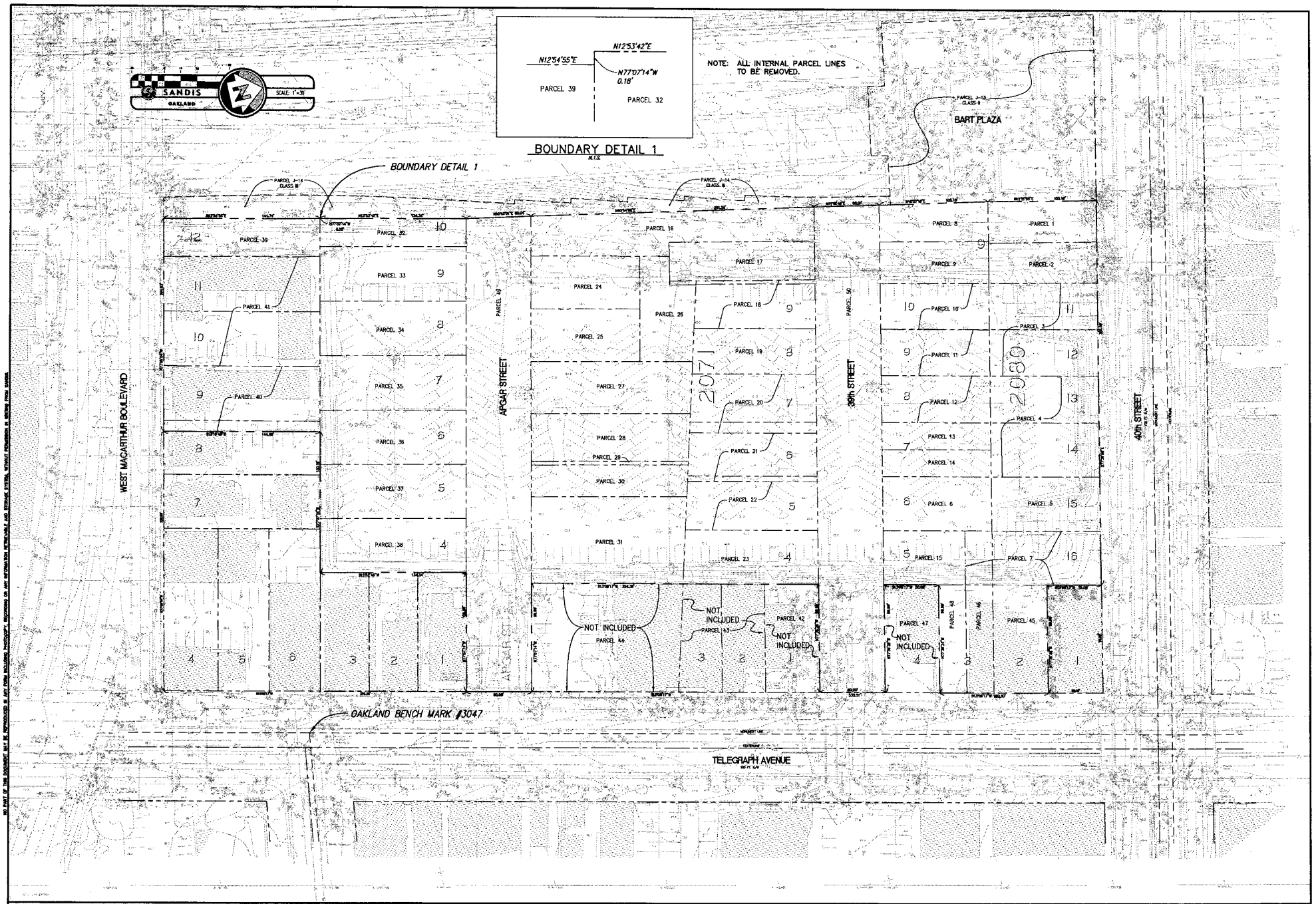
VESTING TENTATIVE TRACT MAP NO. 8047
LOT INFORMATION

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SHEET T-2 OF 7 SHEETS

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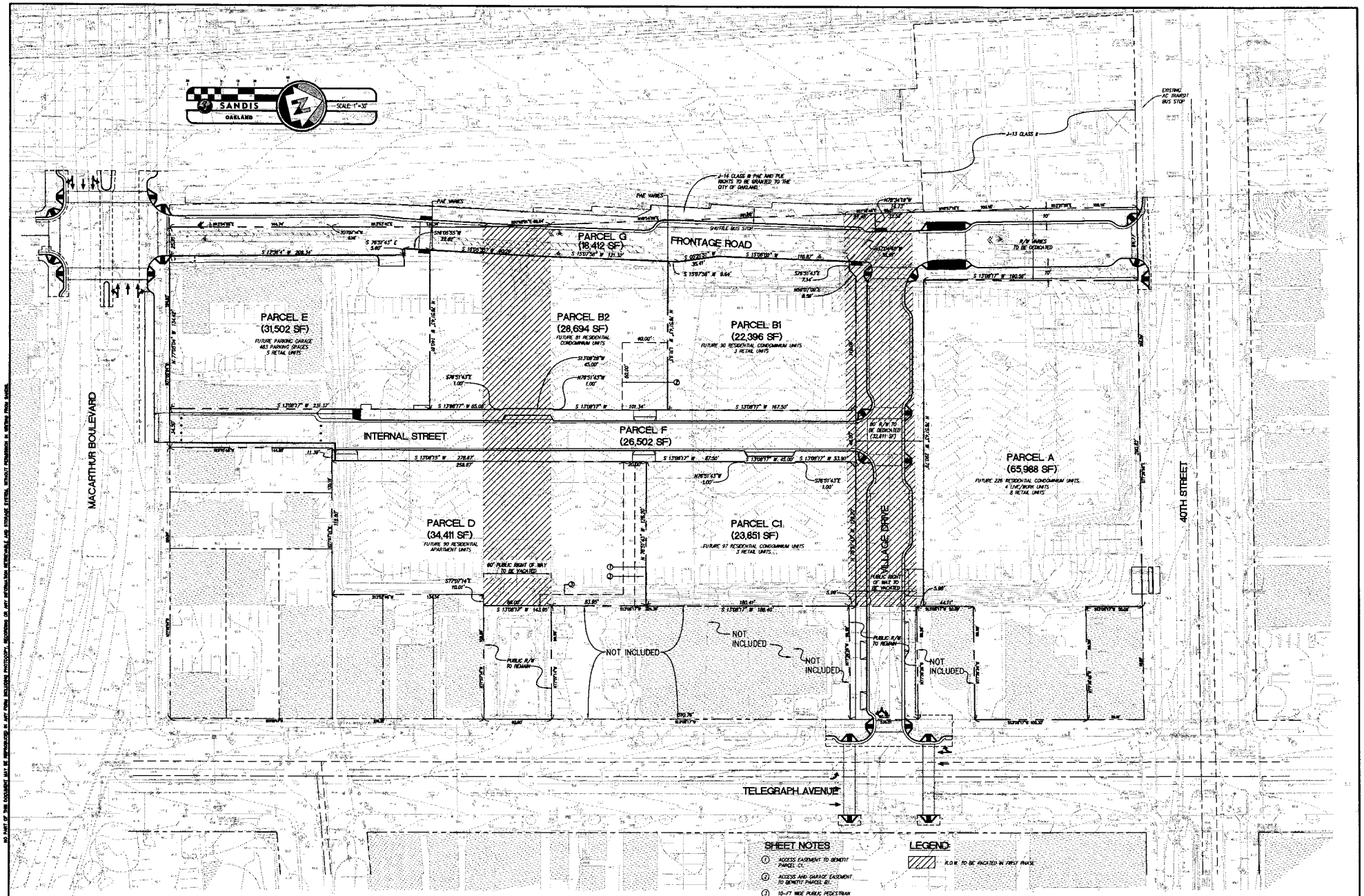
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VESTING TENTATIVE TRACT MAP NO. 8047
EXISTING BOUNDARY AND INTERNAL PROPERTY LINES
OAKLAND CALIFORNIA

SHEET T-3 OF 7 SHEETS

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JEFFREY MICHAEL SETERA
R.C.E. NO. 62763, EXPIRES 06-30-12

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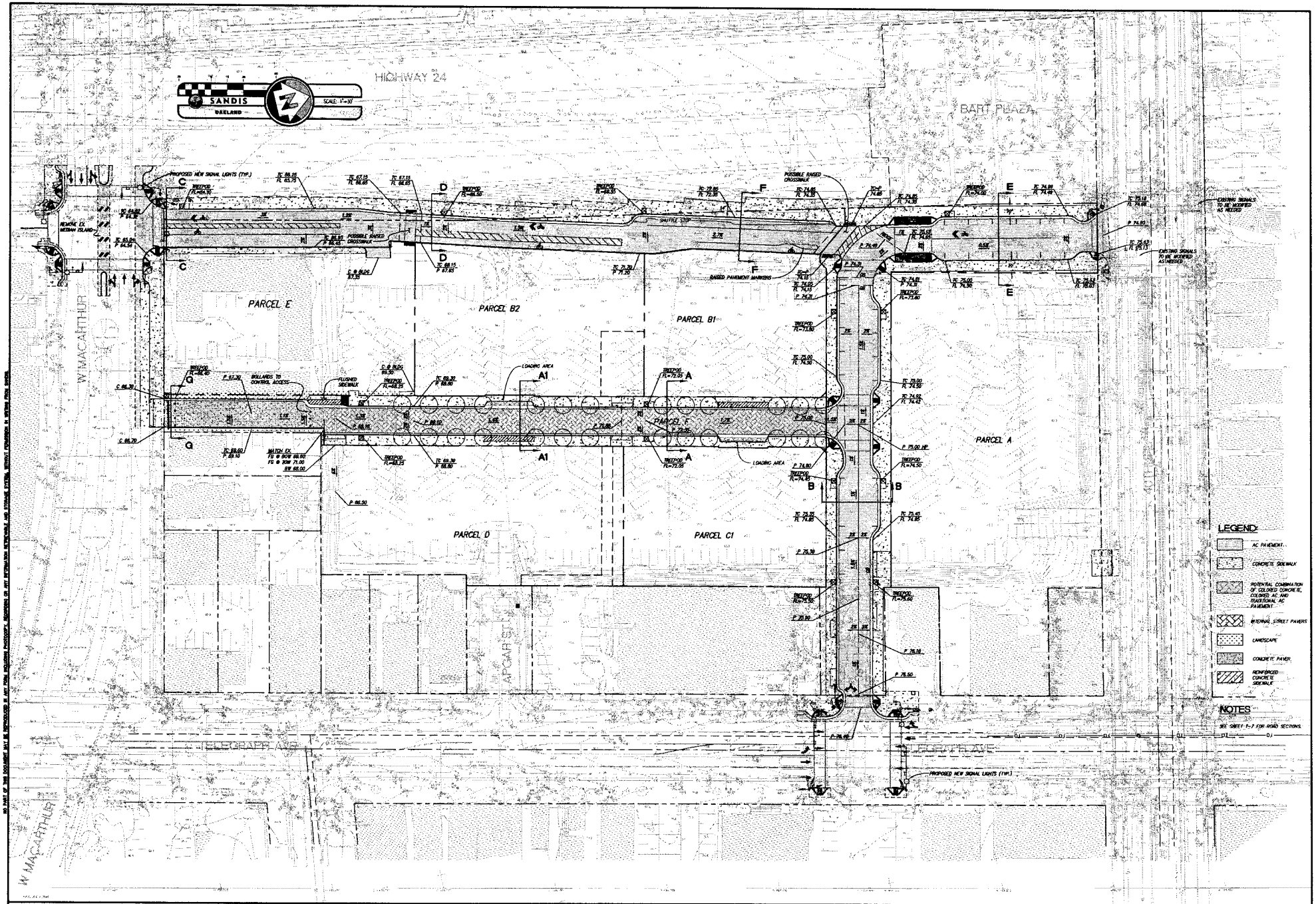
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VESTING TENTATIVE TRACT MAP NO. 8047
TENTATIVE MAP

CALIFORNIA

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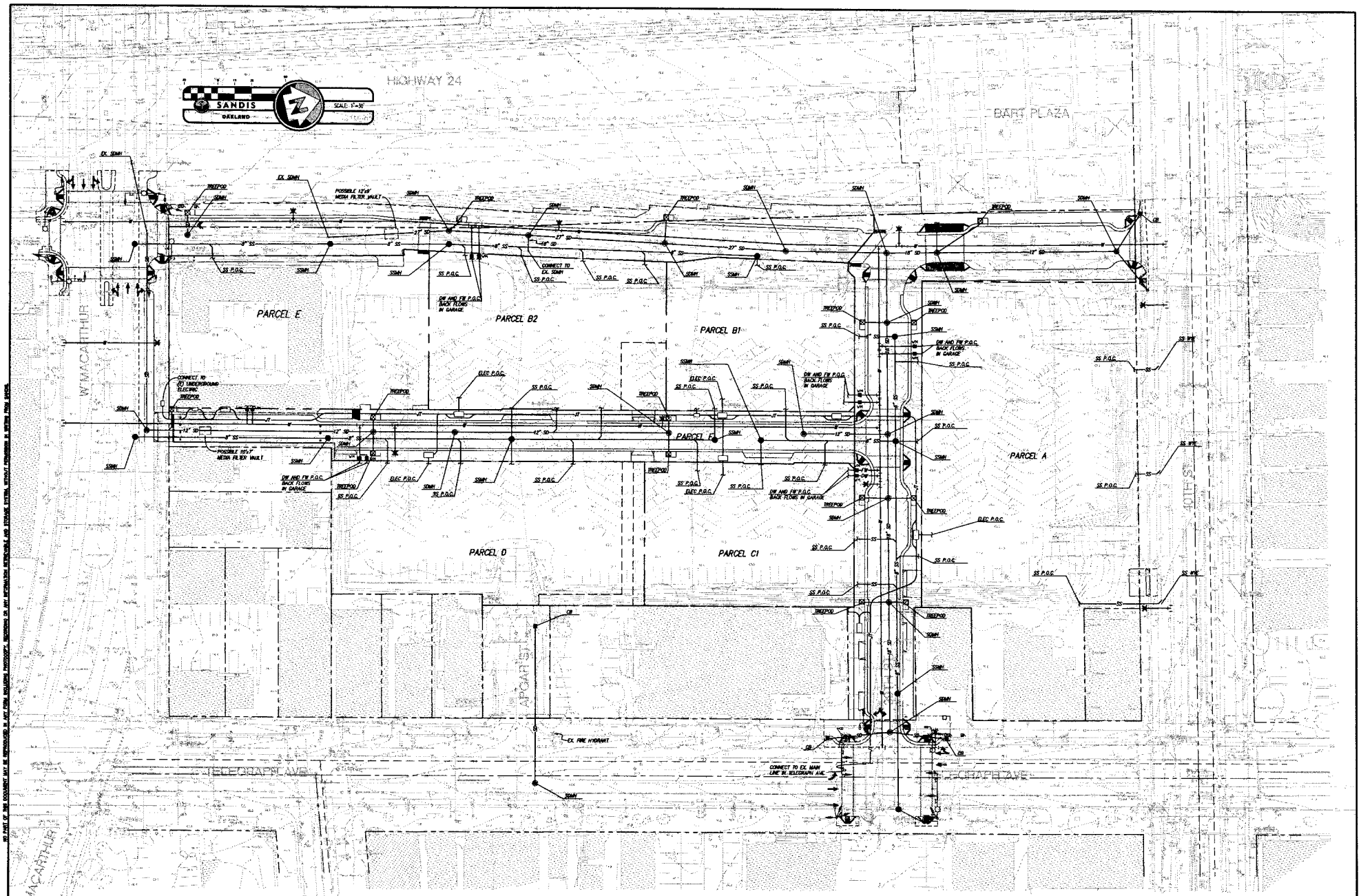
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VESTING TENTATIVE TRACT MAP NO. 8047
GRADING PLAN

CALIFORNIA

SHEET T-5 OF 7 SHEETS

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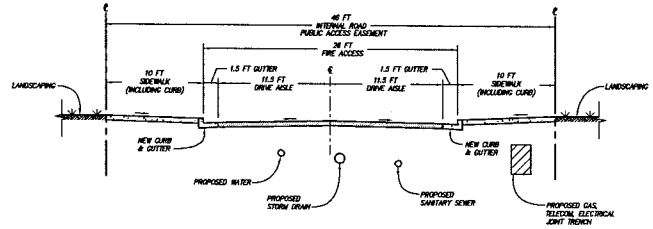
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VESTING TENTATIVE TRACT MAP NO. 8047
UTILITY PLAN

CALIFORNIA

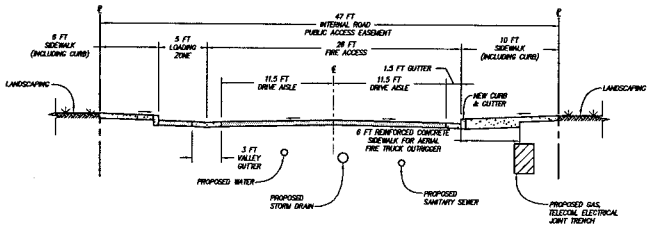
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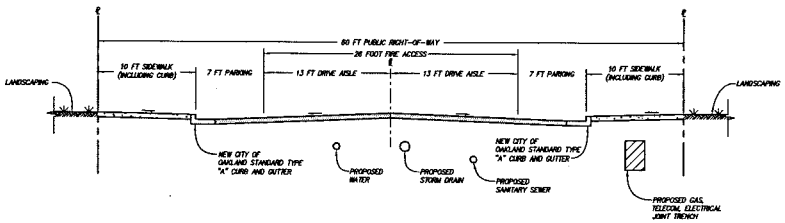
INTERNAL STREET TYPICAL SECTION (A)

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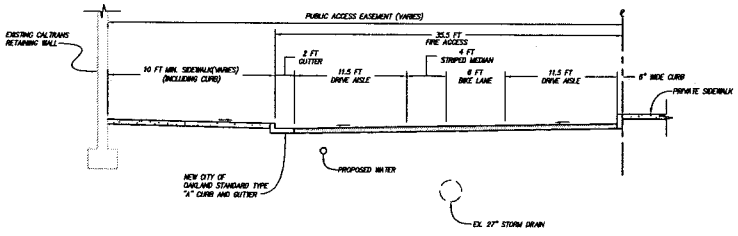
INTERNAL STREET LOADING ZONE SECTION (A1)

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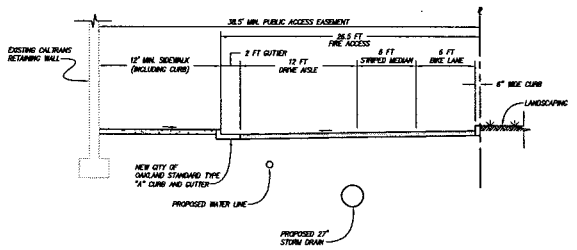
VILLAGE DRIVE (FORMERLY 39TH STREET) (B)

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VERTICAL: N.T.S.



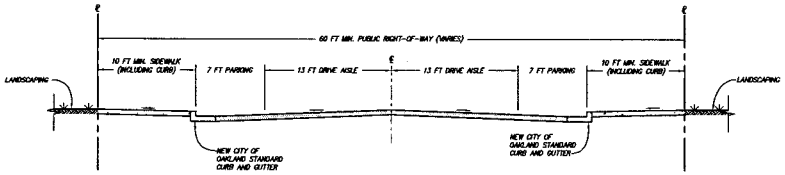
FRONTAGE ROAD (SOUTH END OF BART GARAGE) (C)

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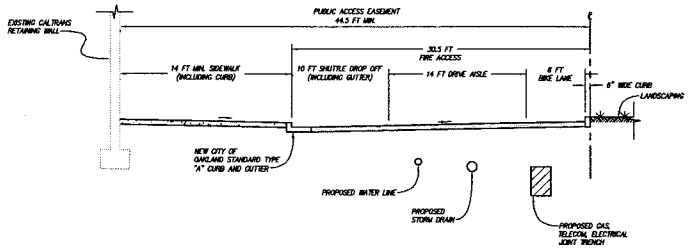
FRONTAGE ROAD (NORTH END OF BART GARAGE) (D)

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VERTICAL: N.T.S.



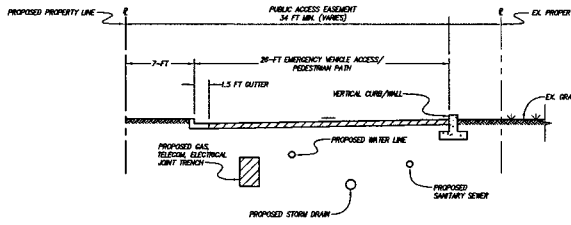
VILLAGE DRIVE (E)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



FRONTAGE ROAD (SHUTTLE DROP OFF) (F)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.



SECTION @ EMERGENCY VEHICLE ACCESS NEAR WEST MACARTHUR (G)

SCALE: HORIZONTAL: 1"=5'
VERTICAL: N.T.S.

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VESTING TENTATIVE TRACT MAP NO. 8047
TYPICAL SECTIONS AND NOTES

CALIFORNIA

SHEET
T-7
OF 7 SHEETS

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ATTACHMENT C:

MAY 26, 2010 DESIGN REVIEW COMMITTEE REPORT (AND ATTACHMENTS)

Oakland City Planning Commission

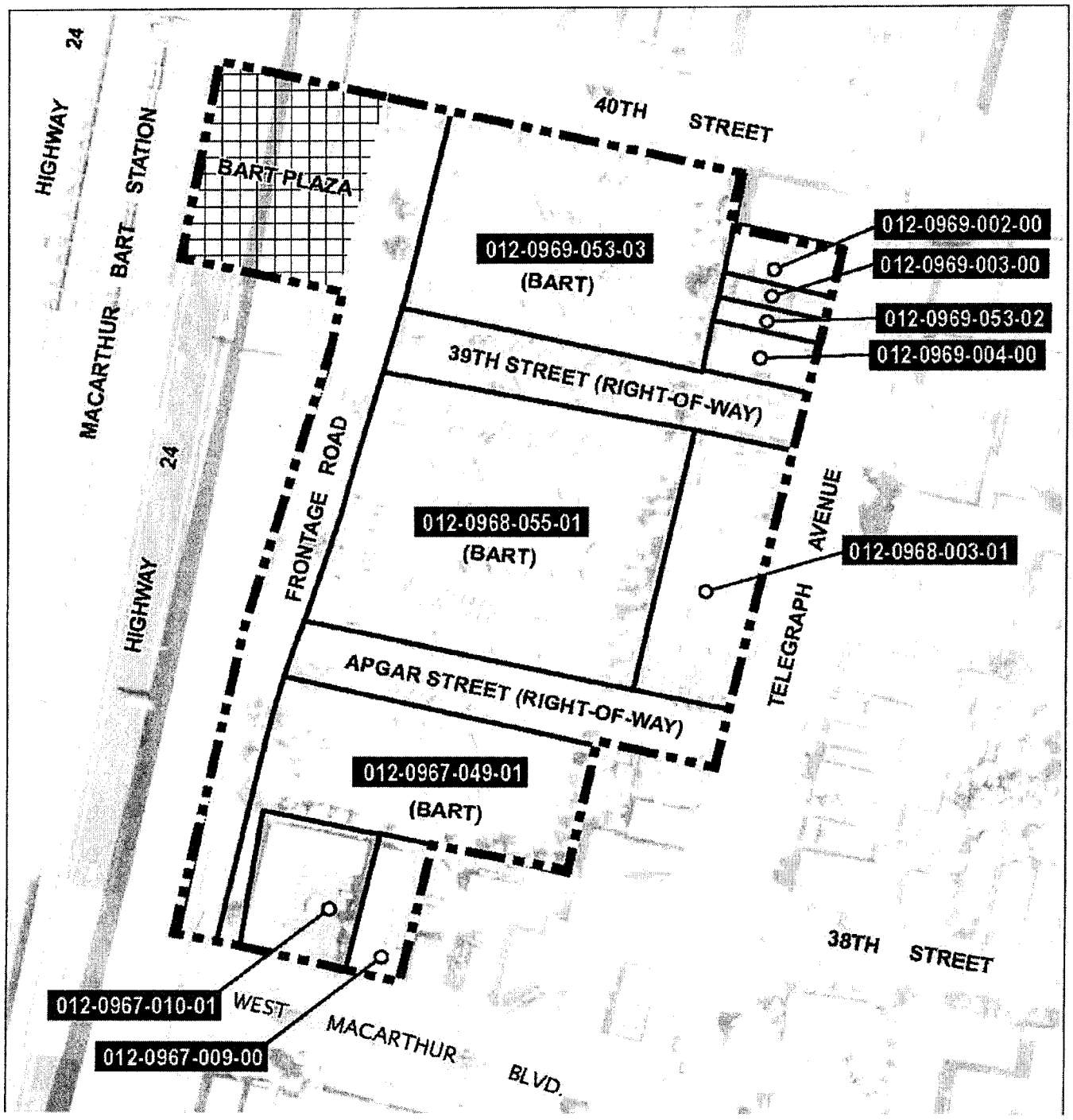
Design Review Committee

STAFF REPORT

Case File Numbers: PUDF10-097, PUD06-058, TTM8047

May 26, 2010

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)
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, and 012-0967-010-00
Proposal:	Construct Phase 1 of the Macarthur Transit Village project which includes construction of a parking garage with approximately 468 parking spaces, and 5,200 square feet of ground-floor commercial space; as well as new streets, utilities, and public improvements.
Applicant:	West Macarthur Transit Community Partners (MTCP)
Contact Person:	Art May (510) 903-2051
Owner:	Multiple property owners
Planning Permits Required:	Revisions to Preliminary Planned Unit Development (PUD) for Macarthur Transit Village project, and Final PUD for Phase 1 of project.
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:	April 12, 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, **Lynn Warner**, at **(510) 238-6983** or by e-mail at lwarner@oaklandnet.com


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.
HIGHWAY 24

SUMMARY

The purpose of this item is to receive preliminary feedback on the design of Phase 1 and the public improvements for the proposed Macarthur Transit Village project in North Oakland. The Final Development Plan (FDP) for Phase 1 of the project would include construction of a 6-level parking structure with approximately 468 stalls and 5,200 square feet of ground-floor commercial space. The revised Preliminary Development Plan (PDP) for the project would entail changes including: increasing the amount of BART replacement parking provided, adjusting the alignment of Village Drive, shifting Internal Street to align with the pedestrian walkway, and reconfiguring the site layout.

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 Committee review and comment on the design of the parking garage and site improvements shown on the project plans.

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 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. 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.

Table 1: Project Site Parcels

Address	Assessor Parcel Number	Current Use	Acreage (Acres)
532 39th Street	012-0969-053-03	BART Parking	1.63
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	0.11
3915 Telegraph Avenue	012-0969-003-00	Chef Yu Restaurant	0.01
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	Rio Motel	0.20

544 W. Macarthur Boulevard	012-0967-010-00	Sleepy Hollow Motel	0.33
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			7.47

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) was approved in July 2008. Phase 1 of the project is being expedited in order to receive $37 million in State Proposition 1C grant funding, which requires project completion by December 1, 2011.

PROJECT DESCRIPTION

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.

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.

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 Phase 1 FDP are cited below.

1. West Macarthur Boulevard

The Transit Village will create a new building frontage along this street, and its vehicular connection into the Transit Village will serve to provide scale and activity to the street by creating a new intersection at Frontage Road.

Height, Bulk and Scale:

Guideline A2.1 The ground level commercial base will activate the street and provide human scale and visual interest at the base of the parking structure.

Guideline A2.2 The proposed multi level parking structure's height and substantial bulk will be a distinctive visual cue to commuters arriving by car both regionally and locally, as it is visible not only from West Macarthur Boulevard and Telegraph Avenue, but from Highway 24 and the BART train platform above.

Architectural Treatments:

Guideline A2.3 Provide active, commercial or retail frontage at the ground floor to create a strong visual connection between the street and activities inside, and to enhance pedestrian activity on the street providing character and safety.

Guideline A2.4 Provide minimum of 13' floor to floor dimension for the ground level retail or commercial space.

Guideline A2.5 Artistic design elements or signage elements mounted on the exterior of the parking structure above the ground floor retail will provide visual interest and identity to freeway drivers and BART commuters passing by.

Guideline A2.6 Incorporate artistic sun shading devices and PV panels or other building specifications to further support sustainable development.

Guideline A2.7 Provide a substantial building base with quality materials and provide distinctive attractive signage and canopies along the street and at building lobbies.

Guideline A2.8 Use high quality durable materials, to create a strong relationship of the building to the pedestrian realm and to activate West Macarthur Boulevard.

2. Frontage Road

The Frontage Road is an essential access drive for shuttle transit services, bike path and pedestrian linkage to the new BART replacement parking garage. In addition, it also serves as an emergency access and maintenance road for CalTrans.

Height, Bulk and Scale:

Guideline A4.1 Blocks B, C, and D along the frontage road should have clearly defined, well-lit and visible frontage along the street level to promote security and safety.

Guideline A4.2 Due to visibility from the freeway and the BART platform, the architecture of each of the blocks along the frontage road (at street level and upper levels) shall be designed with an architectural gesture fitting with this location through bold fenestration patterns, roof forms and façade articulation.

Guideline A4.3 The buildings along this edge have the most flexibility in heights and variations (approximately 65' to 80') in form within the project. (plan sheet A-1.0H)

Architectural Treatments:

Guideline A4.4 Provide artistic metal grills and pedestrian scale lighting along the garage edge to provide maximum visibility to promote security. (Exhibit A-3.06)

Guideline A4.5 The architectural composition of the building areas visible to the freeway and BART platform should be designed with bold forms and building materials to promote a sense of arrival at this important civic place within the City.

The design of the parking garage is generally consistent with the Design Guidelines, except where noted below. At a minimum, minor design refinements have been recommended by staff.

KEY DESIGN ISSUES

The proposed revisions to the approved PDP and the design of the parking garage were presented at a community meeting held on April 21, 2010. Some of the design comments made at the meeting include: questions about lighting on the garage, landscaping and lighting on Frontage Road, the use of planting on the garage walls, and the incorporation of solar panels on the garage. Below is a summary of the key design issues staff has identified related to the proposal:

Revisions to Preliminary Development Plan

Table 2 provides a summary of the proposed revisions to the PDP approved for the PUD. The overall project description has not changed, although the layout of the site has been refined. Village Drive has been realigned so that the street lines up with the existing 39th Street, and Internal Street has been shifted to line up with the pedestrian walkway that connects to West Macarthur Boulevard. In addition, the blocks have been redesigned by moving the location of the affordable housing (Block D), and by reconfiguring the blocks in order to reduce the massing of the buildings and to introduce an internal driveway. See Attachment B: Sheets L-1.0 and L-1.1. These modifications are in substantial conformance with the approved PDP.

Table 2: Revisions to Preliminary Development Plan

	Approved PDP	Revised PDP
Parcel A		
Residential Units	213	205
Retail / Commercial SF	23,500	24,150
Residential Parking Stalls	213	205
Retail / Commercial Parking	31	31
Parcel B-1		
Residential Units	132	76
Retail / Commercial SF	5,000	3,000
Parking Stalls	134	76
Parcel B-2		
Residential Units	0	71
Retail / Commercial SF	0	0
Parking Stalls	0	71
Parcel C-1		
Residential Units	189	87
Retail / Commercial SF	9,000	3,000
Community Center	5,000	0
Parking Stalls	189	87
Parcel C-2		
Residential Units	0	95
Retail / Commercial SF	0	7,150
Community Center	0	5,000
Parking Stalls	0	95
Parcel D		
Residential Units	90	90
Retail / Commercial SF	0	0
Parking Stalls	91	90
Parcel E (BART Garage)		
Residential Units	0	0
Retail / Commercial SF	5,000	5,200
Dedicated BART Parking Stalls	300	400
Permanent Shared BART Parking Stalls	0	68
Other		
On-Site Street Parking Stalls	44	44
Off-Site/Other Parking Stalls	150	0
Total Residential	**624**	**624**
Included Affordable Units Total Required Units	108	108
Total Retail / Commercial	42,500	42,500
Total Parking Stalls	1,152	1,167
Total Community Center	5,000	5,000
Total BART Parking	510	510

Design of BART Parking Garage

The Draft Transportation Demand Management (TDM) Plan for the approved PDP required an increase in the BART replacement parking garage from 300 to 400 spaces. In order to achieve this increase in the number of parking spaces provided, the footprint of the parking garage was rotated and enlarged. The FDP for the garage includes 468 parking spaces and 5,200 square feet of ground-floor commercial space on West Macarthur Boulevard and wrapping the corners of the garage on Frontage Road and Internal Street. The proposed materials for the garage are pre-cast concrete, perforated metal screens, metal panels, aluminum and glass storefront, metal awnings, and colored glass.

The south elevation, which fronts West Macarthur Boulevard, has aluminum and glass storefront and metal awnings at the ground-floor level. The upper levels of the garage have pre-cast concrete columns, perforated metal screens, and orange reveal accents. See Attachment B: Sheet A3.1.

The east elevation, which fronts Internal Street, has ground-floor commercial storefront wrapping the corner, with perforated metal screen above. The rest of this elevation has metal security screen at the base and alternating segments of pre-cast concrete and perforated metal screen above in a stepped pattern. See Attachment B: Sheet A3.1.

The north elevation, facing 40th Street, is a blank concrete shear wall with scoring lines. There is no design treatment provided on this massive blank wall, which will be located directly adjacent to the interim surface parking lot at the BART station. See Attachment B: Sheet A3.2.

The west elevation, which fronts on Frontage Road, has ground-floor commercial space wrapping the corner with perforated screen above. It also includes the vehicle entry/exit, and the stair/elevator tower. The rest of the elevation has a combination of metal security screens and colored glass at the base, and alternating segments of pre-cast concrete and perforated metal screen above in a slight variation to the pattern on the east elevation. See Attachment B: Sheet A3.2.

After comparing the proposed garage design to several other recently constructed BART garages and other parking garages in Oakland, staff recommended the incorporation of some design revisions for the parking garage to the applicant and to BART staff. Because the parking garage will be owned and maintained by BART, their primary design issues are maintenance and cost. The responses to these potential design revisions are discussed below.

Paint

Staff requested that the applicant consider the use of paint to help articulate the design. BART staff indicated that although other BART garages including Fruitvale, West Dublin, and Dublin/Pleasanton have been painted, BART considers painted structures very difficult to maintain over time. Some of their garages, however, have incorporated elastomeric paint, which requires much less maintenance. However, BART prefers to have the building's architecture

treatment be revised to be consistent with the base of the building shown on the west elevation that includes artistic colored glass accent panels.

Additional Information

The applicant needs to provide more information for staff review regarding proposed exterior materials, lighting, and landscaping. In addition, the heights of the screening walls need to be identified in relation to the height of cars to determine the extent to which cars will be visible from the exterior of the garage.

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:

Lynn Warner
Planner III

Approved by:

SCOTT MILLER
Zoning Manager

ATTACHMENTS:

A. Approved PDP Project Plans
B. Revised PDP and FDP Phase 1 Project Plans

Mac Arthur Transit Village

MacArthur BART Transit Village
OAKLAND, CALIFORNIA

June 4, 2008

Preliminary Development Plan/ Planning Commission

Development Information

Description	Existing	New
Total Lot Area (acres)	7.76	7.76
Net Total Lot Area without Streets (sf)	NA	5.66
Net Total Lot Area with BART Plaza (sf)	NA	8.2
Total Building Footprint Area (sf)	32,500	220,800
Total Floor Area Living Space (sf)	NA	750,000
Total Floor Area Resid. Parking (sf)	NA	330,000
Total Floor Area BART Parking (sf)	NA	170,000
Building Height	25' (2 stories)	50'-85' (up to 8 stories)*
Number of Dwelling Units	NA	624
Number of Live-Work Units	NA	8
Density (units per gross acre)	NA	80
Density (units per net acre)	NA	110
Number of Parking Spaces	600	1024 **
Total Building Open Space (sf)	NA	54,000 (87sf /unit)
Total Site Open Space (sf)		72,978
Total Commercial/ Retail (sf)	NA	35,500
Total Live/Work Space (sf)	NA	7,000
Grading - Proposed Cut (cy)	NA	31,500
Grading - Proposed Fill (cy)	NA	11,170
Grading - Net Export (cy)	NA	20,330

* Height not to exceed 6 stories and not to exceed an average of 75' for the entire development. Where appropriate height to reach as high as 85'. ** including on-street parking 44 stalls

Development Detail

Building A	Unit Count	Area (sf)	Parking	Net Site Area***
Residential	213 units		213	
Live Work Units		3,000 (3 units)	3	
Retail		20,500	26	
TOTAL	213 units	23,500	242	1.79 ac.

Building B	Unit Count	Area (sf)	Parking	Net Site Area***
Residential	132 units		132	
Live Work Units		1,500 (2 units)	2	
Retail		3,500		
TOTAL	132 units	5,000	134	1.03 ac.

Building C	Unit Count	Area (sf)	Parking	Net Site Area***
Residential	189 units		189	
Community/Child Care		5,000		
Live/Work Space		2,500 (3 units)		
Retail		6,500		
TOTAL	189 units	14,000	189	1.35 ac.

Building D	Unit Count	Area (sf)	Parking	Net Site Area***
Residential	90 units	NA		
TOTAL	90 units		91	0.91 ac.

Building E	Unit Count	Area (sf)	Parking	Net Site Area***
BART Parking				
Commercial/Retail		5,000		
TOTAL		5,000	324	0.58 ac.

*** Area of building pad excluding streets

T-01 Title Page
T-02 Neighborhood Plan
T-03 Context Photographs
T-04 Site Photographs

C-00 Existing Conditions Plan
C-01 Preliminary Grading Plan
C-02 Preliminary Utility Plan

A-0.01 Pedestrian & Bike Circulation
A-0.02 Vehicular Circulation

A-1.01 Site Plan/ Street Level Plan
A-1.0A Garage Level Plan
A-1.02 Typical Upper Level Plan
A-1.0H Building Height Diagram

A-3.01a Site Sections
A-3.02b Site Sections

A-3.02 Edges: Telegraph Avenue
A-3.03 Edges: 40th Street
A-3.04 Edges: West MacArthur Boulevard
A-3.05 Edges: BART Plaza
A-3.06 Edges: Frontage Road/ Hwy 24

A-3.07a Internal Residential Street
A-3.07b Internal Residential Street
A-3.08a Village Drive
A-3.08b Village Drive

A-6.01 Perspective/ Village Drive
A-6.02 Perspective/ BART Plaza
A-6.03 Perspective/ Frontage Road
A-6.04 Perspective/ Internal Street

L-01 Landscape Master Plan
L-02 Concepts BART Plaza/ Village Dr.
L-03 Concepts Internal Street
L-04 Street Lighting Concept
L-05 Existing Tree Inventory
L-06 Planting/ Lighting Concept

Appendix: BART Plaza Concept

T-01 Title Page

Developer:
MacArthur Transit Community Partners, LLC
Contact: Joe McCarthy, (510) 273-2009

Architect:
Mc Larand Vasquez Emsiek & Partners, Inc.
350 Frank Ogawa Plaza, Suite 100
Oakland, CA 94612
Contact: Chek F.Tang, (510) 267 3188

Architect for Affordable Component:
Van Meter Williams Pollack, LLP
18 De Boom Street
San Francisco, CA 94107
Contact: Fred Pollack, (415)974 6352

Landscape Architect:
PGA Design, Inc
444 17th Street
Oakland, CA 94612
Contact: Chris Kent, (510) 465 1284

Urban Landscape and Site Architecture
Hood Design
3016 Filbert Street, Studio 2
Oakland, CA 94608
Contact: Walter Hood, (510) 595-0688

Civil Engineer:
Sandis
1721 Broadway, Suite 201
Oakland, CA 94612
Contact: Michael A. Kuykendall, (510) 873-8866

Traffic Consultant:
Dowling Associates, Inc.
180 Grand Avenue, Suite 250
Oakland, CA 94612
Contact: Mark Bowman (510) 839-1742

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June 4, 2008

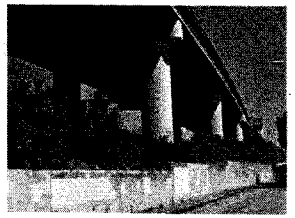
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T- 02
Neighborhood Plan

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MacArthur Transit Community Partners, LLC



Frontage Rd. near MacArthur Blv.,looking North.



Northwest corner of BART Parking lot, with BART Plaza in background.



Frontage Rd. with Shuttle Stop.



Frontage Rd. near BART Plaza.



BART Plaza with Fare Gates



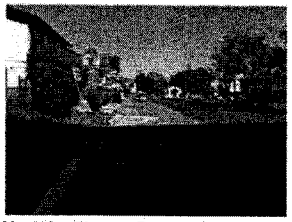
MacArthur Blv. near Frontage Rd., looking East.



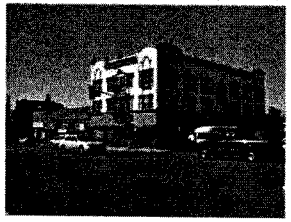
Underpass of Hwy 24 on MacArthur Blv.



MacArthur Blv. looking South.



MacArthur Blv. near Frontage Rd. with Motel.



Telegraph Ave. corner with 40th St.



Telegraph Ave. looking North.



Apgar St. at Telegraph Ave.



Redwood trees on Telegraph Ave.



Beebe Memorial Cathedral on Telegraph Ave.



West Telegraph Ave. between Apgar St. and MacArthur Blv.



40th St. looking East.



40th St. crosswalk near BART Plaza, looking North.



40th St. looking West from Telegraph Ave.



40th St. underpass/BART Plaza.



40th St. looking West.

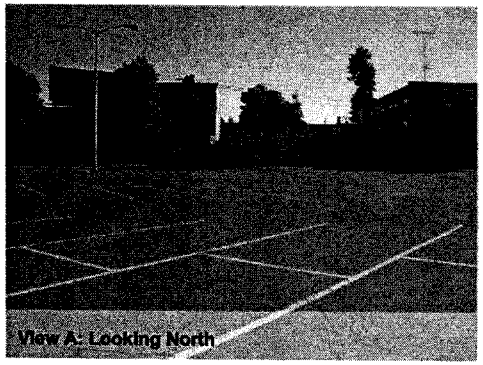
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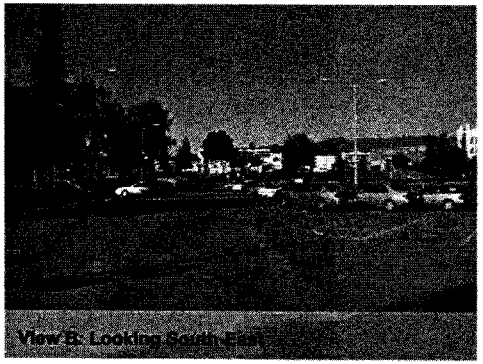
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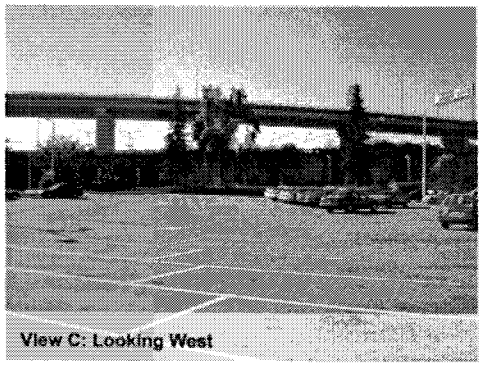
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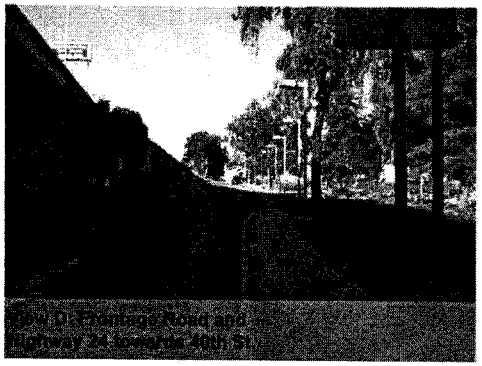
T-03 Photographs

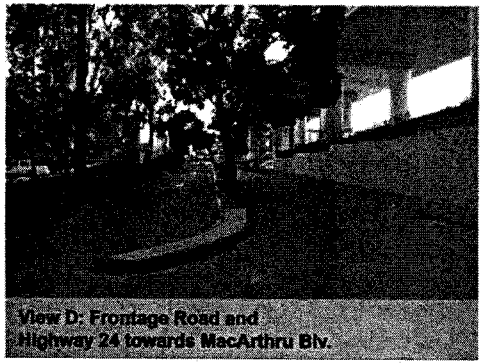
M&E PARTNERS

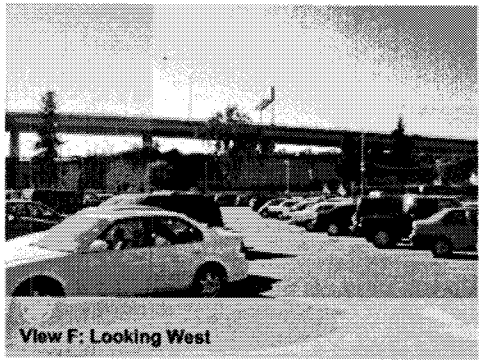

View A: Looking North

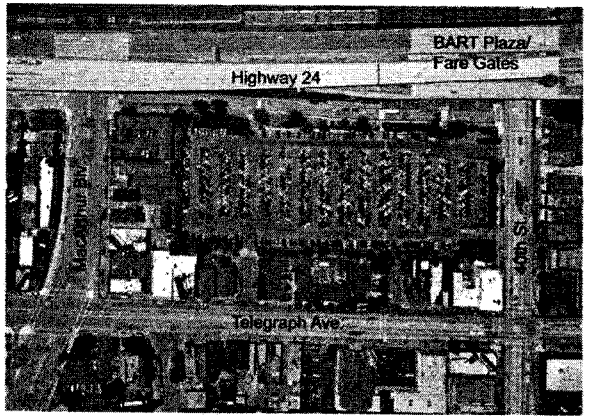

View B: Looking South-East

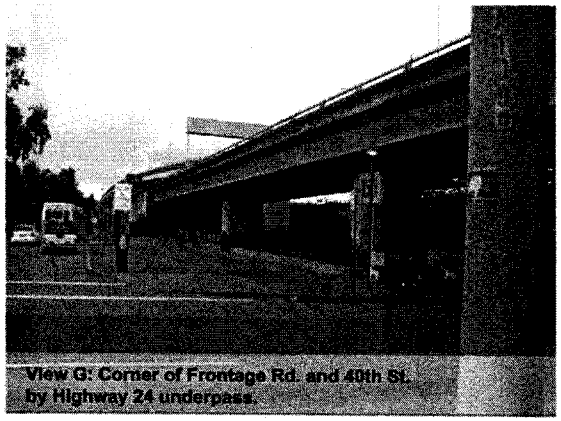

View C: Looking West


View D: Frontage Road and Highway 24 towards 40th St.


View D: Frontage Road and Highway 24 towards MacArthru Blv.


View F: Looking West




View G: Corner of Frontage Rd. and 40th St. by Highway 24 underpass.

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June 4, 2008

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T -04
Site Photographs

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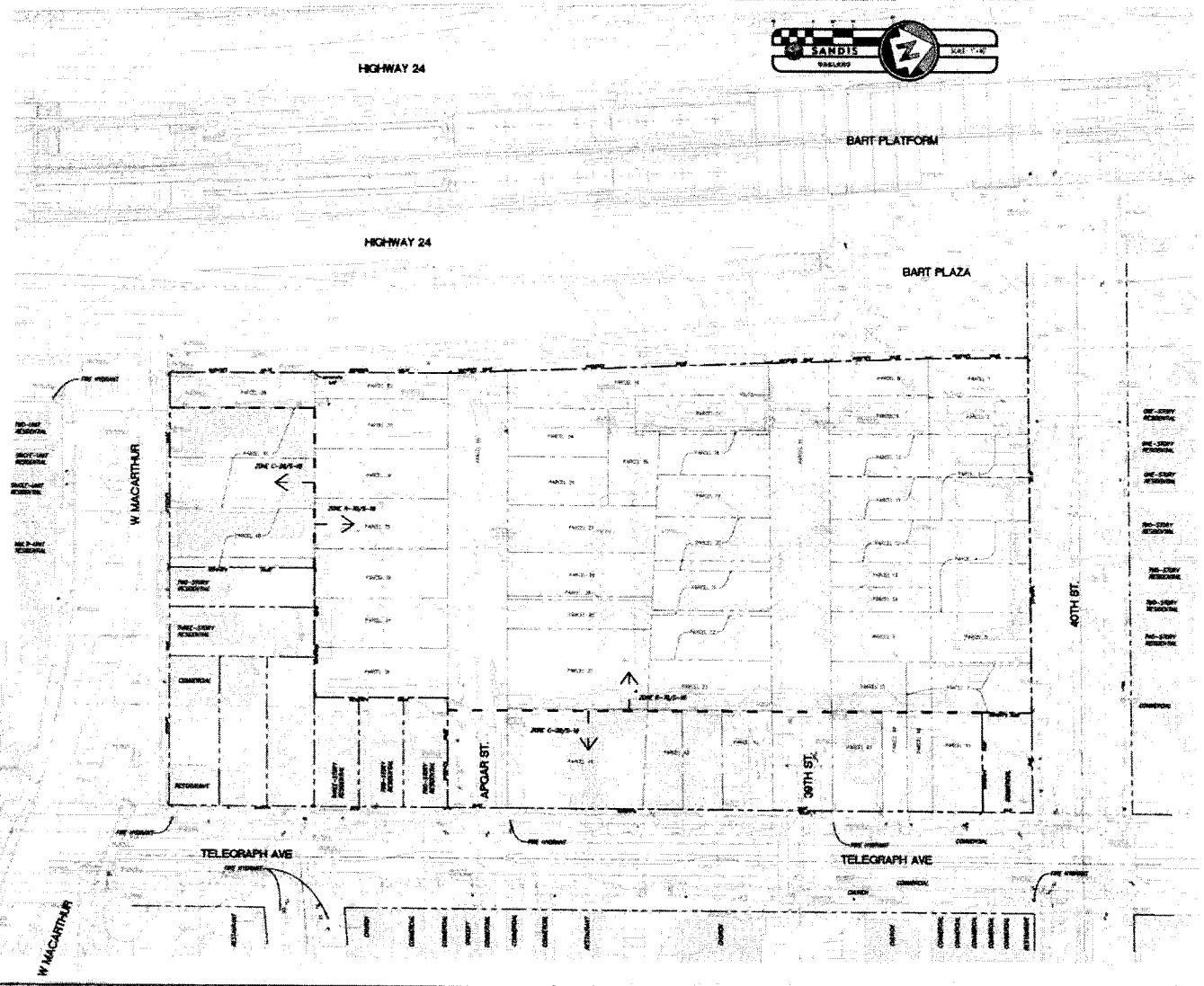
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LEGEND

ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.



C-00 Existing Conditions Plan

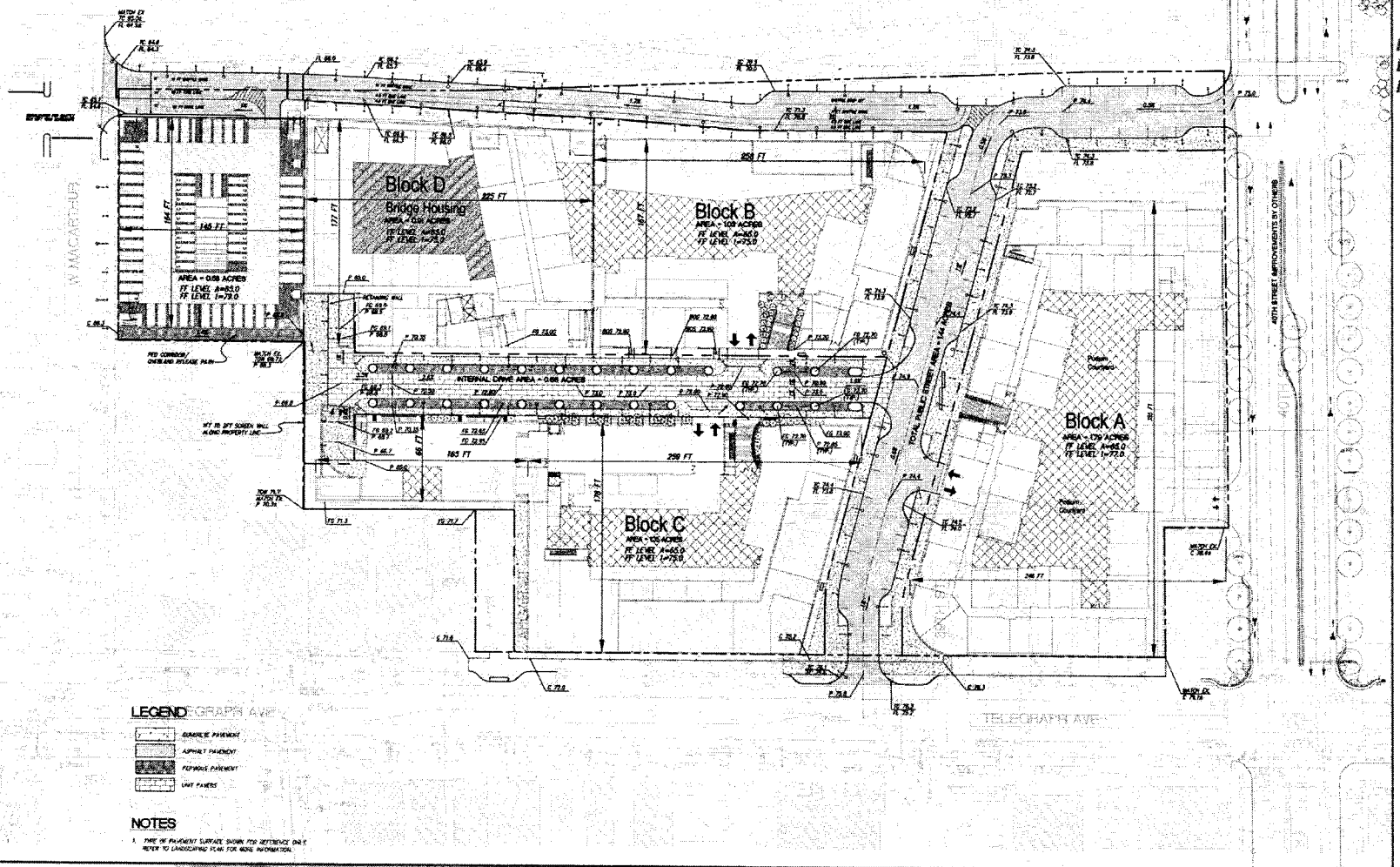
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C-01 Preliminary Grading Plan

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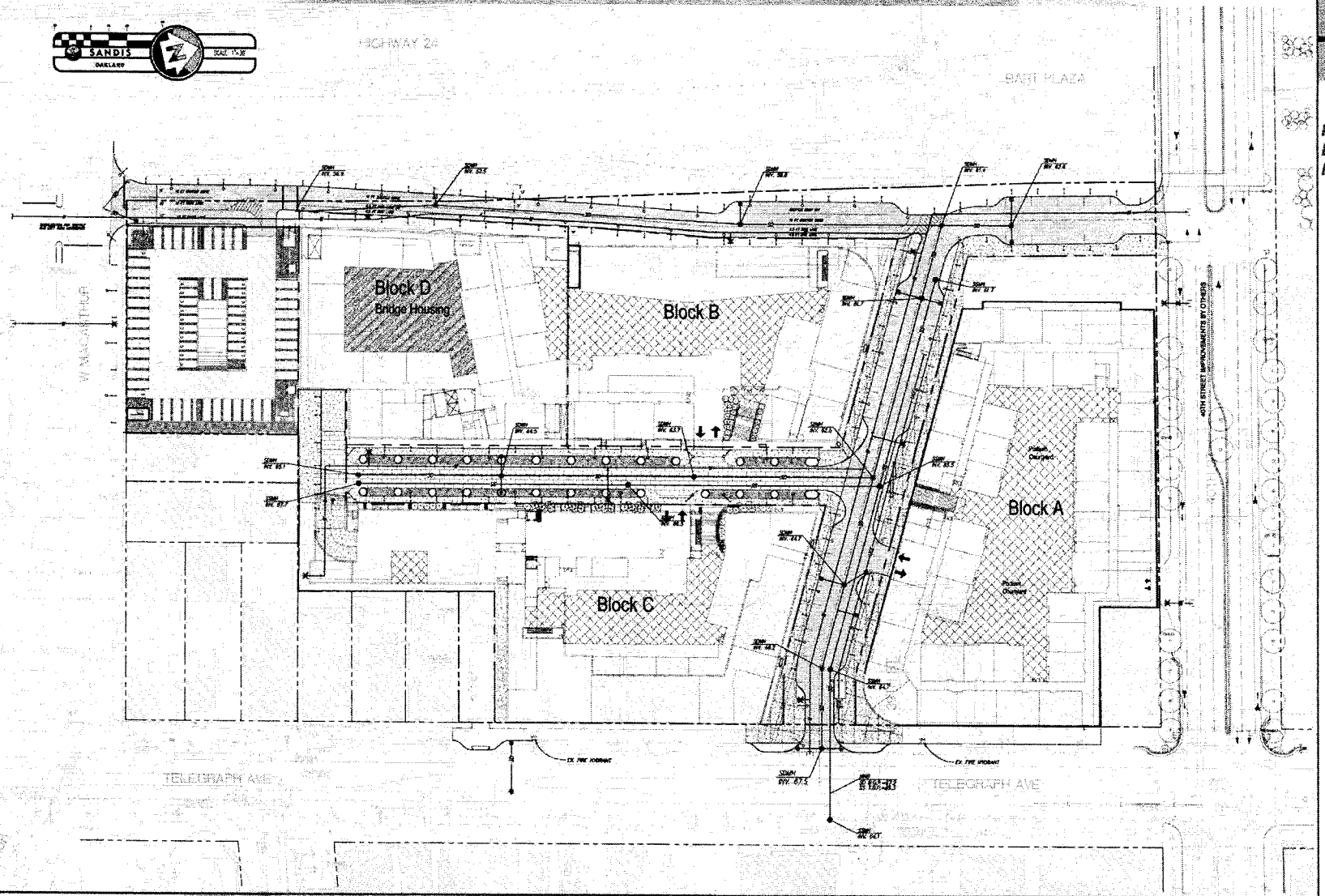
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MacArthur

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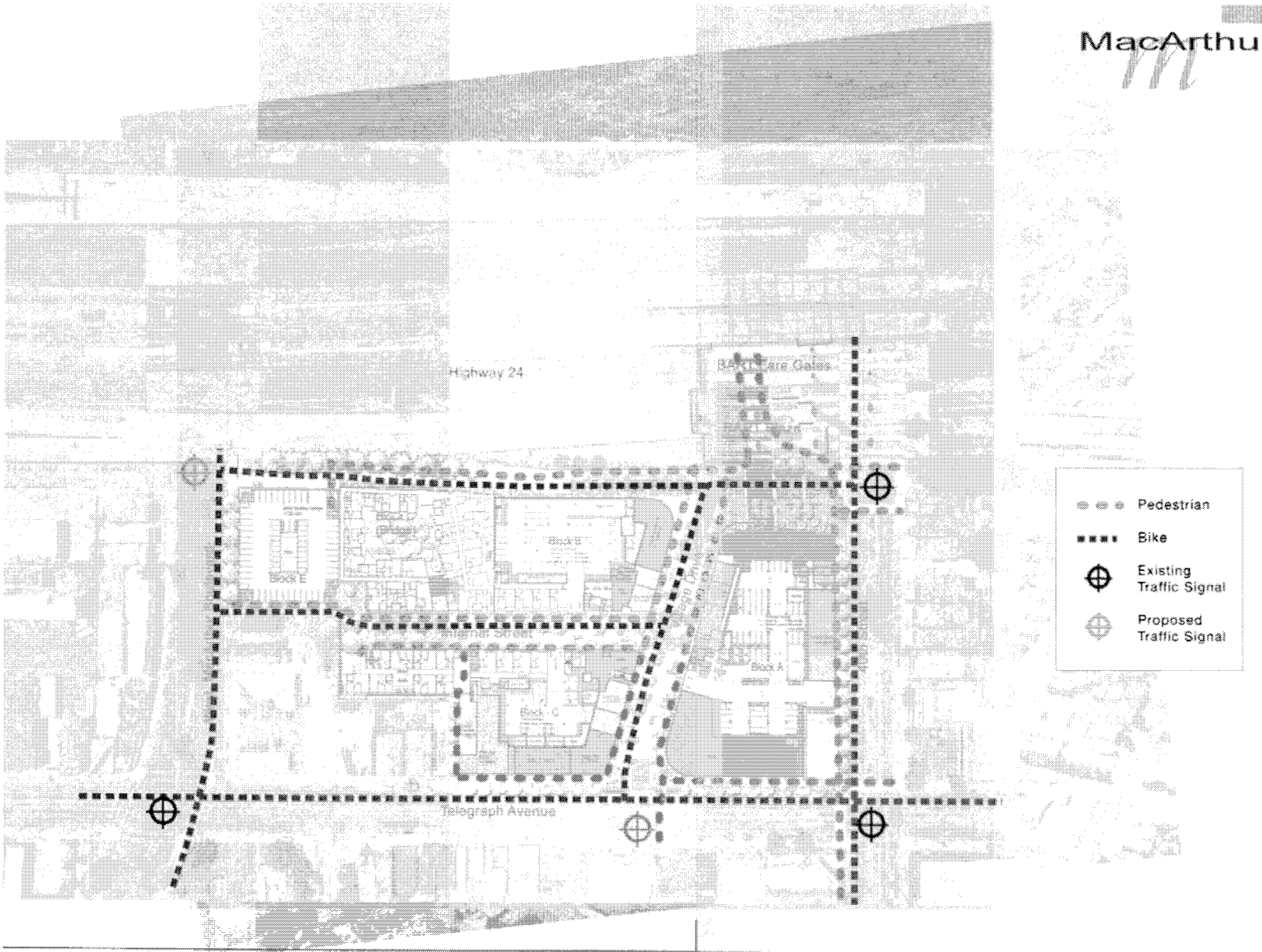
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C-02 Preliminary Utility Plan

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A-0.01
Pedestrian & Bike Circulation

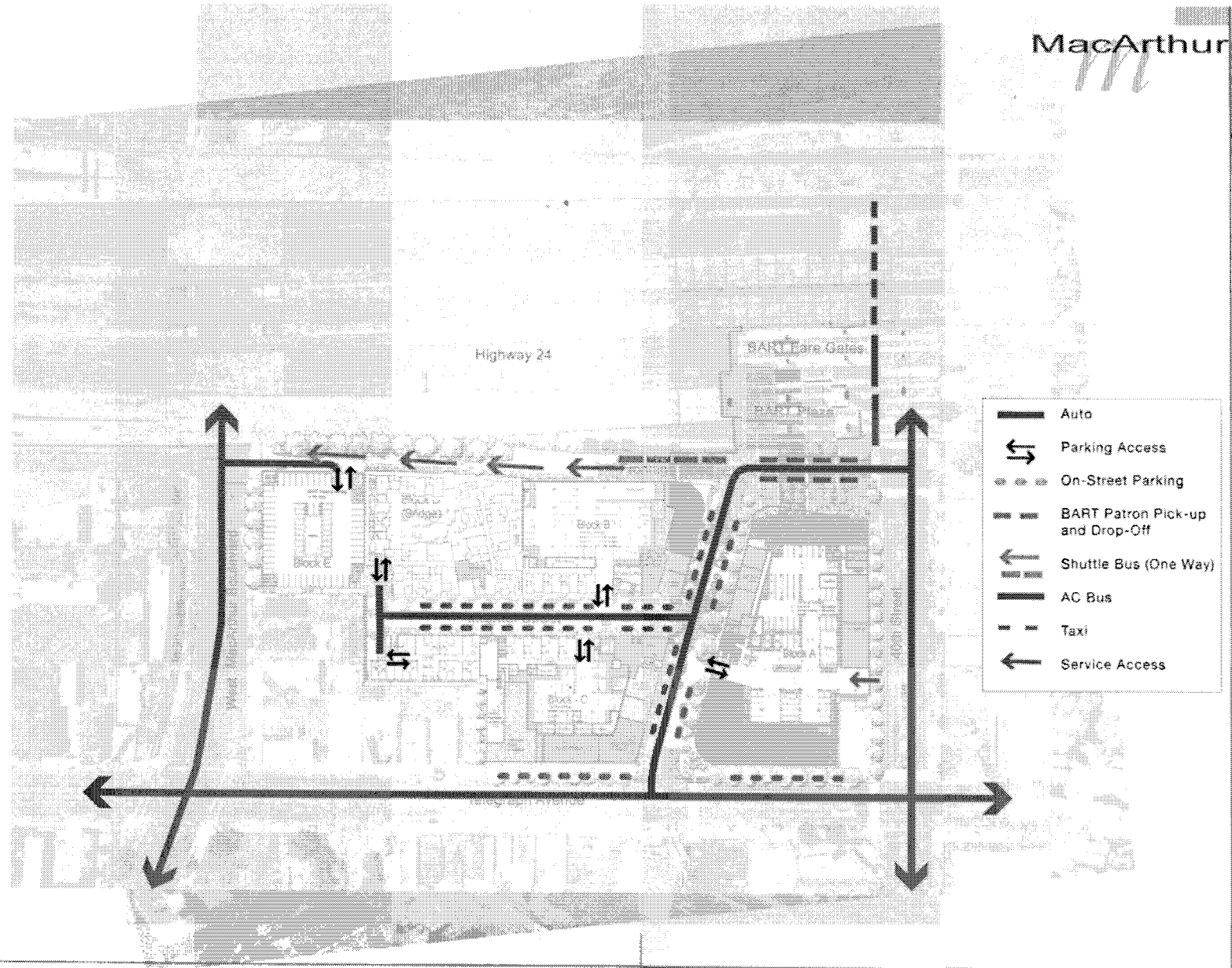
MVE & PARTNERS

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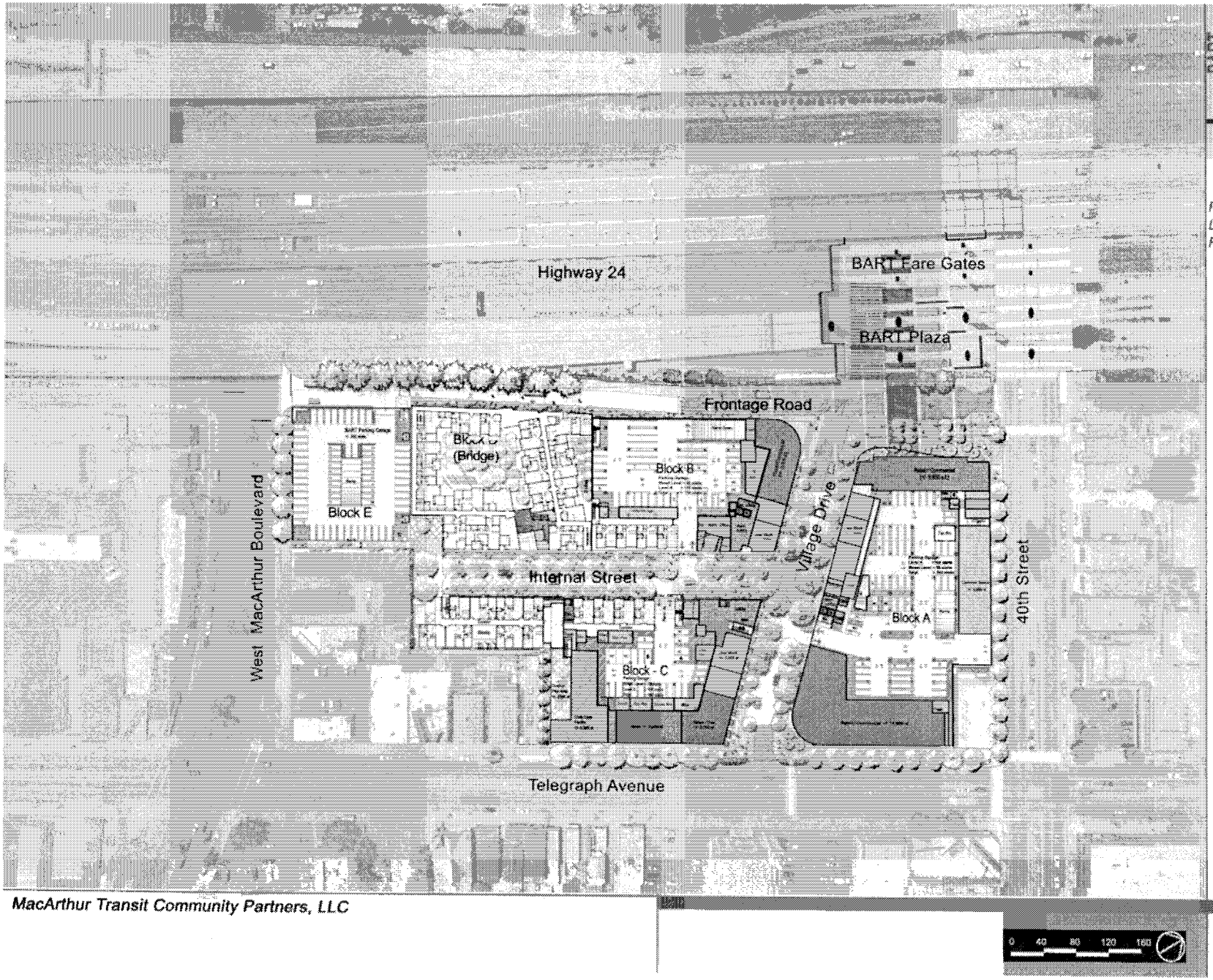
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A-0.02
Vehicular Circulation

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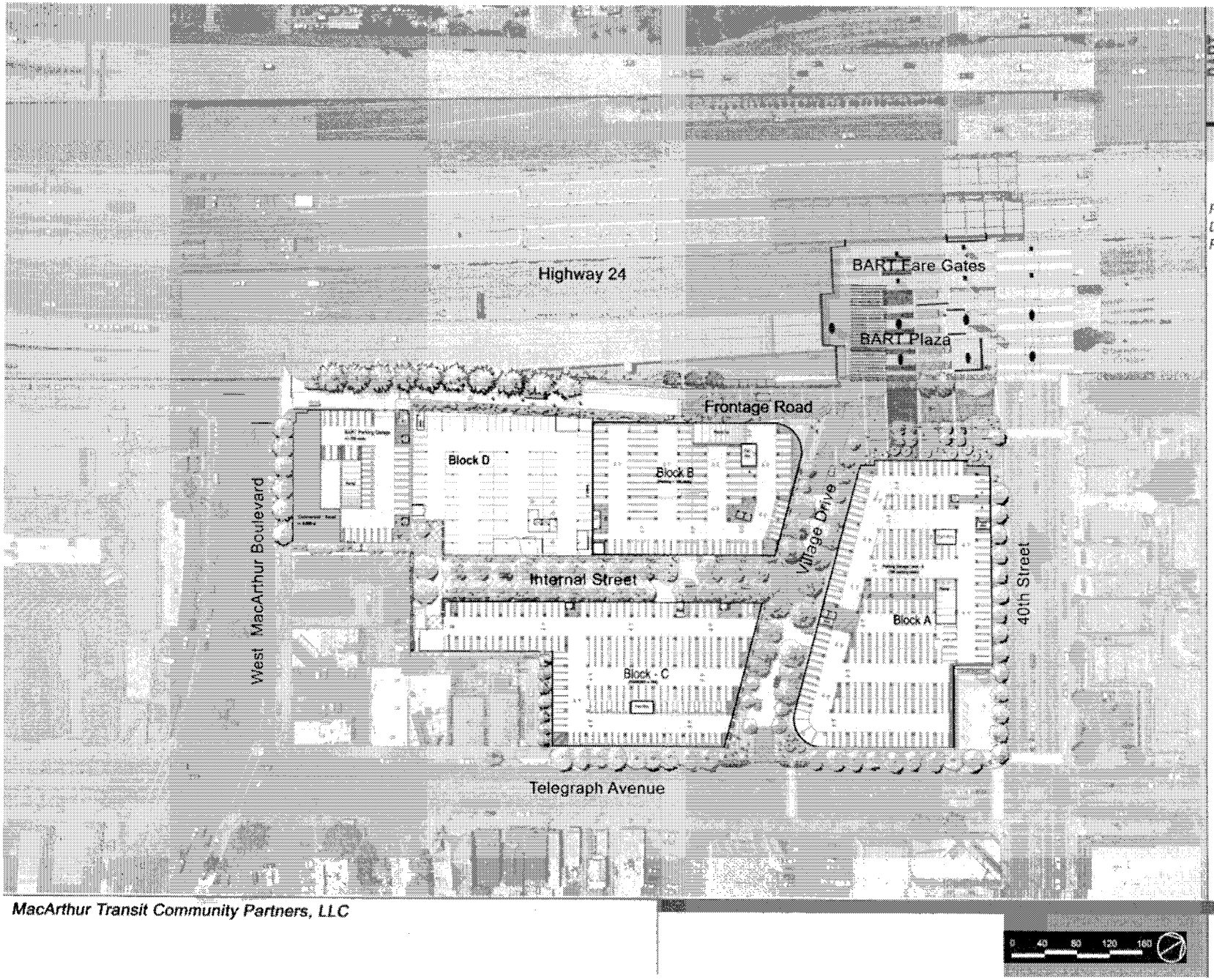
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A-1.01
Street Level

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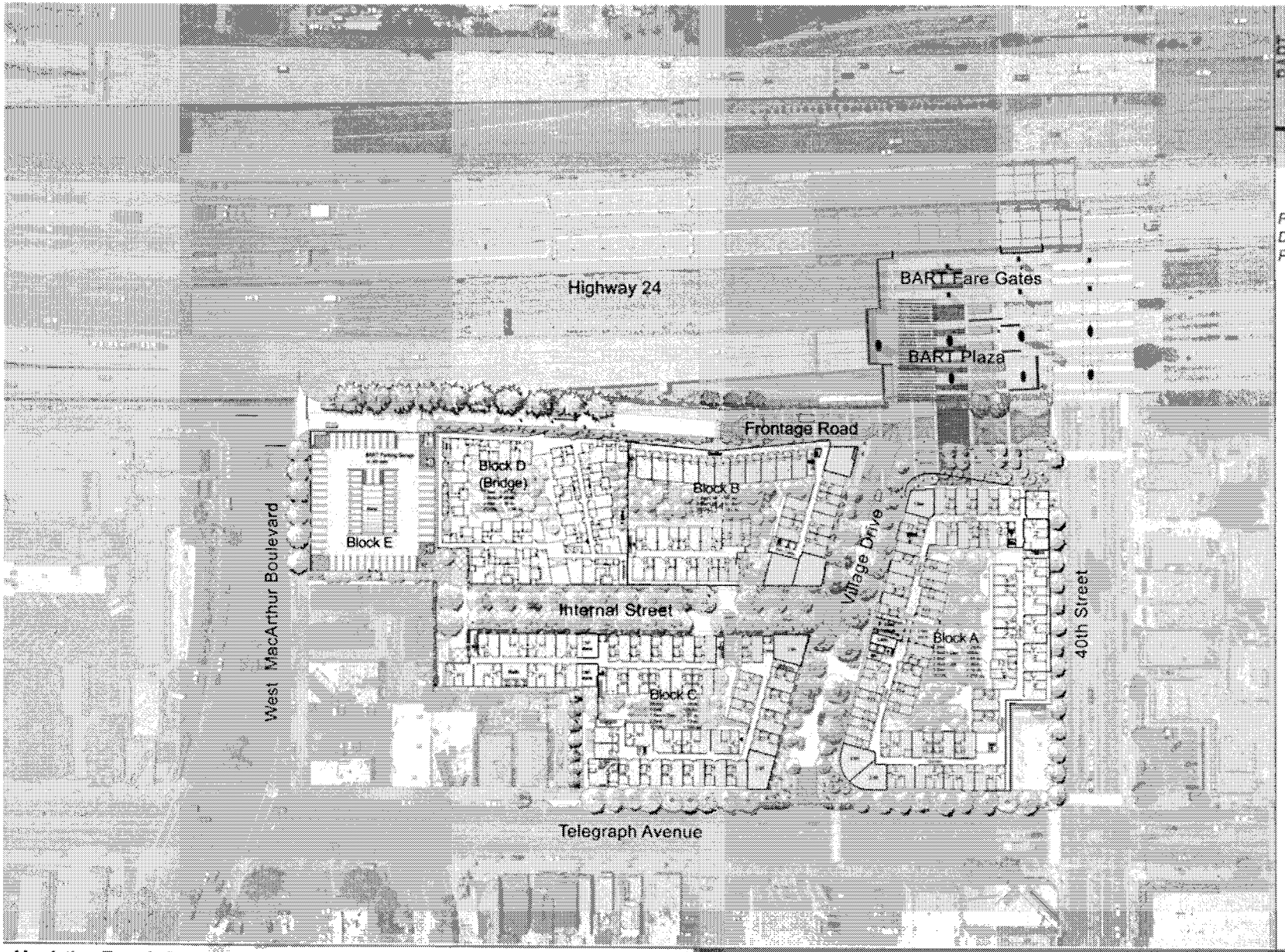
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A-1.0A
Garage Level Plan

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A-1.02 Typical
Upper Level Plan

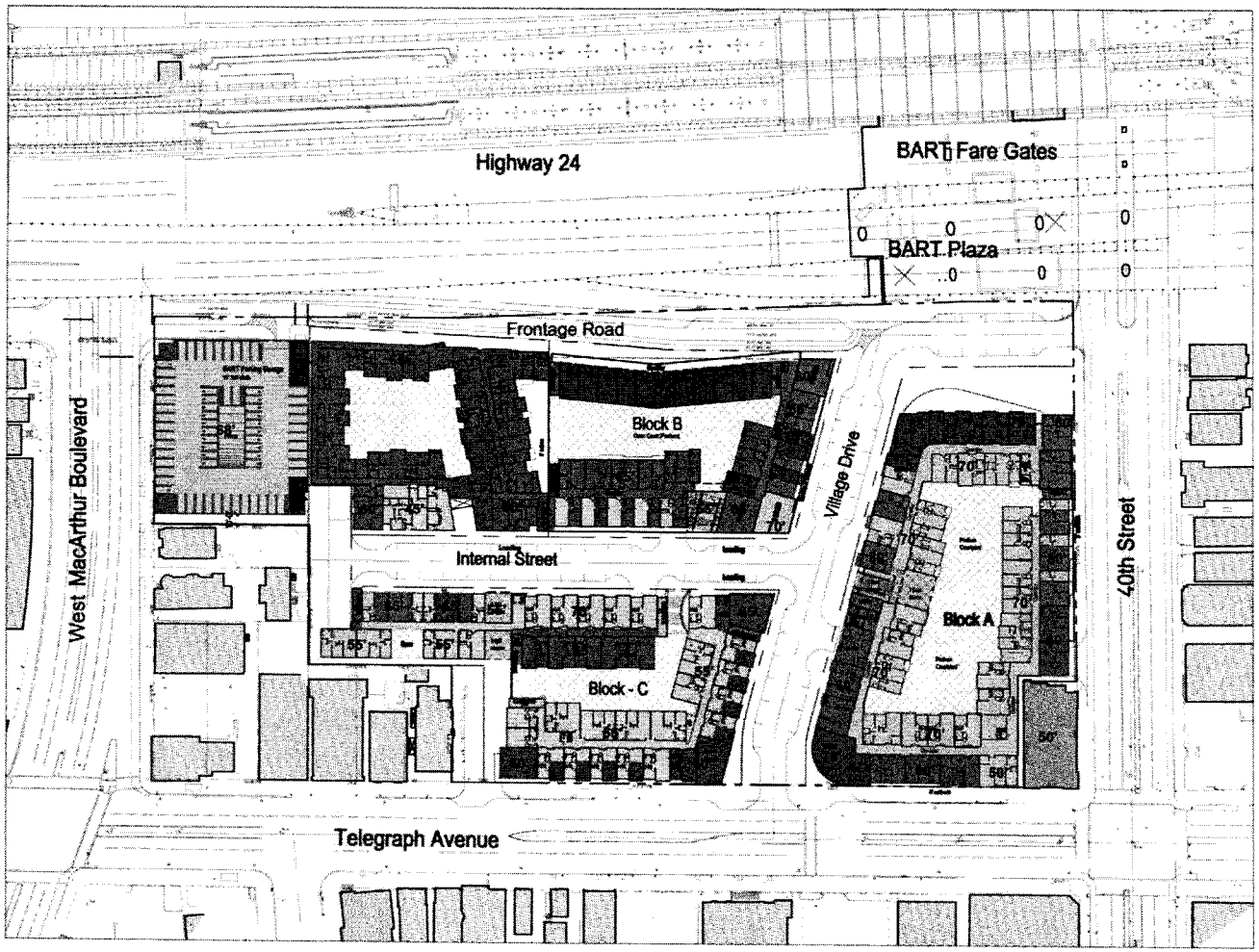
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+/- 50'
60'
65'
70'
75'
80'
85'

A-1.0H Building Height Diagram

Scale: 1"= 40'

0 40 80 120 160

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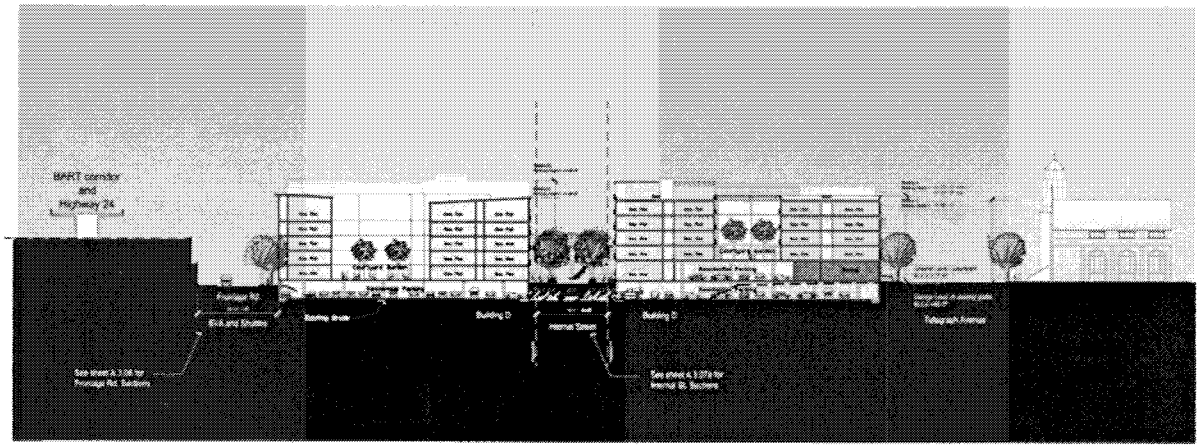
M & L PARTNERS

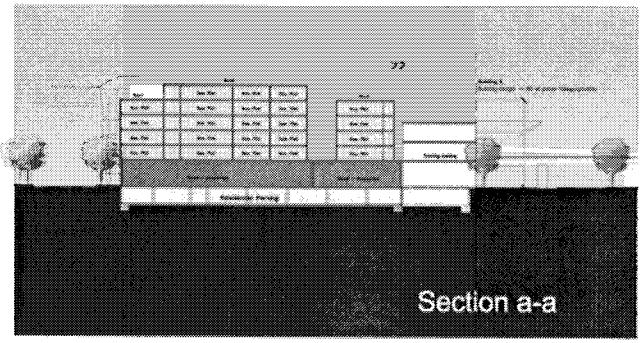
MacArthur

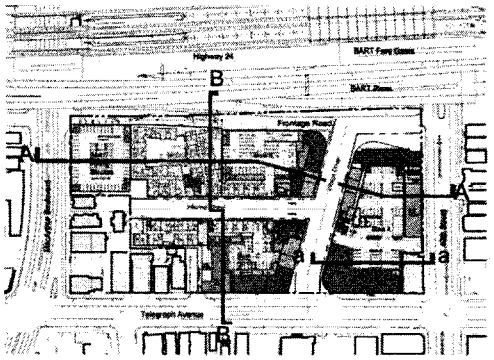
BART Transit Village
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Key Plan

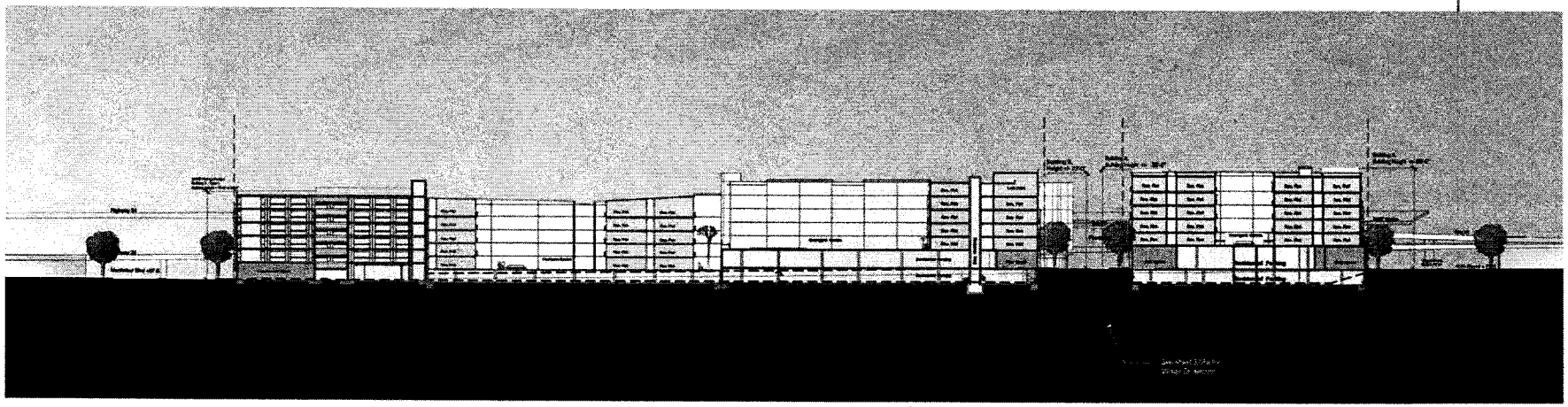
A-3.01a
Building Sections

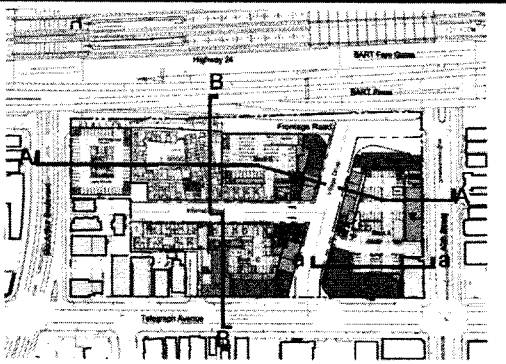
MacArthur Transit Community Partners, LLC

MacArthur BART Transit Village
OAKLAND, CALIFORNIA

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Preliminary Development Plan/ Planning Commission





Key Plan

A-3.01b Building Sections

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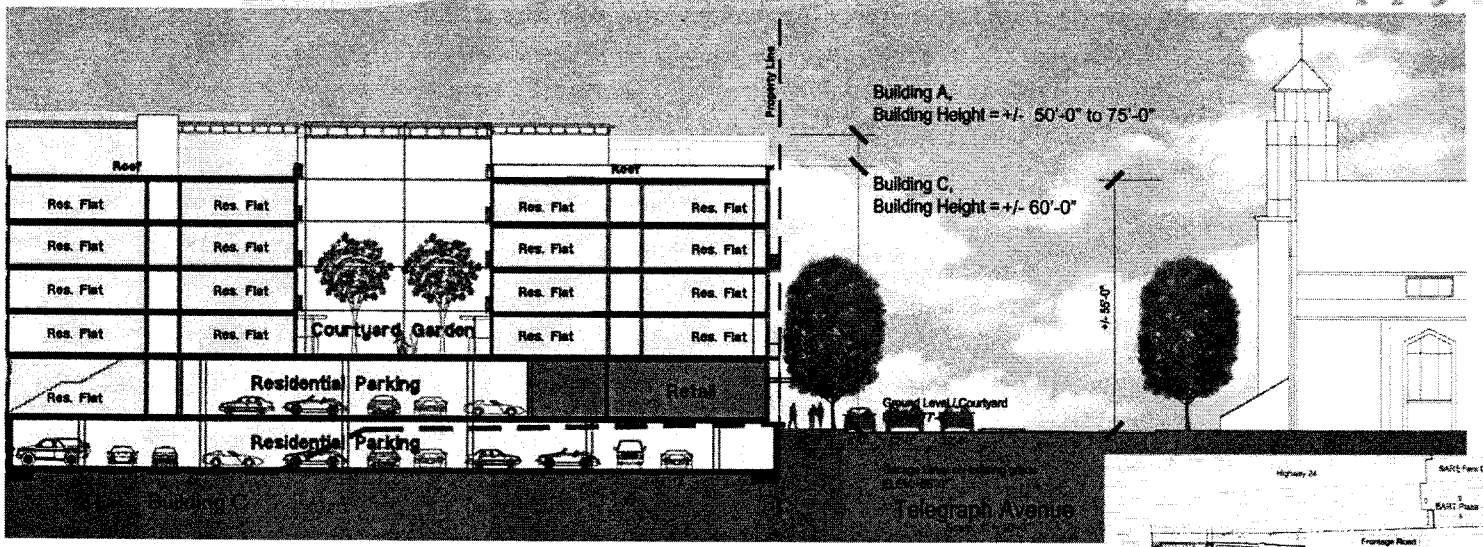
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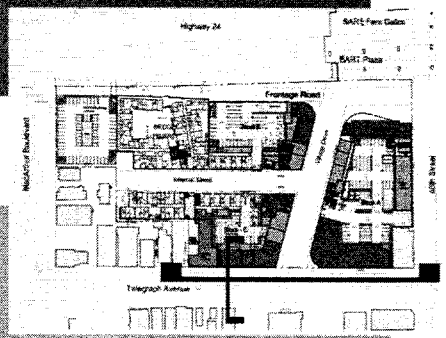
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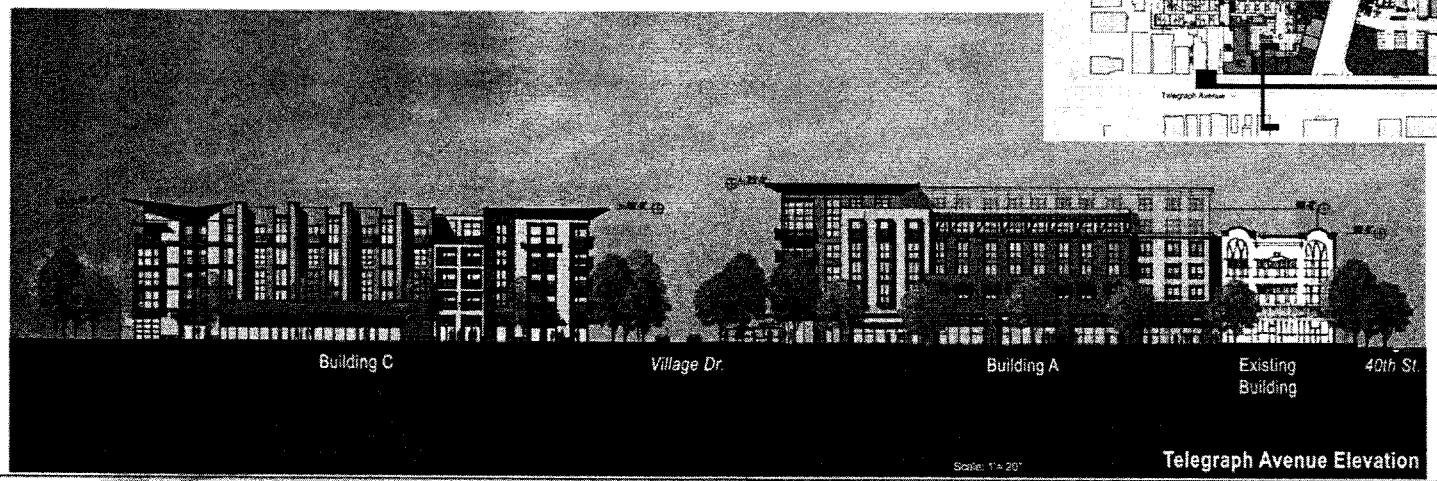
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June 4, 2008

Preliminary Development Plan/ Planning Commission







A-3.02
Edges: Telegraph Ave.

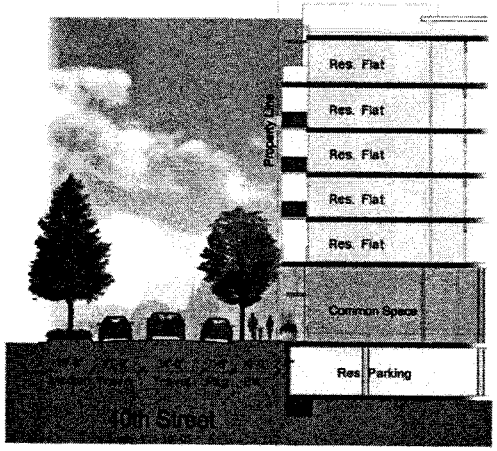
M & L PARTNERS

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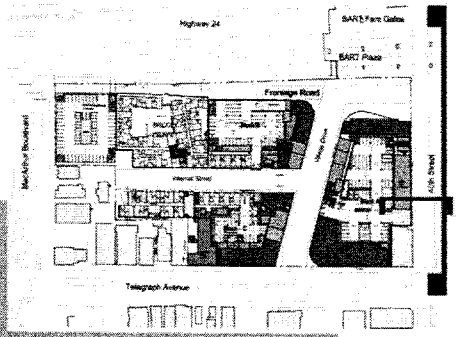
June 4, 2008

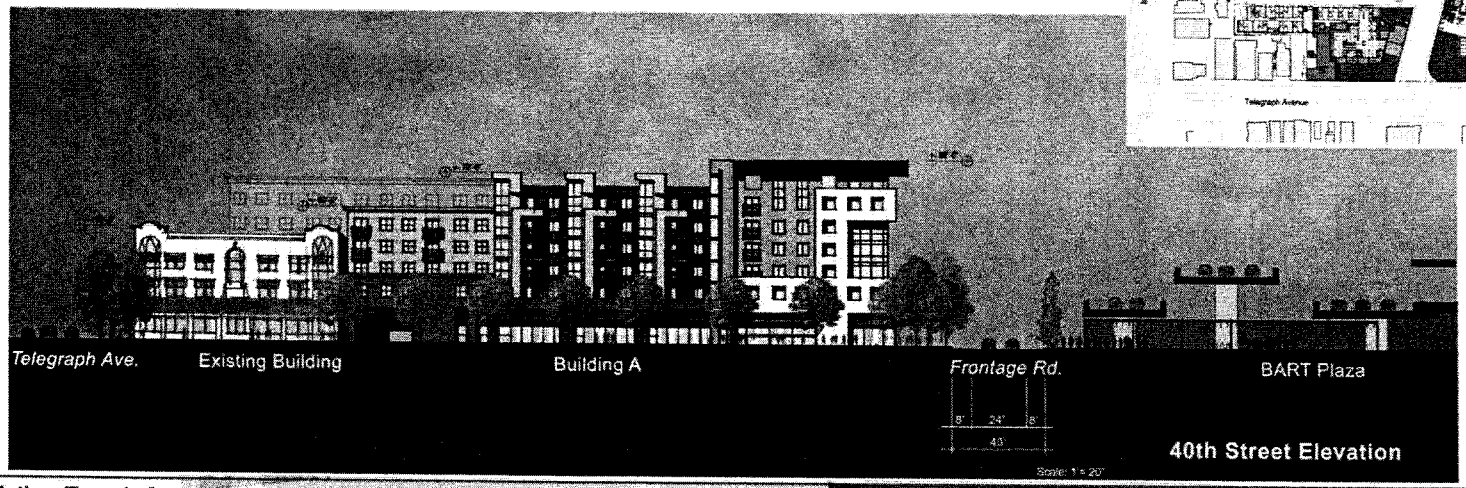
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Building A,
Building Height +/- 60'-0" to 75'-0"









A-3.03
Edges: 40th St.

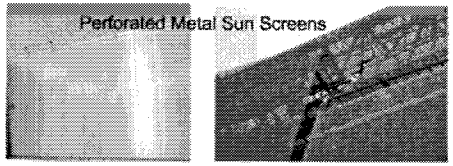
MacArthur Transit Community Partners, LLC

MacArthur

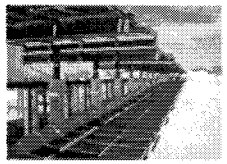
BART Transit Village
OAKLAND, CALIFORNIA

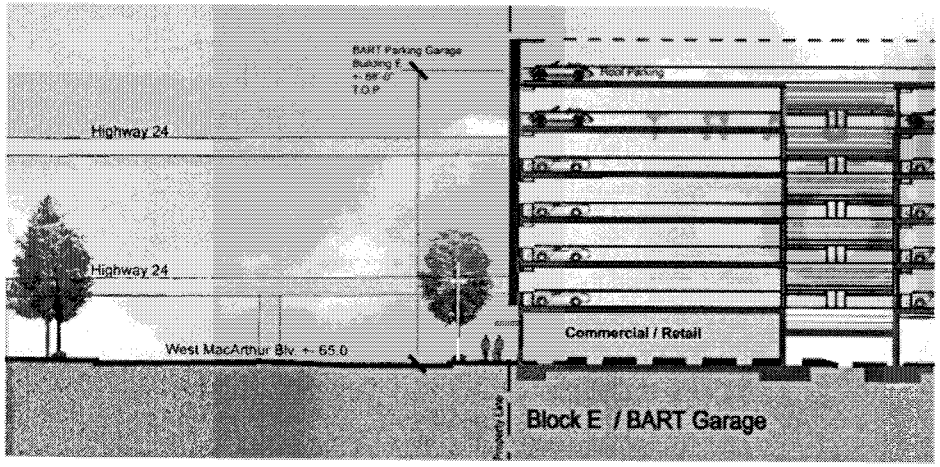
June 4, 2008

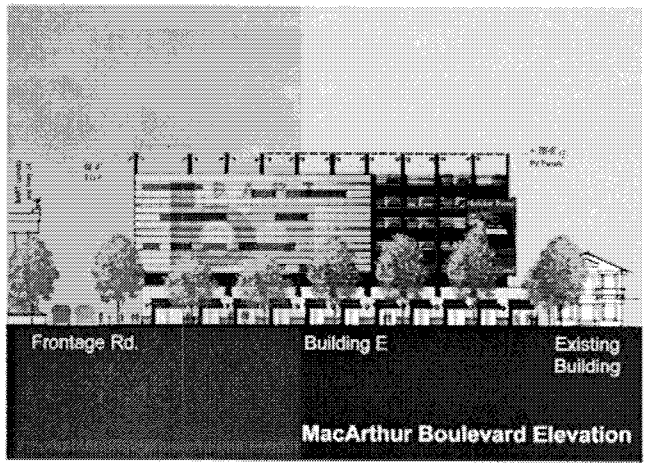
Preliminary Development Plan/ Planning Commission

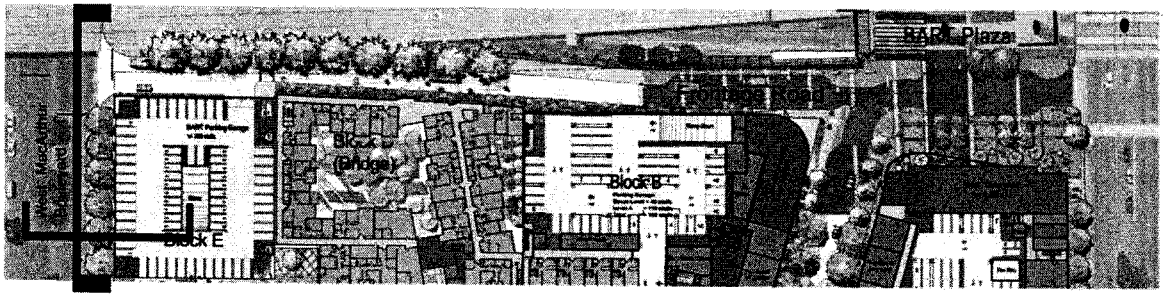


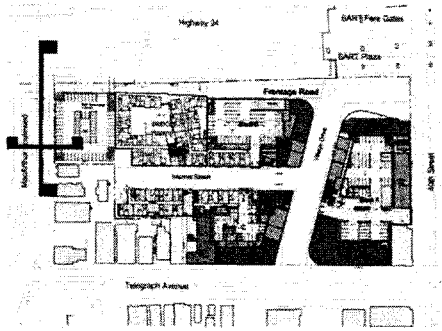












A-3.04
Edges: West MacArthur Blvd

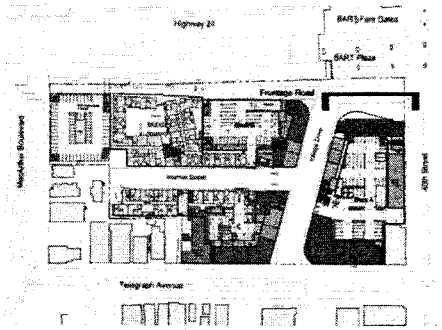
VE & PARTNERS

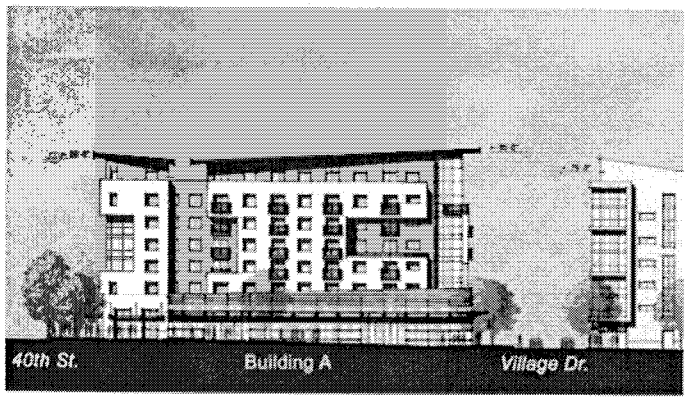
MacArthur Transit Community Partners, LLC

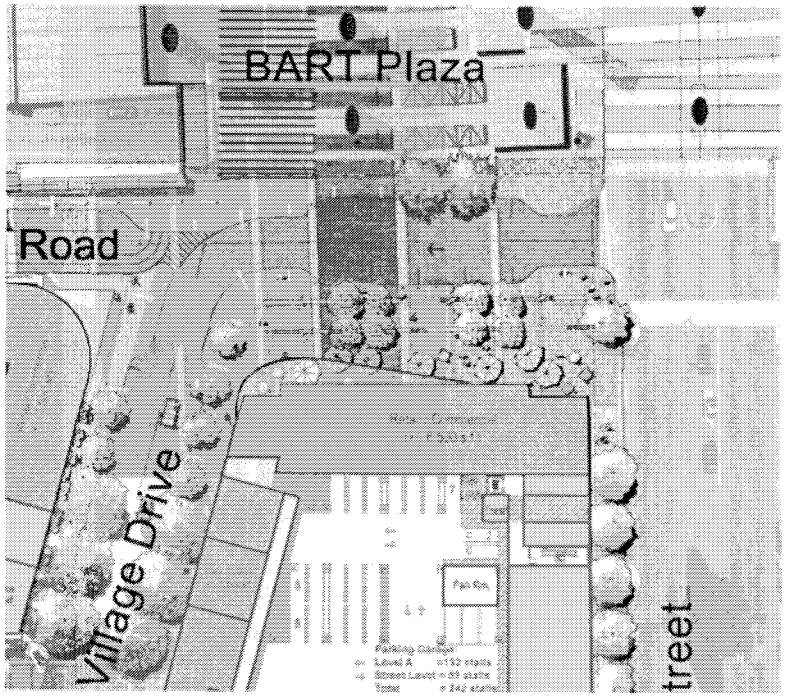


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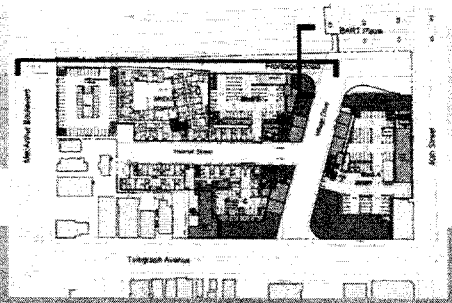


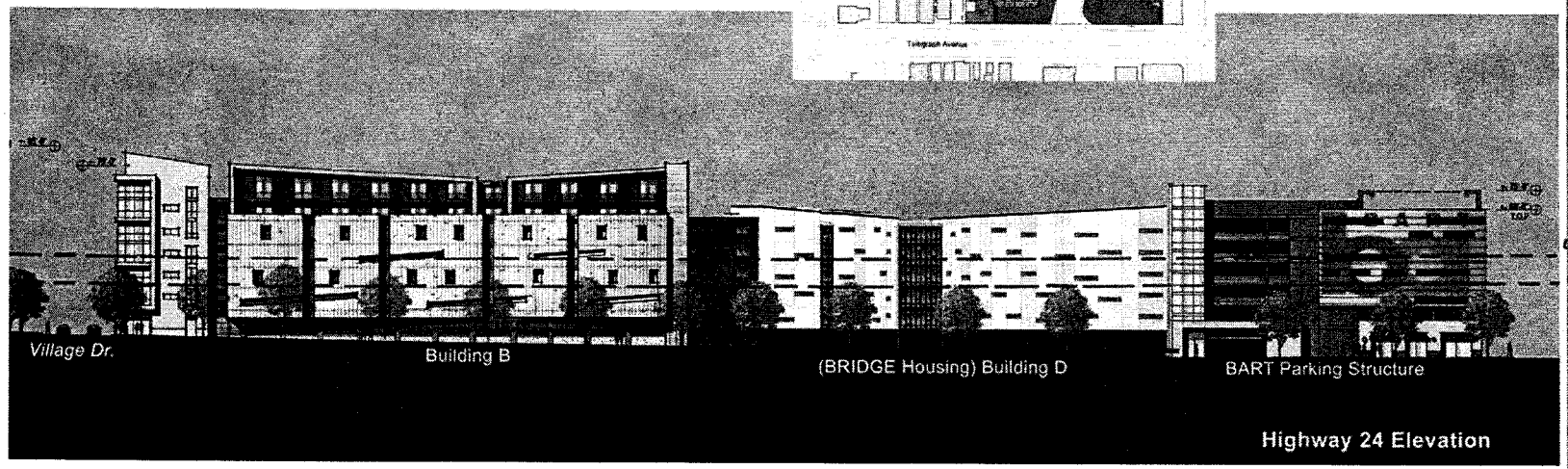
A-3.05
Edges: BART Plaza

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OAKLAND, CALIFORNIA

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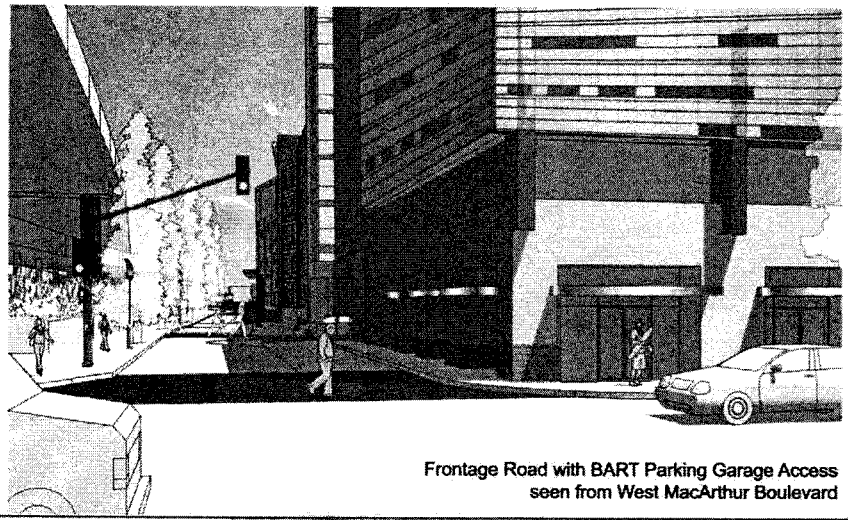




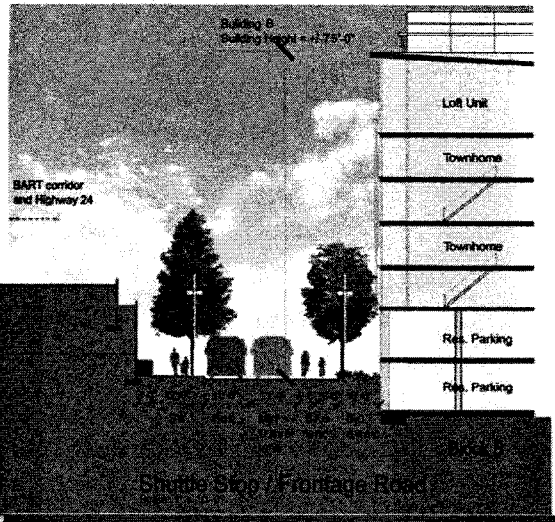
Highway 24 Elevation

Upper On-Ramp

Northbound Lane



Frontage Road with BART Parking Garage Access seen from West MacArthur Boulevard



A-3.06
Edges: Frontage Road / Hwy 24

ME & PARTNERS

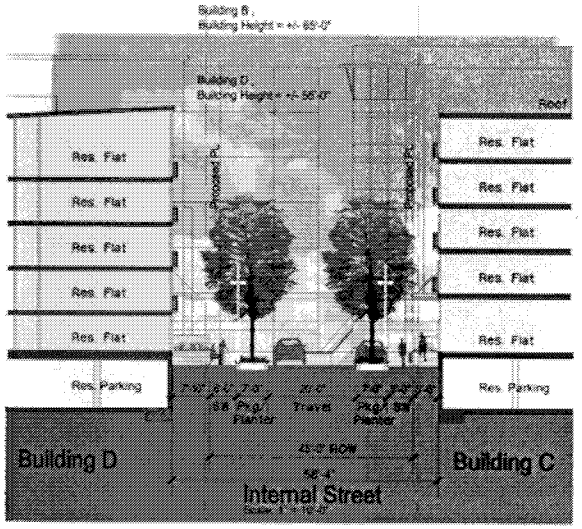
MacArthur Transit Community Partners, LLC

MacArthur

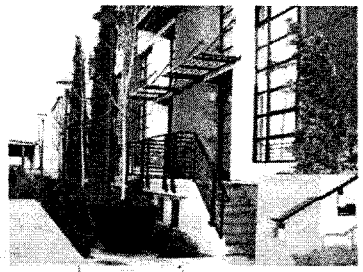
BART Transit Village
OAKLAND, CALIFORNIA

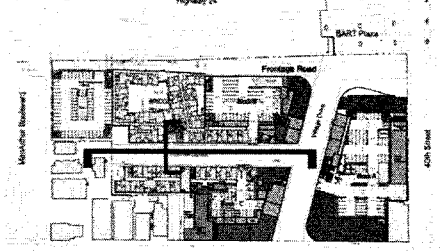
June 4, 2008

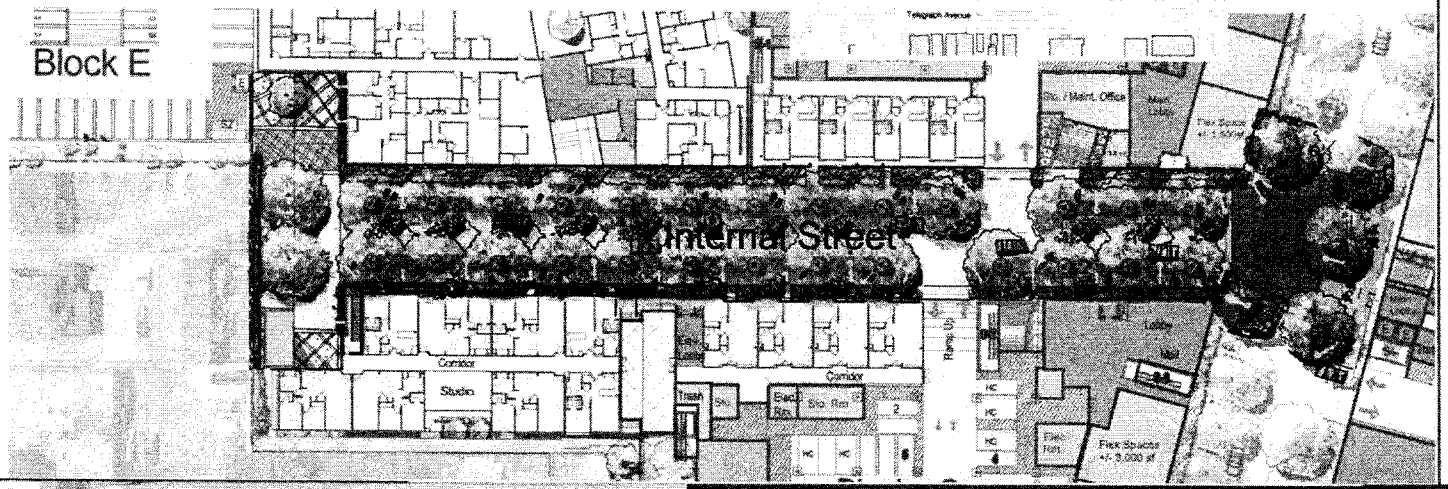
Preliminary Development Plan/ Planning Commission











A-3.07a
Internal Street

M L & PARTNERS

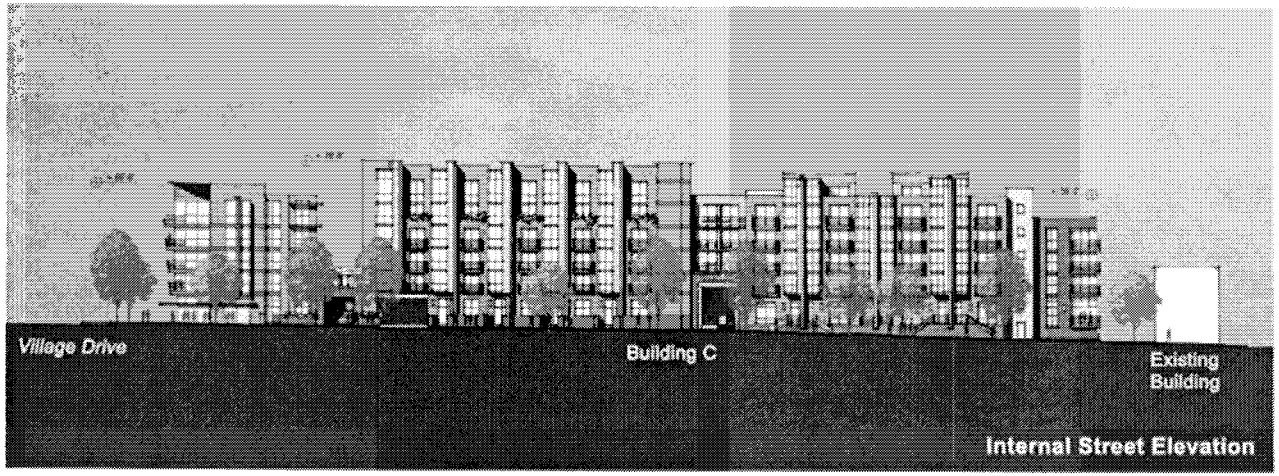
MacArthur

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OAKLAND, CALIFORNIA

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Development Plan/
Planning Commission





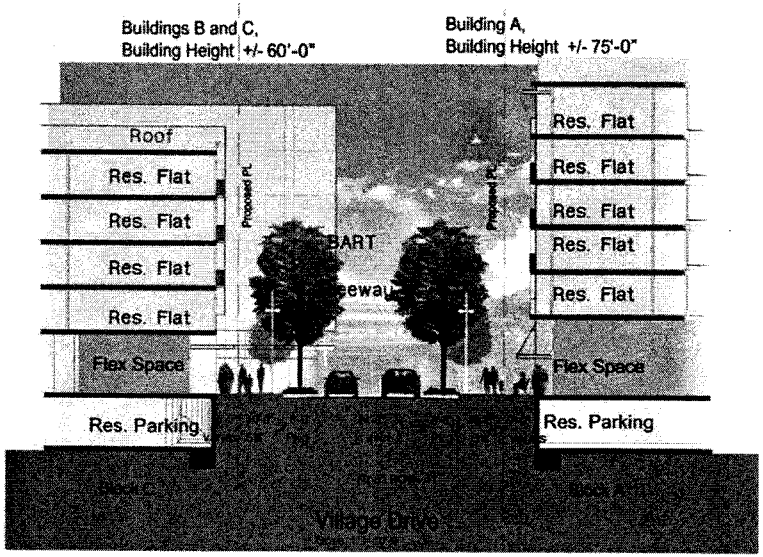
A-3.07b
Internal Street

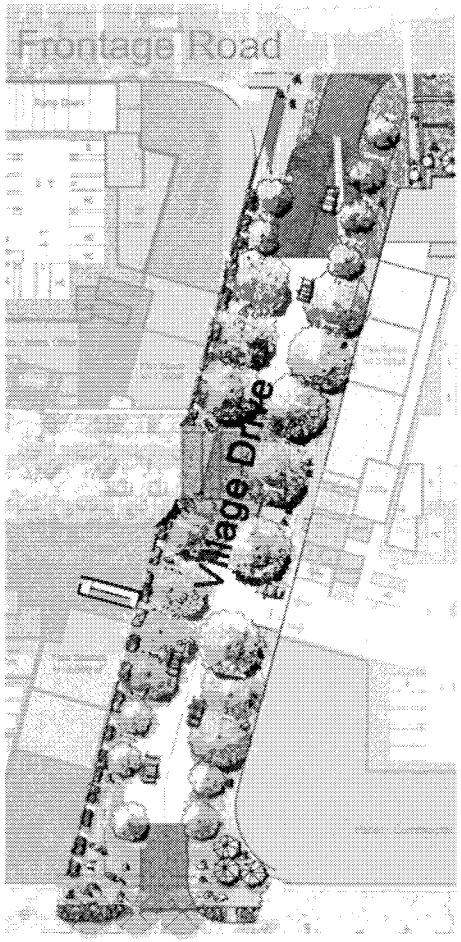
VE & PARTNERS

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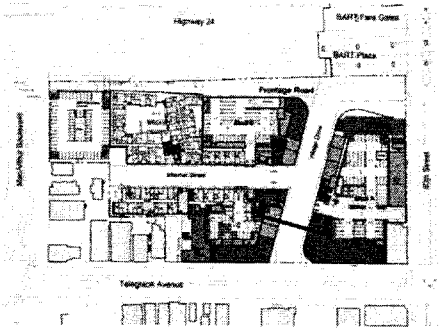
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A-3.08a
Village Drive

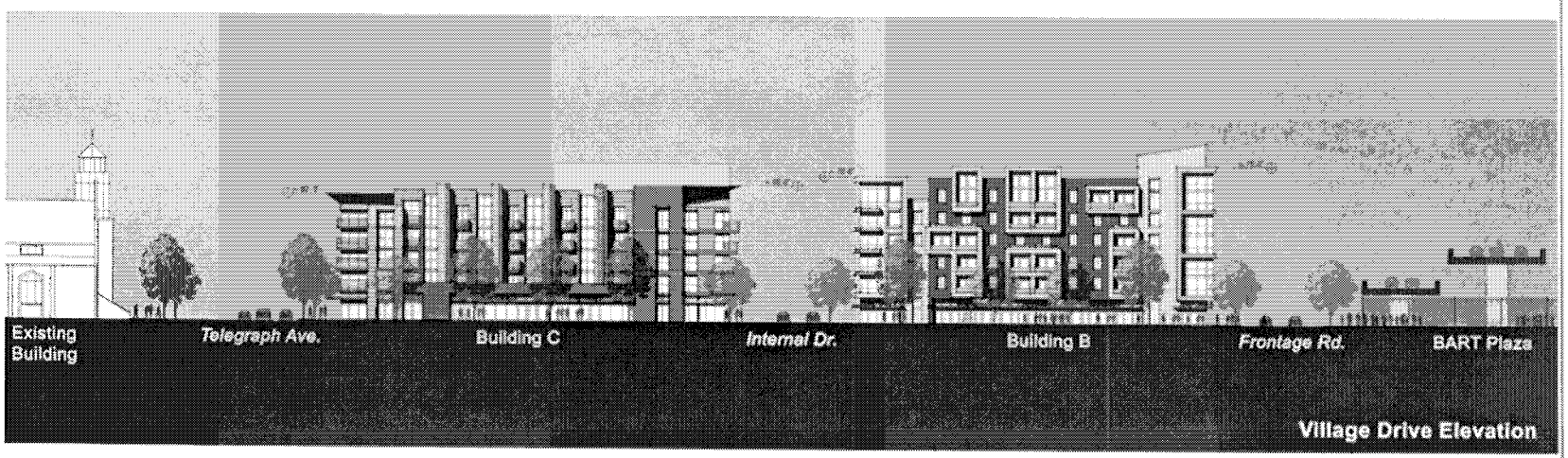
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OAKLAND, CALIFORNIA

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A-3.08b
Village Drive

MacArthur Transit Community Partners, LLC

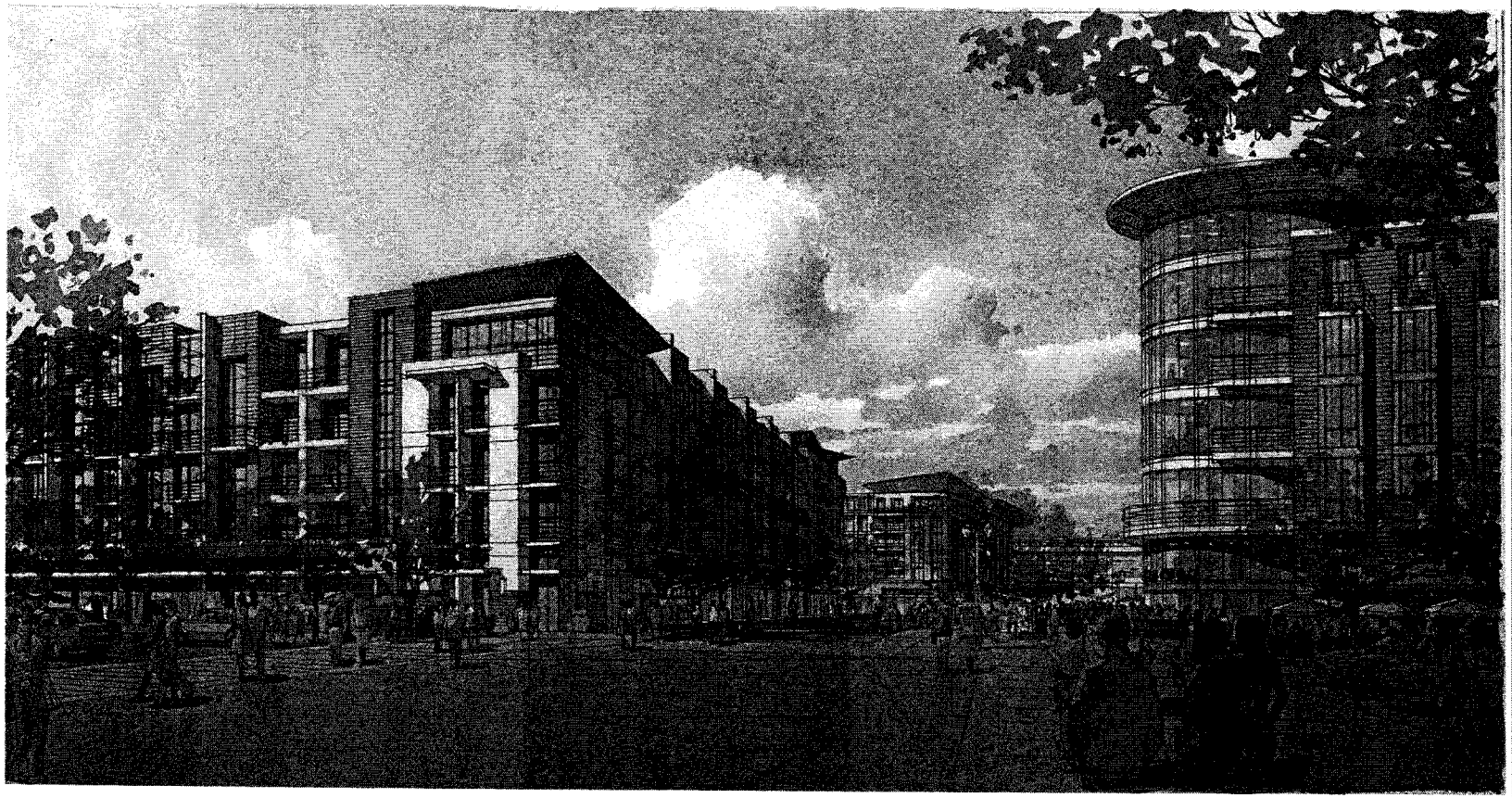
0 20 40 80 100

MacArthur

BART Transit Village
OAKLAND, CALIFORNIA

June 4, 2008

Preliminary Development Plan/ Planning Commission



Village Drive viewed from Telegraph Avenue

A-6.01 Perspective/ Village Drive

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OAKLAND, CALIFORNIA

June 4, 2008

Preliminary
Development Plan/
Planning Commission
workshop



View of BART Plaza

A-6.02 Perspective/
BART Plaza

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BART Transit Village
OAKLAND, CALIFORNIA

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A-6.03 Perspective/
Frontage Road

View of Frontage Road from MacArthur Boulevard

MacArthur Transit Community Partners, LLC

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OAKLAND, CALIFORNIA

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View of Internal Street Looking North

A-6.04 Perspective/ Internal Street

M&L PARTNERS

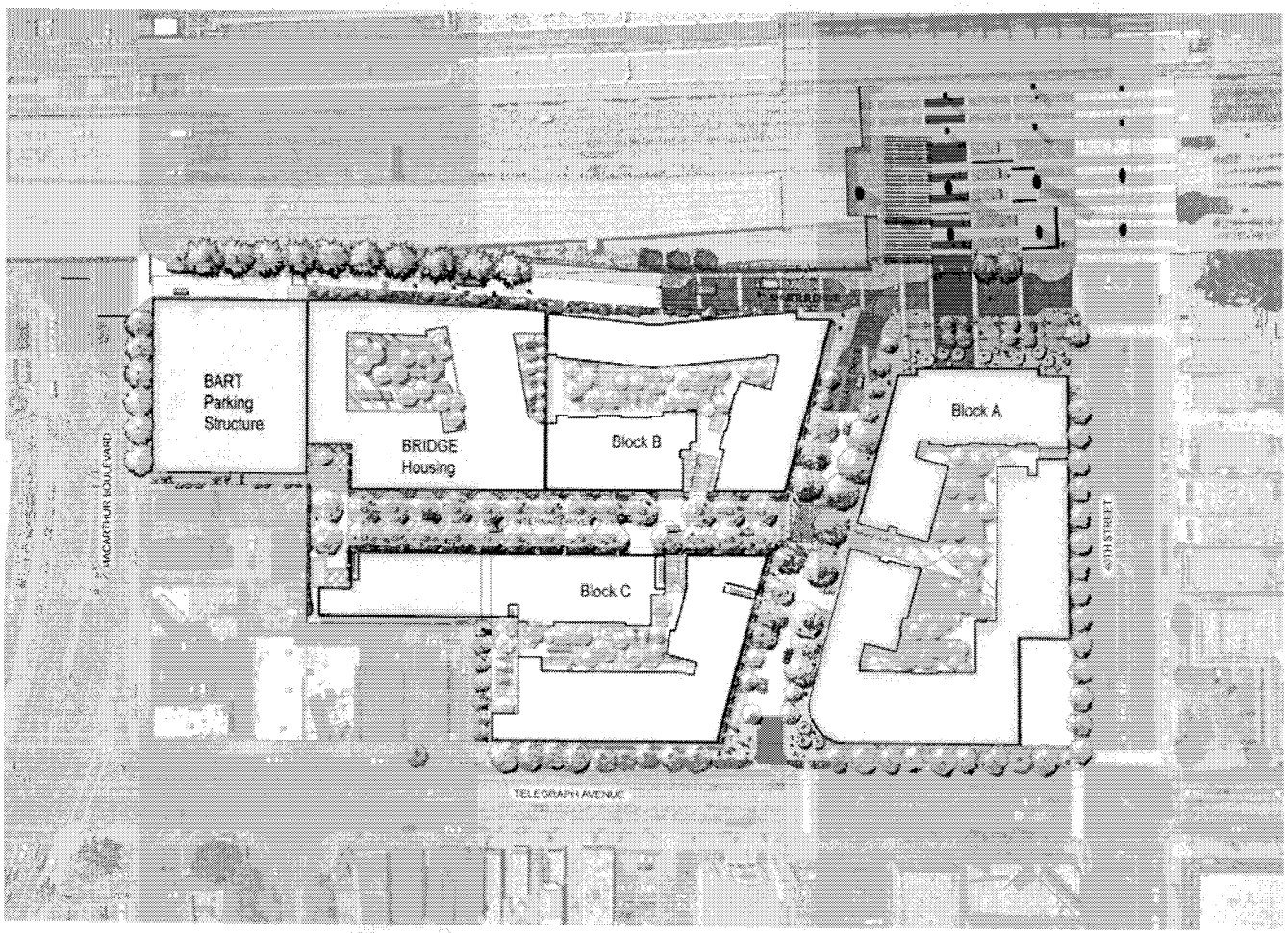
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MacArthur

BART Transit Village
OAKLAND, CALIFORNIA

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Development Plan/
Planning Commission



L-01
Landscape
Master Plan

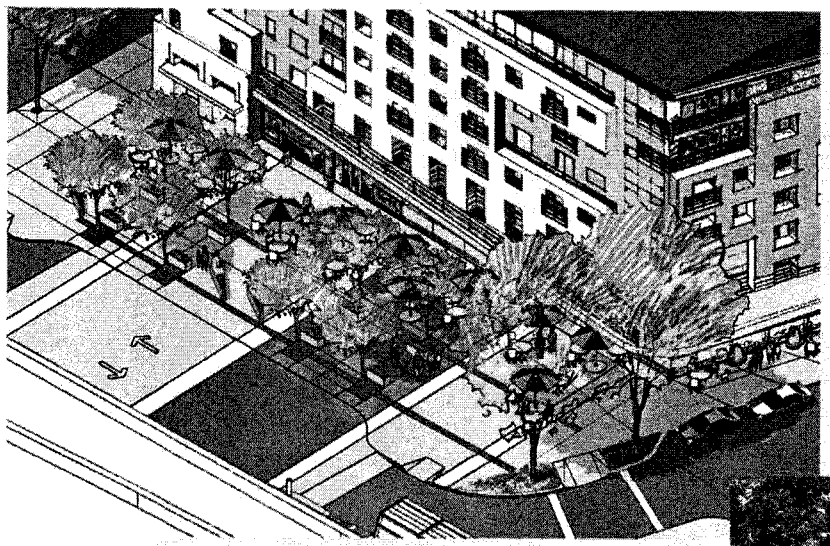
MacArthur Transit Community Partners, LLC

PGA design

MacArthur BART Transit Village
OAKLAND, CALIFORNIA

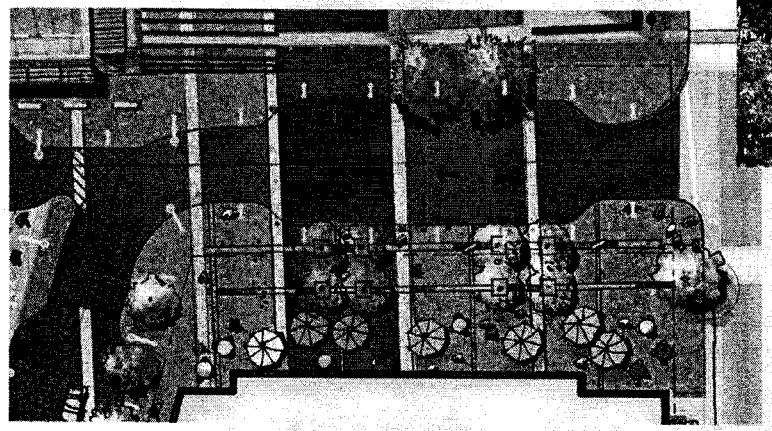
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BART PLAZA FACING EAST

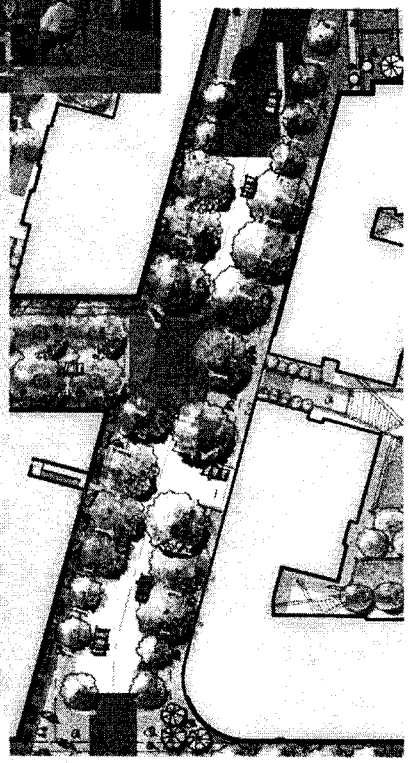




Transit Plaza
urban
welcoming
safe
inviting planting



Village Drive
urban
commercial
tree-line
pedestrian friendly
engaging

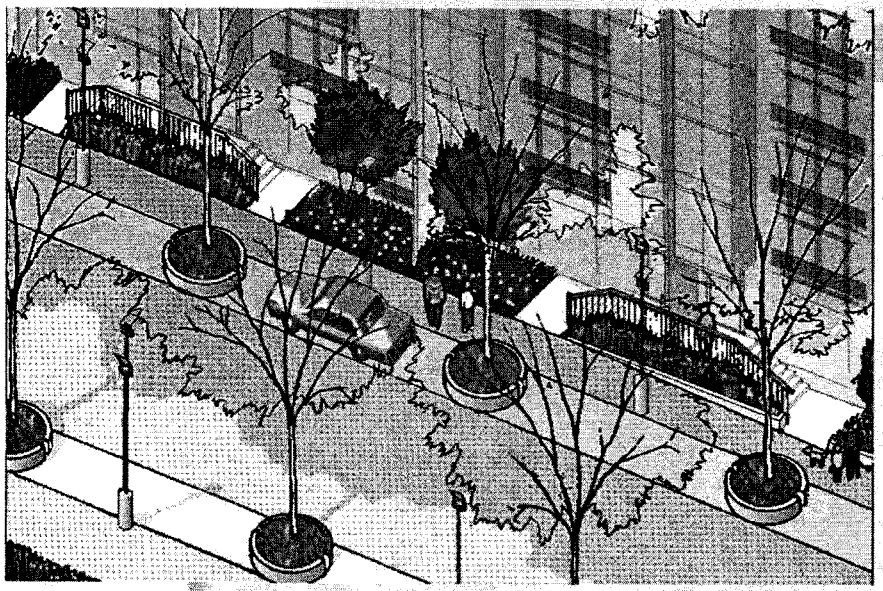


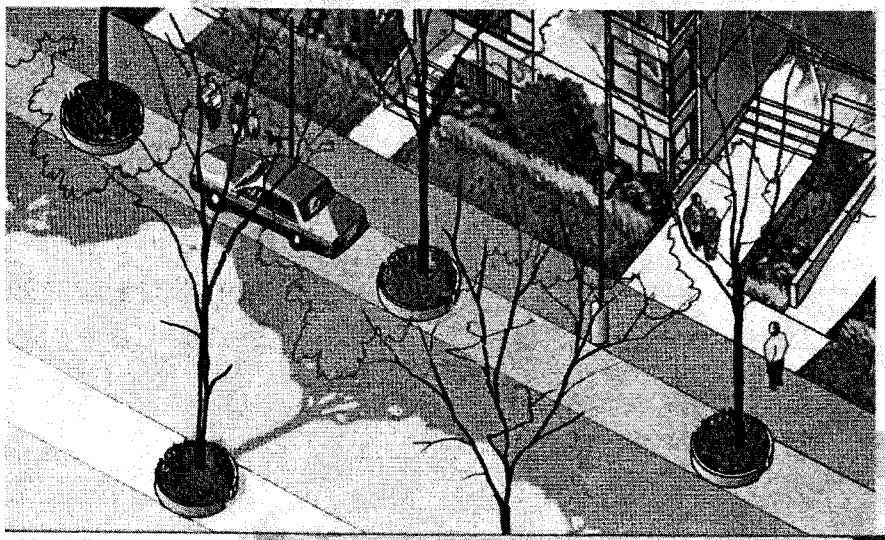
L-02 Landscape Concept BART Plaza/ Village Dr.

MVE & PARTNERS

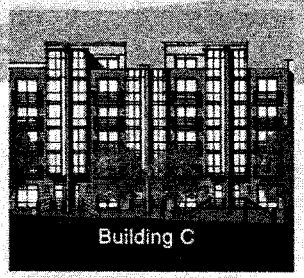
MacArthur Transit Community Partners, LLC

PGA design





MacArthur Transit Community Partners, LLC

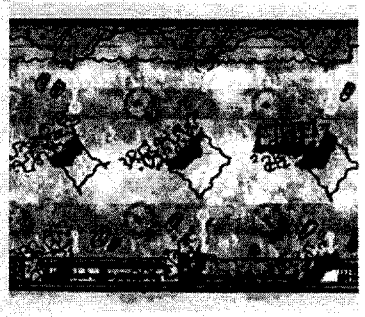


INTERNAL STREET
FACING EAST

Internal Street

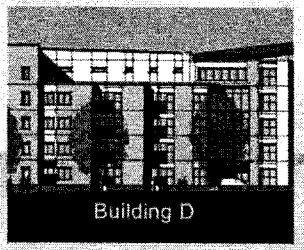
pedestrian scale
friendly/ welcoming
warm, residential





INTERNAL STREET PLAN VIEW

INTERNAL STREET
FACING WEST



SCALE: 1" = 20'-0"

MacArthur

BART Transit Village
OAKLAND, CALIFORNIA

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L-03 Landscape Concepts Internal Street

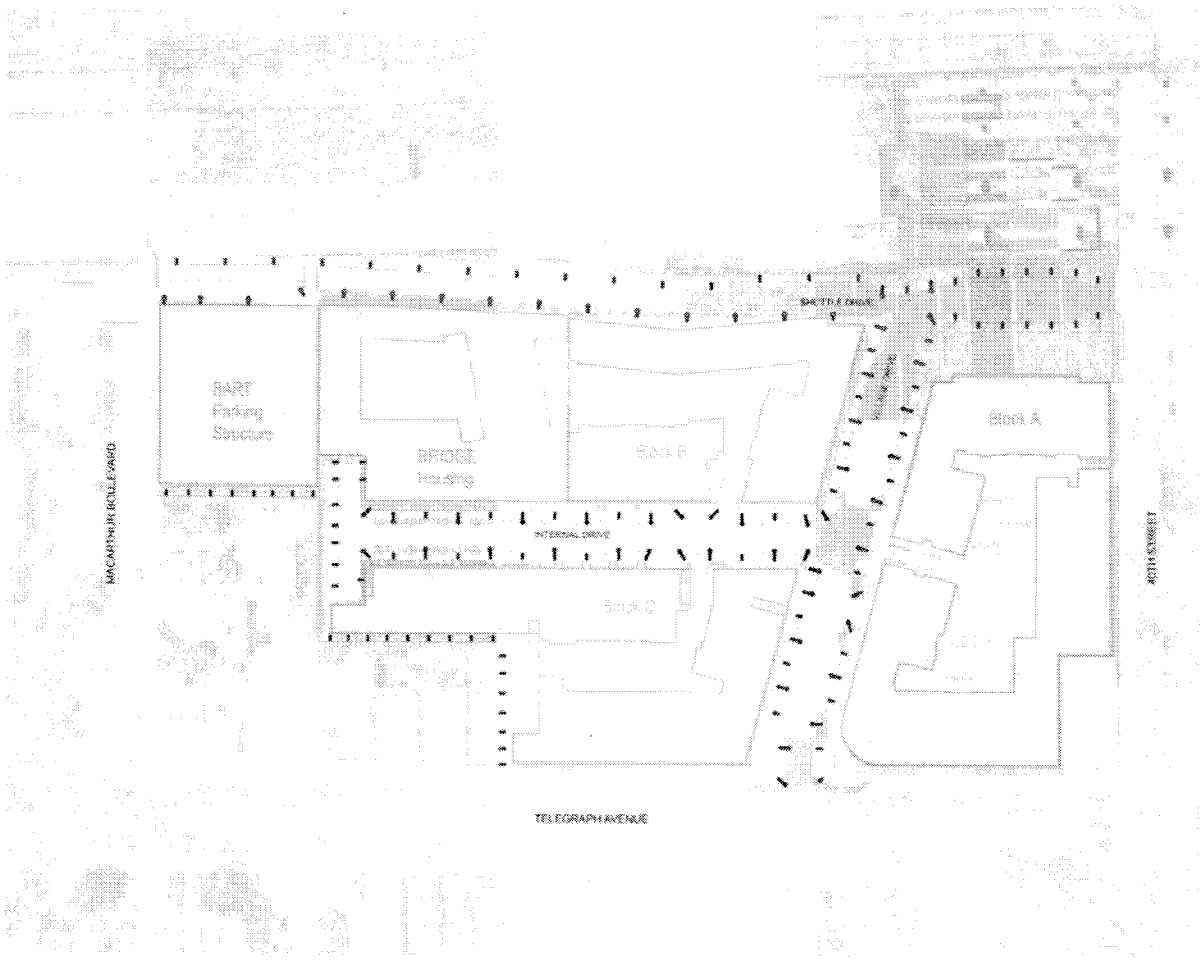
M & L PARTNERS

PGA design

Transit Village
OAKLAND, CALIFORNIA

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L-04
Street Lighting Concept

MacArthur Transit Community Partners, LLC

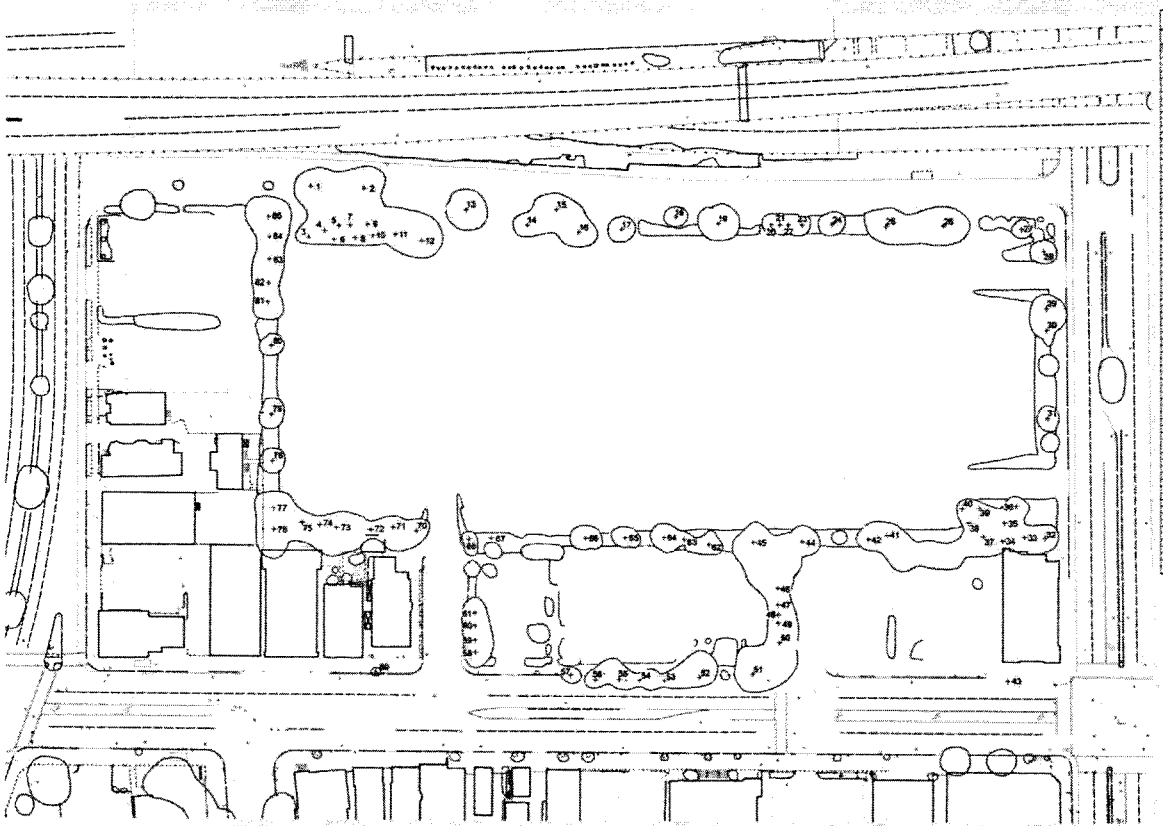
PGA design

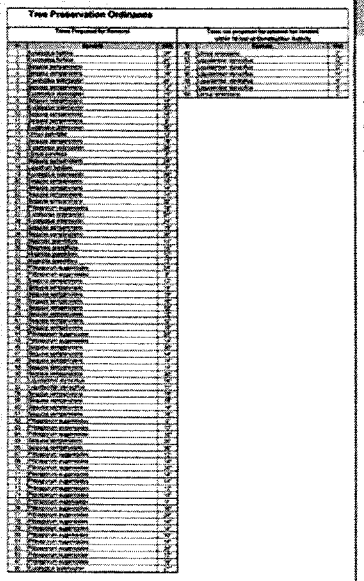
MacArthur

BART Transit Village
OAKLAND, CALIFORNIA

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*Tree inventory based upon field visit by PGAdesign on 9.27.07.

L-05
Existing Tree Inventory

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MacArthur Transit Community Partners, LLC

PGA design

Preliminary Plant List

Latin Name	Common Name
PERENNIALS	
Agapanthus orientalis	Lily-of-the-Nile
Dietes vegeta	Fortnight Lily
Hemerocallis spp	Daylilies
Iris douglasiana	Douglas Iris
Limonium perezii	Sea Lavender
Liriope muscari	Lily Turf
GROUNDCOVER	
Cerastium tomentosum	Snow-in-Summer
Euonymus fortunei	Euonymus
Helianthemum nummularium	Sunrose
Polystichum munitum	Sword Fern
Teucrium chamaedrys	Germander
SHRUBS	
Berberis darwinii	Darwin Barberry
Buddlera davidii	Butterfly Bush
Ceanothus griseus	Wild Lilac
Cistus salvifolius	Sageleaf Rockrose
Hebe 'Autumn Glory'	Hebe
Myrtus communis	True Myrtle
Phormium Tenax	New Zealand Flax
Pittosporum crassifolium 'Nana'	Pittosporum
Rosmar offic 'Collingwood Ingram'	Rosemary
Salvia leucantha	Mexican Bush Sage
TREES	
Cercis occidentalis	Western Rebud
Fraxinus oxycarpa 'Raywood'	Raywood Ash
Platanus racemosa	California Sycamore
Prunus cerasifera spp	Purpleleaf Plum
Pyrus calleryana 'Chanticleer'	Ornamental Pear
Sequoia sempervirens	Coast Redwood
Ulmus parvifolia	Chinese Elm
VINES	
Cissus antarctica	Kangaroo Ivy
Clytostoma callistegioides	Lavender Trumpet Vine
Jasminum polyanthum	Pink Jasmine
GRASS	
Miscanthus sinensis 'Purpurascens'	Flame Grass
Muhlenbergia ngens	Deer Grass
Pennisetum orientale	Fountain Grass

Lighting Goals

- Emphasize the pedestrian nature of the Transit Center through the use of lighting fixtures that are human-scaled, and of high quality.
- Ensure that there is adequate light levels to provide a safe environment for pedestrian, bicycle, and automobile traffic.
- Ensure a consistent streetscape character through the use of a unified family of light fixture elements.

Lighting Guidelines

- Place lighting standards near the street curb in order to provide pedestrians with a sense of security and comfort, as well as a physical barrier from cars.
- Arrange and locate light fixtures to ensure safe and consistent levels of illumination along pedestrian walkways. Provide extra lighting at intersections and transit stops.
- Use accent lighting to highlight specimen vegetation, fountains, public art, central gathering areas, and important building features.
- Shield or direct all lighting to minimize glare around residential areas.

Trees / Shrubs



Coast Redwood



California Sycamore

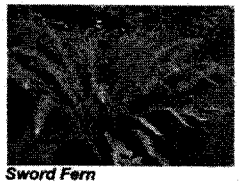


Wild Lilac

Ornamental / Groundcover



Deer Grass



Sword Fern

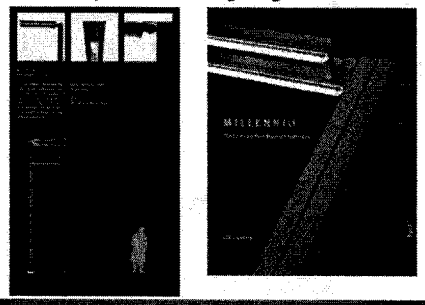


Douglas Iris

Type A lighting:
Roadway Light and
Secondary Pedestrian Light



Type B Lighting:
Roadway Light and
Secondary Pedestrian Lighting



MacArthur BART Transit Village
OAKLAND, CALIFORNIA

June 4, 2008

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Planning Commission

L-06
Planting and
Lighting Concept

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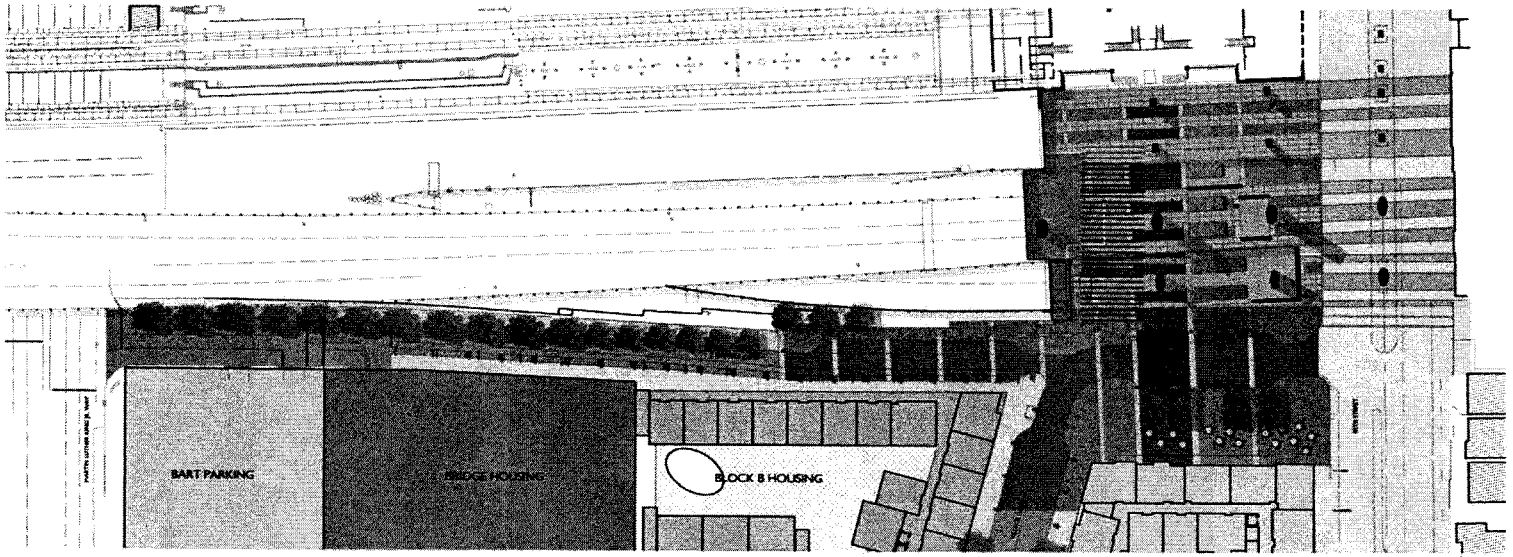
PGA design
LANDSCAPE ARCHITECTS

MacArthur

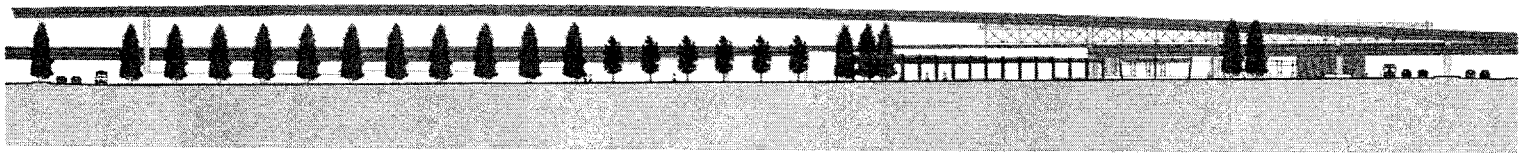
BART Transit Village
OAKLAND, CALIFORNIA

June 4, 2008

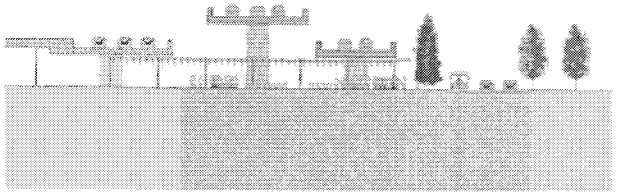
Preliminary Development Plan/ Planning Commission



Site Plan
Scale: 1" = 64'



Elevation of BART Plaza
Scale: 1"=64'



Section through plaza
Scale: 1"=64'



Perspective along edge of BART Plaza



Perspective looking out of BART Plaza

Conceptual BART Plaza Design

HOOD DESIGN
URBAN LANDSCAPE AND SITE ARCHITECTURE

Conceptual BART Plaza Design is included for informational purpose only and not for City review.



MACARTHUR BART PARKING STRUCTURE

PLANNING SUBMITTAL - APRIL 15, 2010

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2010	PLANNING SUBMITTAL	EP

DATE:

DRAWN BY: EP/CS

PROJECT NUMBER 10.006

SHEET TITLE

COVER SHEET

SHEET NUMBER

A0.0

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4/14/2010 12:38:30 PM

MACARTHUR BART PARKING STRUCTURE

OAKLAND, CA 94609

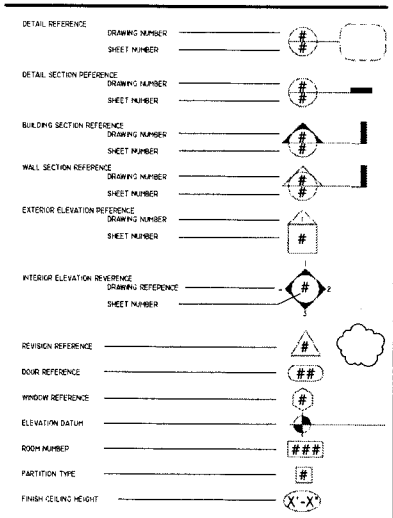
ABBREVIATIONS

AFF	ABOVE FINISHED FLOOR	LAM	LAMINATE
ACOUG	ACOUSTICAL	LH	LEFT HAND
ADJ	ADJUSTABLE	LHR	LEFT HAND REVERSE
AL	ALIGN	LT	LIGHT
ALT	ALTERNATE	LTW	LIGHT WEIGHT
AB	ANCHOR BOLT	L	LONG, LENGTH
APROV	APPROVED		
ARCH	ARCHITECTURAL	MB	MACHINE BOLTS
AUTO	AUTOMATIC	MAINT	MAINTENANCE
		MAX	MAXIMUM
BLDG	BUILDING	MECH	MECHANICAL
BLKG	BLOCKING	MANF	MANUFACTURER
BM	BEAM	MTL	METAL
BD	BOARD	MEZZ	MEZZANINE
BO	BOTTOM OF	MIN	MINIMUM
BO	BOTH SIDES	MISC	MISCELLANEOUS
		MTD	MOUNTED
CAB	CABINET	MUL	MULLION
CI	CAST IRON		
CIP	CAST IN PLACE	(N)	NEW
COL	COLUMN	NEG	NEGATIVE
CTR	CENTER	NOM	NORMAL
CL	CENTER LINE	NIC	NOT IN CONTRACT
CTC	CENTER TO CENTER	NTS	NOT TO SCALE
CER	CERAMIC	NO	NUMBER
CJ	CONSTRUCTION JOINT		
CL	CLEAR	OC	ON CENTER
CMU	CONCRETE MASONRY UNIT	OD	OUTSIDE DIAMETER
CON	CONNECTION	OP	OPENING
CONT	CONTINUOUS	OPP	OPPOSITE
CP	COMPLETE PENETRATION	ORIG	ORIGINAL
CS	COUNTERSUNK		
CW	COLD WATER	PART	PARTITION
		PP	PARTIAL PENETRATION
DET	DETAIL	PAF	PANELPOWER ACTUATED FASTENER
DEPT	DEPARTMENT	PLAM	PLASTIC LAMINATE
DIA	DIAMETER	PL	PLATE
DIV	DIVISION	PN	PLATE NAILING
DR	DOOR	PLYWD	PLYWOOD
DBL	DOUBLE	PT	POINT
DF	DOUGLAS FIR	LB	POUND
DN	DOWN	PRES	PRESSURE
DS	DIAGONAL SHEATHING		
DWG	DRAWING	QUAL	QUALITY
DRWR	DRAWER	QUAN	QUANTITY
(E)	EXISTING	PT	PRESSURE/PRESERVATIVE TREATED
EA	EACH	PS	PRESTRESSED
EF	EACH FACE	PART	PARTITION
EW	EACH WAY		
EN	EDGE NAILING	RAD	RADIUS
EL	ELEVATION	RWL	RAIN WATER LEADER
ELEV	ELEVATOR	RECPT	RECEPTACLE
ELEC	ELECTRICAL	REF	REFERENCE
ENG	ENGINEER	REIN	REINFORCEMENT REINFORCED
EQ	EQUAL	REQ	REQUIRED
EQUIP	EQUIPMENT	REDWD	REDWOOD
EA	EXHAUST	RH	RIGHT HAND
EXP	EXPEDITE	RHR	RIGHT HAND REVERSE
EXT	EXTERIOR	RDOM	ROOM
		RND	ROUND
FAB	FABRICATE	RO	ROUGH OPENING
FOC	FACE OF CONCRETE	REV	REVISION
FOF	FACE OF FINISH		
FOS	FACE OF STUD	SS	SANITATRY SEWER
FOW	FACE OF WALL	SAD	SEE ARCHITECTURAL DRAWINGS
FIN	FINISH	SCD	SEE CONSULTANT DRAWINGS
FF	FINISHED FLOOR	SED	SEE ELECTRICAL DRAWINGS
FE	FIRE EXTINGUISHER	SKD	SEE KITCHEN CONSULTANT DRAWINGS
FA	FIRE ALARM		
FLR	FLOOR	SSD	SEE STRUCTURAL DRAWINGS
FLUOR	FLUORESCENT	SMD	SEE MECHANICAL DRAWINGS
FL	FLUSH	SFHD	SEE FINISH CARPENTRY DRAWINGS
FOUND	FOUNDATION	SPD	SEE PLUMBING DRAWINGS
FTNG	FOOTING	SJ	SEISMIC JOINT
FR	FRAMING	SCHED	SCHEDULE, SCHEDULE
FUR	FURRING	SECT	SECTION
		SHT	SHEET
GA	GAUGE	SM	SHEET METAL
GALV	GALVANIZED, GALVANIZING	SIM	SIMILAR
GL	GLASS, GLAZING	SP	SPACE
GLULAM	GLUE LAMINATED BEAM	SPEC	SPECIFICATION
GYP BD	GYPSUM BOARD	SQ	SQUARE
		SQFT	SQUARE FOOT
HVAC	HEATING VENTILATION & AIR CONDITIONING	ST	STRAP TIE
		STAG	STAGGERED
HSR	HIGH STRENGTH ROD	SSTL	STAINLESS STEEL
HSB	HIGH STRENGTH BOLT	STAND	STANDARD
HT	HEIGHT	STL	STEEL
HD	HOLD DOWN	STOR	STORAGE
HORIZ	HORIZONTAL	STRUCT	STRUCTURAL
HW	HOT WATER	SUS	SUSPENDED
		SYM	SYMMETRICAL
INC	INCLUDING, INCLUDED	SYS	SYSTEM
INFO	INFORMATION		
INT	INTERIOR		
JH	JOIST HANGER		
JT	JOINT		

ABBREVIATIONS

TEMP	TEMPERED
TH	THICKNESS
THR	THREADED
TD	TIE DOWN
T&B	TOP AND BOTTOM
T&G	TONGUE AND GROOVE
TOC	TOP OF CONCRETE
TOF	TOP OF FINISH
TOP	TOP OF PLATE
TOS	TOP OF STEEL
TOW	TOP OF WALL
TN	TRUE NORTH
TYP	TYPICAL
UL	UNDER WRITERS LABORATORY
UON	UNLESS OTHERWISE NOTED
UTIL	UTILITY, UTILITIES
VERT	VERTICAL
VIF	VERIFY IN FIELD
VER	VERIFY
VEST	VESTIBULE
WC	WATER CLOSET
WH	WATER HEATER
W/	WITH
W/O	WITH OUT
WD	WOOD
YD	YARD

GRAPHIC SYMBOLS



DEFERRED SUBMITTALS

SURVEY
GRADING PLAN
LANDSCAPE PLAN
SIGN PLAN
STORMWATER PLAN
LIGHTING PLAN
TREE SURVEY
MATERIALS AND COLOR BOARD

PROJECT INFORMATION

DESCRIPTION

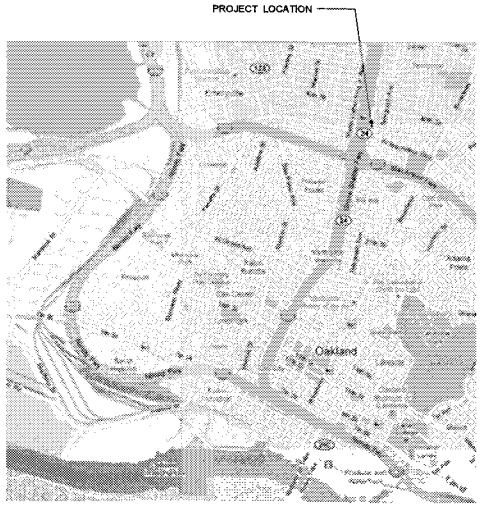
THIS PROJECT CONSISTS OF THE DEMOLITION OF TWO EXISTING HOTELS AND RECAPTURE OF A PORTION OF THE BART SURFACE PARKING LOT, IN ORDER TO ACCOMMODATE A NEW 6-LEVEL PARKING STRUCTURE WITH APPROXIMATELY 470 STALLS AND GROUND LEVEL RETAIL. THE NEW GARAGE WILL REPLACE AN EXISTING ON-GROUND PARKING LOT USED BY BART PATRONS AND IS AN INTEGRAL PART OF THE LARGER MACARTHUR TRANSIT VILLAGE NEAR THE MACARTHUR BART STATION.

LOT SIZE:	33,900 S.F.
LOT COVERAGE:	28,900 S.F.
PERCENT LOT COVERAGE	66%
RETAIL AREA	5,200 S.F.
OCCUPANCY:	S-2, M
NUMBER OF STORIES:	6
BUILDING HEIGHT	62'-0"
MAX BUILDING HEIGHT:	80'-0"

PARKING

ACCESSIBLE STALLS:	7
VAN ACCESSIBLE STALLS	2
FULL SIZE STALLS:	459
TOTAL STALLS	468

VICINITY MAP



DIRECTORY

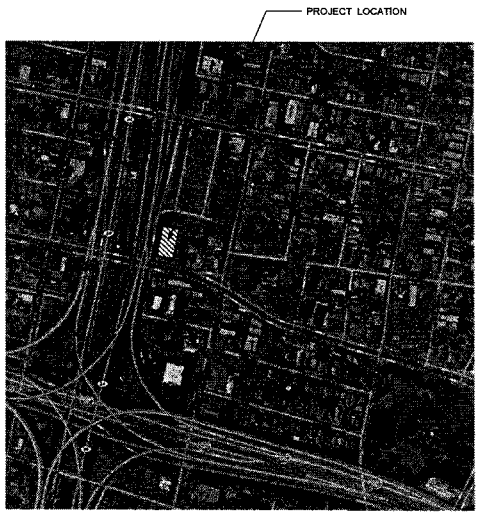
CLIENT:	MCGRATH PROPERTIES, INC. 450 WEBSTER STREET OAKLAND, CA 94607 ATTN: DEBORAH H. CASTLES 510.273.2010 510.251.3747 (FAX)
ARCHITECT:	LOWNEY ARCHITECTURE 360 17TH STREET, SUITE 100 OAKLAND, CA 94612 ATTN: ERIC PRICE 510.836.5400 510.836.5454 (FAX) ERIC@LOWNEYARCH.COM
PARKING DESIGNER	INTERNATIONAL PARKING DESIGN 1201 MARINA VILLAGE PARKWAY, SUITE 100 ALAMEDA, CA 94501 ATTN: RAJU N. NANDWANA 510.473.0300 510.473.0310 (FAX) RNANDWANA@IPD-OAK.COM
CIVIL ENGINEER:	SANDIS 1721 BROADWAY, SUITE 201 OAKLAND, CA 94612 ATTN: HENRY PHILLIPS 510.873.8866 ADB 510.873.8868 (FAX) HPHILLIPS@SANDIS.NET

DRAWING LIST

Drawing List

Sheet Number	Sheet Name
A0.0	COVER SHEET
A0.1	INDEX
A1.0	EXISTING SITE PLAN
A1.1	PROPOSED SITE PLAN
A1.2	EXISTING PHOTOS
A2.1	GROUND LEVEL PLAN
A2.2	SECOND LEVEL PLAN
A2.3	TYPICAL LEVEL (THIRD TO FIFTH) PLAN
A2.6	SIXTH (ROOF) LEVEL PLAN
A3.0	BUILDING SECTION
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A4.0	PERSPECTIVE VIEWS
A4.1	PERSPECTIVE VIEWS
LANDSCAPE	
L1.0	LANDSCAPE ILLUSTRATIVE PLAN
L1.1	LANDSCAPE ILLUSTRATIVE PLAN
L1.2	LANDSCAPE ILLUSTRATIVE PLAN

LOCATION MAP



LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2010	PLANNING SUBMITTAL	EP

DATE:
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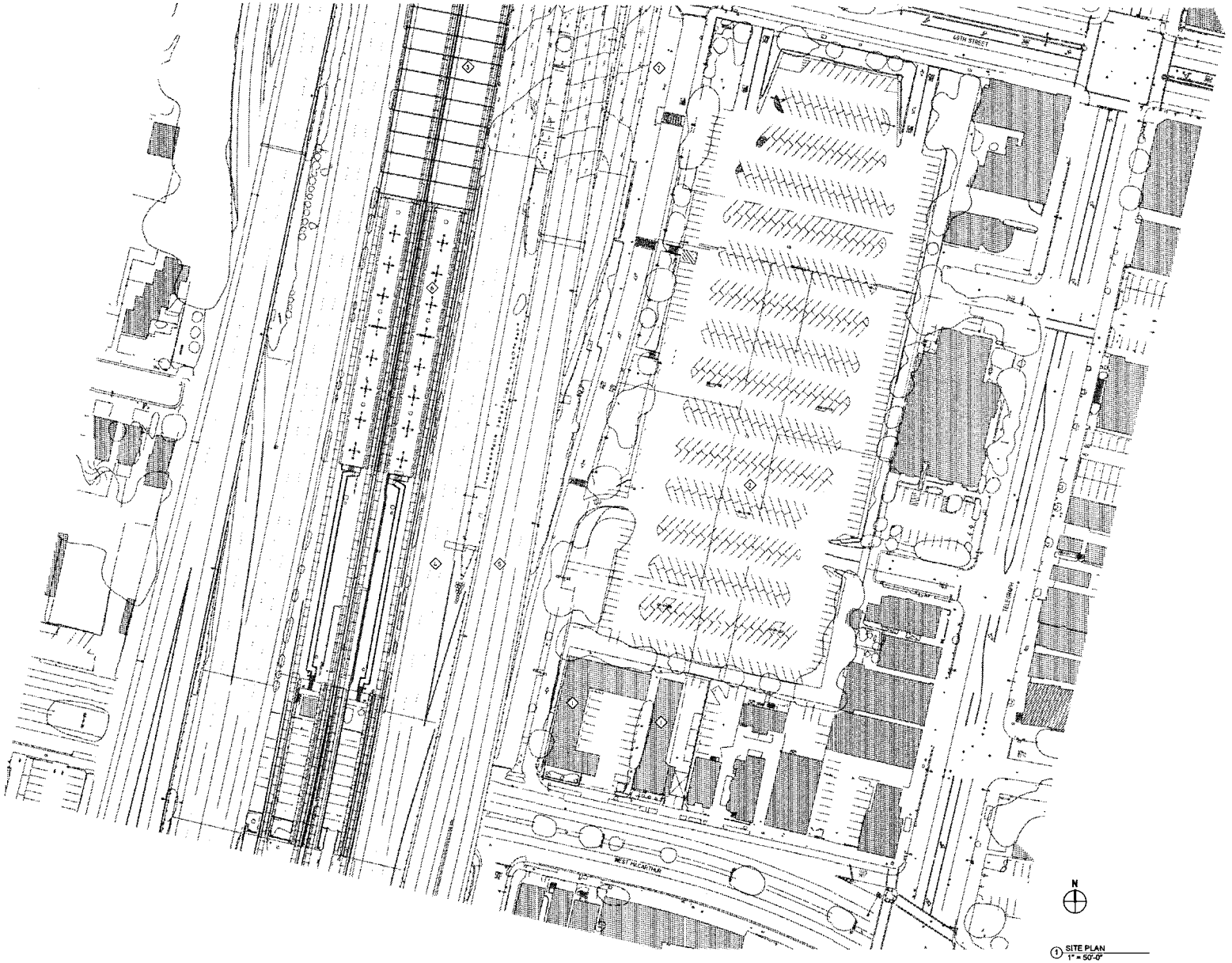
PROJECT NUMBER 10.006

SHEET TITLE
INDEX

SHEET NUMBER
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KEY NOTES

1. HOTEL
2. BART SURFACE PARKING
3. BART STATION
4. HIGHWAY
5. ELEVATED HIGHWAY
6. BART PLATFORM
7. BART PLAZA

① SITE PLAN
1" = 50'-0"

LOWNEY ARCHITECTURE

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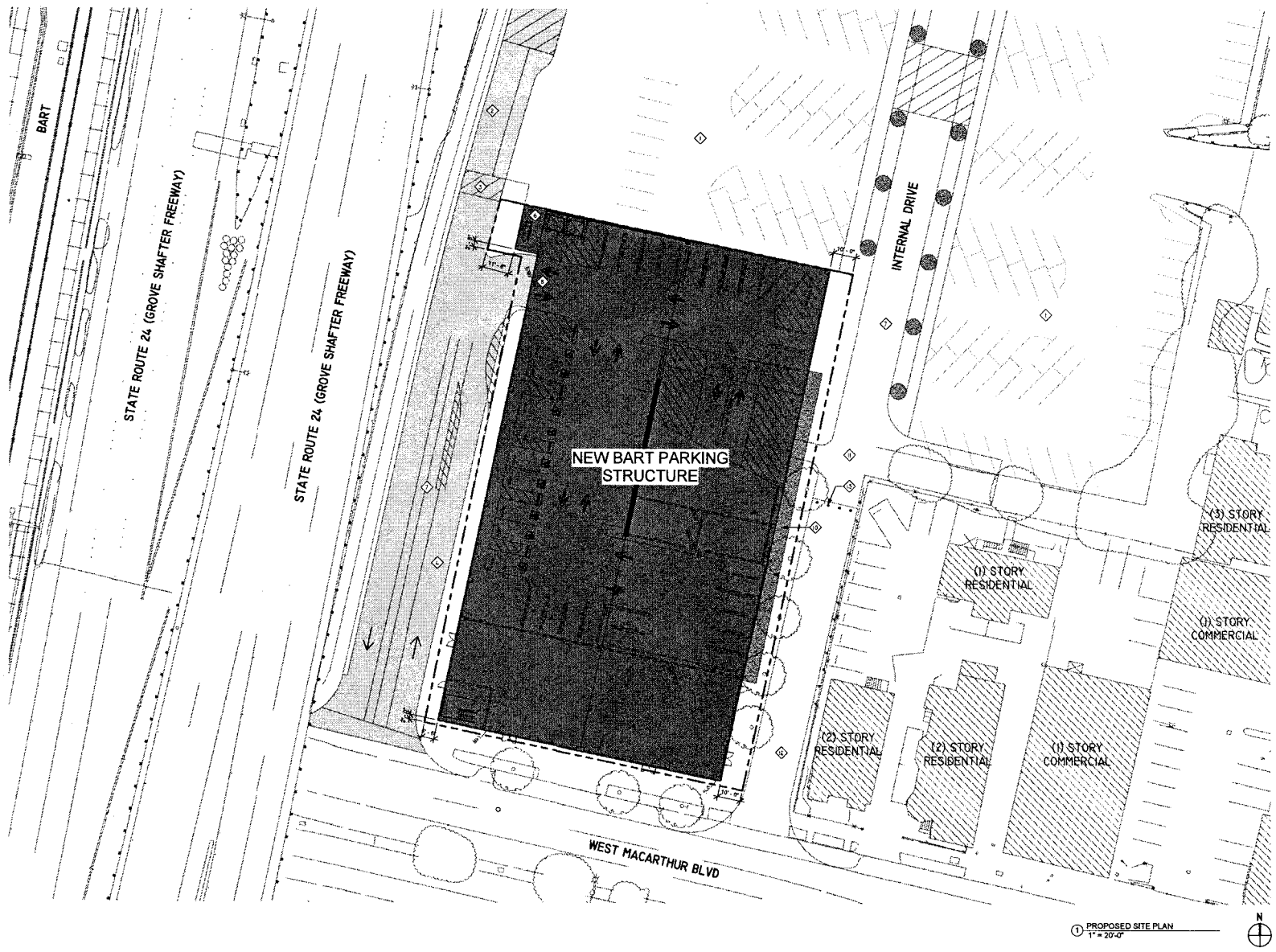
EXISTING SITE PLAN

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A1.0

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1 PROPOSED SITE PLAN
1" = 20'-0"

KEY NOTES

1. EXISTING PARKING TO BE RESTRIPED
2. ONE-WAY SHUTTLE ACCESS ROAD
3. PEDESTRIAN PATH
4. ONE-WAY GARAGE ACCESS ROAD
5. PEDESTRIAN CROSS WALK
6. EXTERIOR STAIR
7. FUTURE OFF SITE IMPROVEMENTS - BY OTHERS
8. GARAGE ENTRY
9. ADA PATH
10. STORMWATER TREATMENT- TBD
11. VEHICULAR TURNAROUND
12. EMERGENCY VEHICLE ACCESS
13. BOLLARDS

LEGEND

- AC PAVEMENT
- (E) BUILDINGS
- LANDSCAPING - TBD

N

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

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SHEET TITLE
PROPOSED SITE PLAN

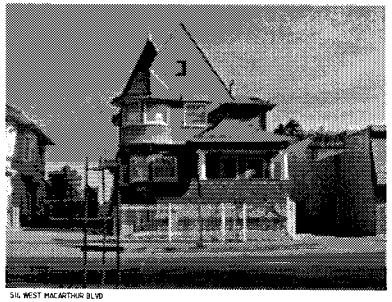
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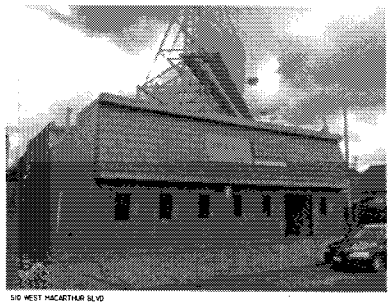
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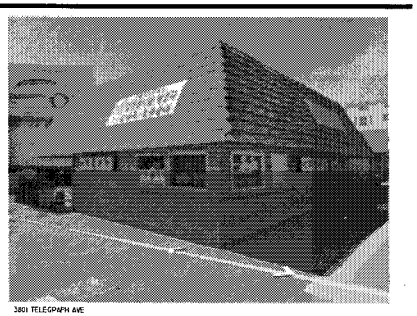
518 WEST MACARTHUR BLVD



516 WEST MACARTHUR BLVD



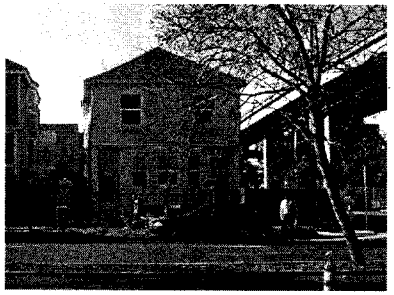
510 WEST MACARTHUR BLVD



3801 TELEGRAPH AVE



537 WEST MACARTHUR BLVD



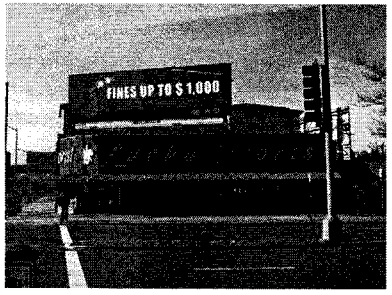
547 WEST MACARTHUR BLVD



544 WEST MACARTHUR BLVD - TO BE DEMOLISHED



526 WEST MACARTHUR - TO BE DEMOLISHED



501 WEST MACARTHUR



511 WEST MACARTHUR



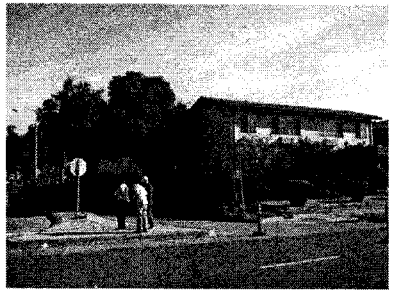
541 WEST MACARTHUR



VIEW TOWARDS NORTHERN PROPERTY LINE



VIEW TOWARDS WESTERN PROPERTY LINE



VIEW TOWARDS SOUTHERN PROPERTY LINE



VIEW TOWARDS SOUTHERN PROPERTY LINE

5/14/2010 12:41:04 PM

LOWNEY ARCHITECTURE

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MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

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SHEET TITLE

EXISTING PHOTOS

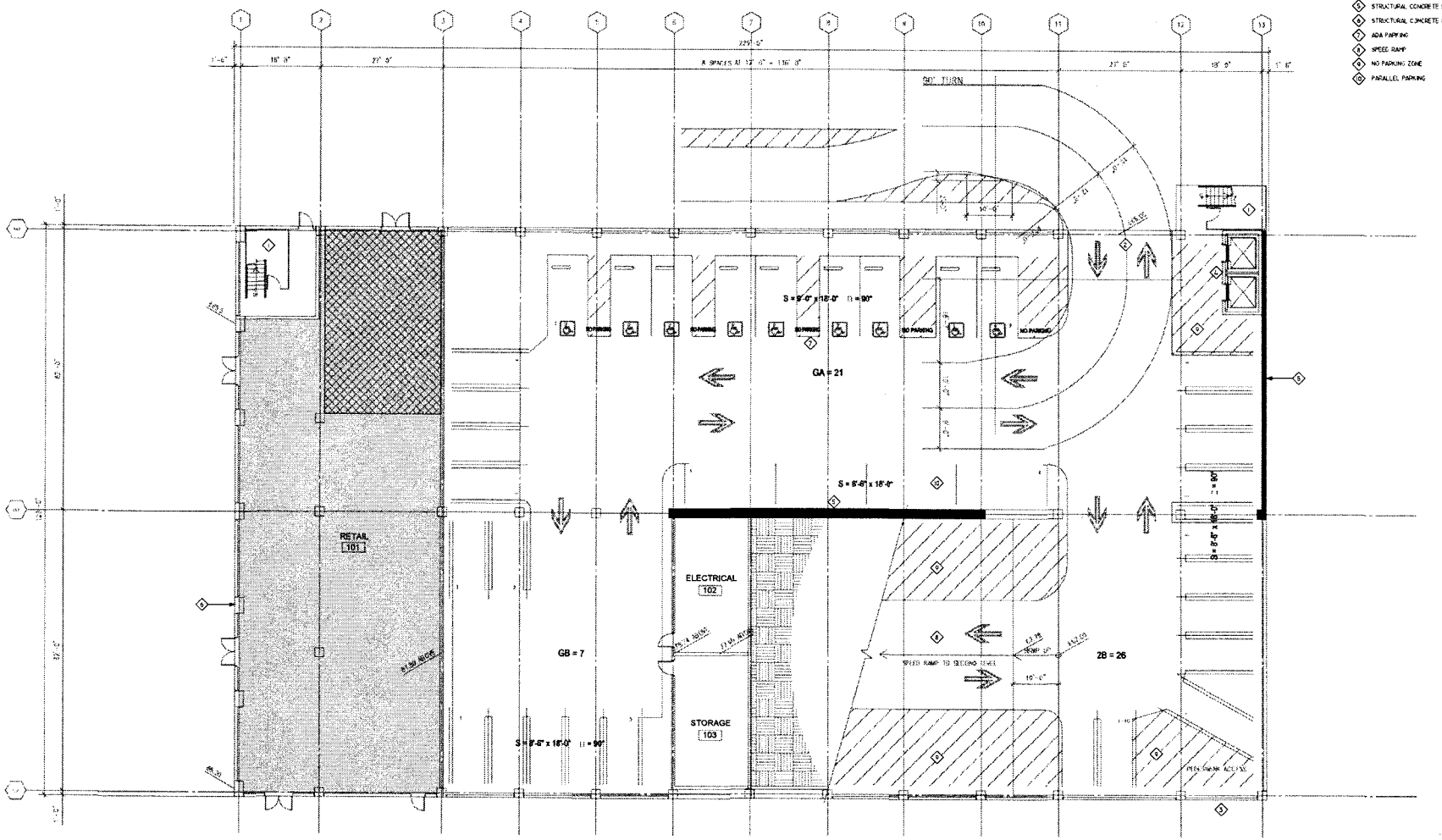
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A1.2

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KEY NOTES

1. EGRESS STAIR
2. GARAGE ENTRY
3. PEDESTRIAN ACCESS
4. NEW ELEVATORS
5. STRUCTURAL CONCRETE SHEARWALL
6. STRUCTURAL CONCRETE MOMENT FRAME
7. ADA PARKING
8. SPEED RAMP
9. NO PARKING ZONE
10. PARALLEL PARKING



1 GROUND LEVEL PLAN
3/32" = 1'-0"

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

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SHEET TITLE
GROUND LEVEL PLAN

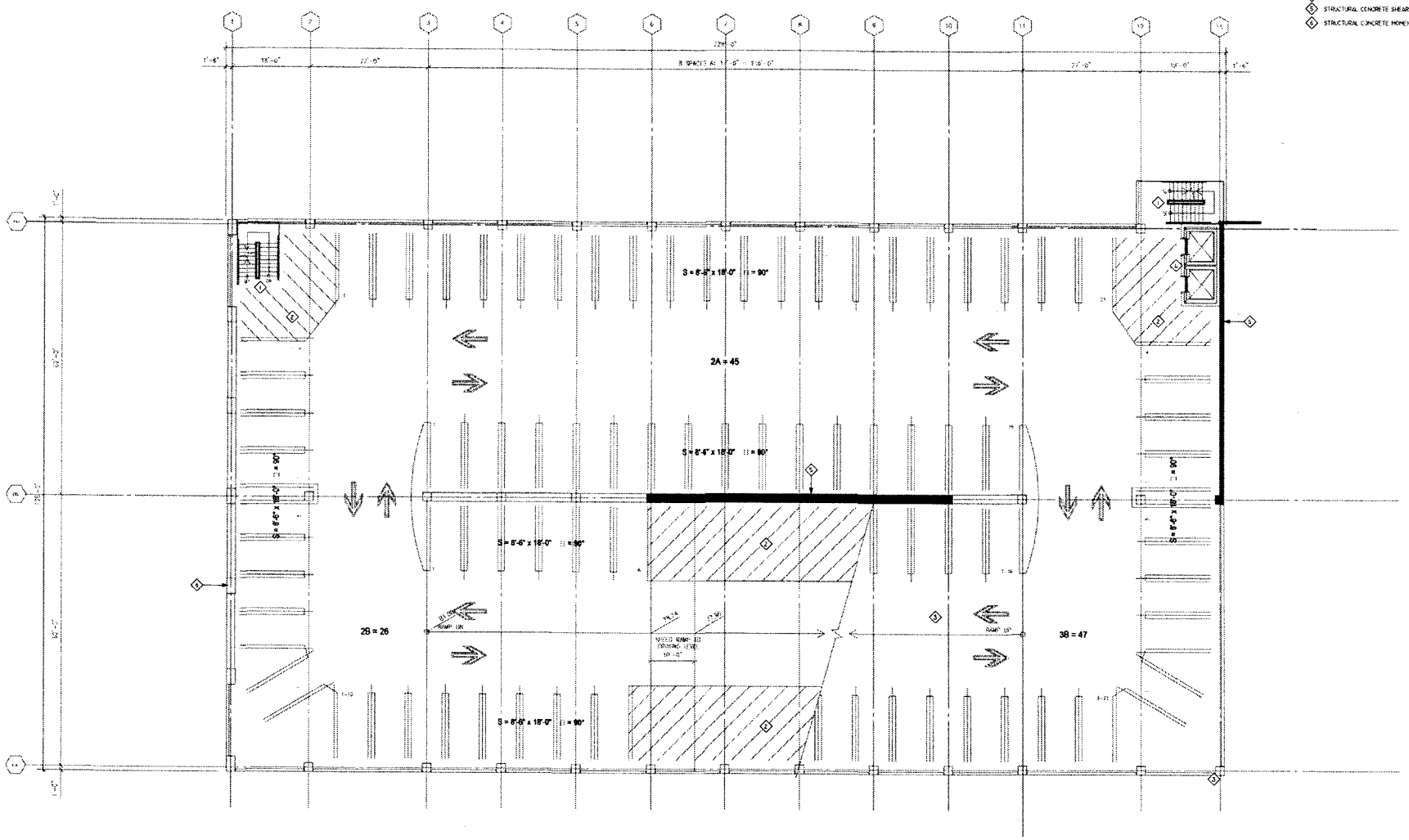
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A2.1

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KEY NOTES

1. EGRESS STAIR
2. NO PARKING ZONE
3. SPEED RAMP
4. NEW ELEVATORS
5. STRUCTURAL CONCRETE SHEARWALL
6. STRUCTURAL CONCRETE MOMENT FRAME



1 SECOND LEVEL PLAN
3/32" = 1'-0"

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

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NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2019	PLANNING SUBMITTAL	EP

DATE:
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PROJECT NUMBER 10.006

SHEET TITLE

SECOND LEVEL PLAN

SHEET NUMBER

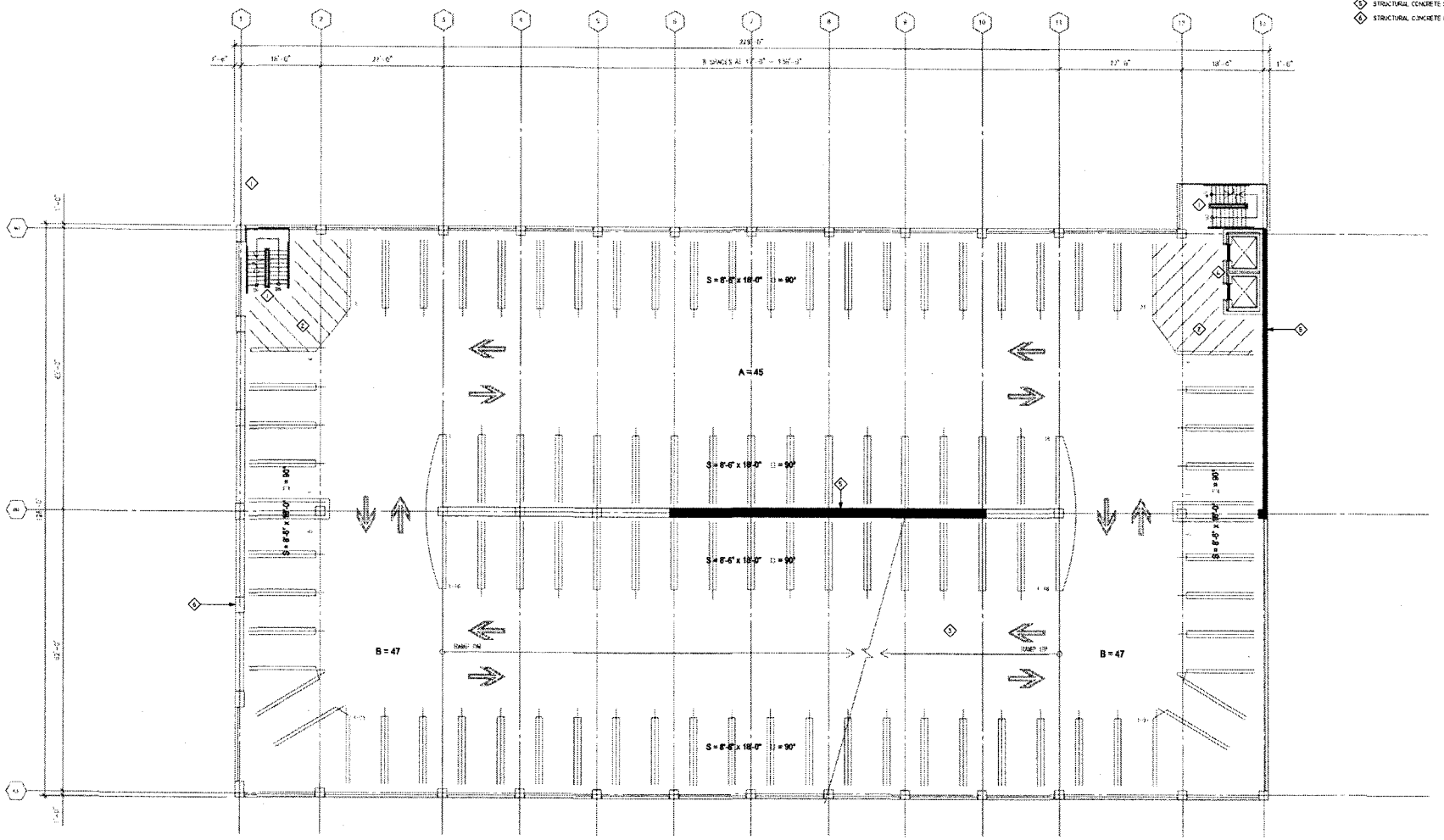
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KEY NOTES

1. EGRESS STAIR
2. NO PARKING ZONE
3. SPEED RAMP
4. NEW ELEVATORS
5. STRUCTURAL CONCRETE SHEARWALL
6. STRUCTURAL CONCRETE MOMENT FRAME



1 TYPICAL LEVEL (THIRD TO FIFTH) PLAN
3/32" = 1'-0"

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LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

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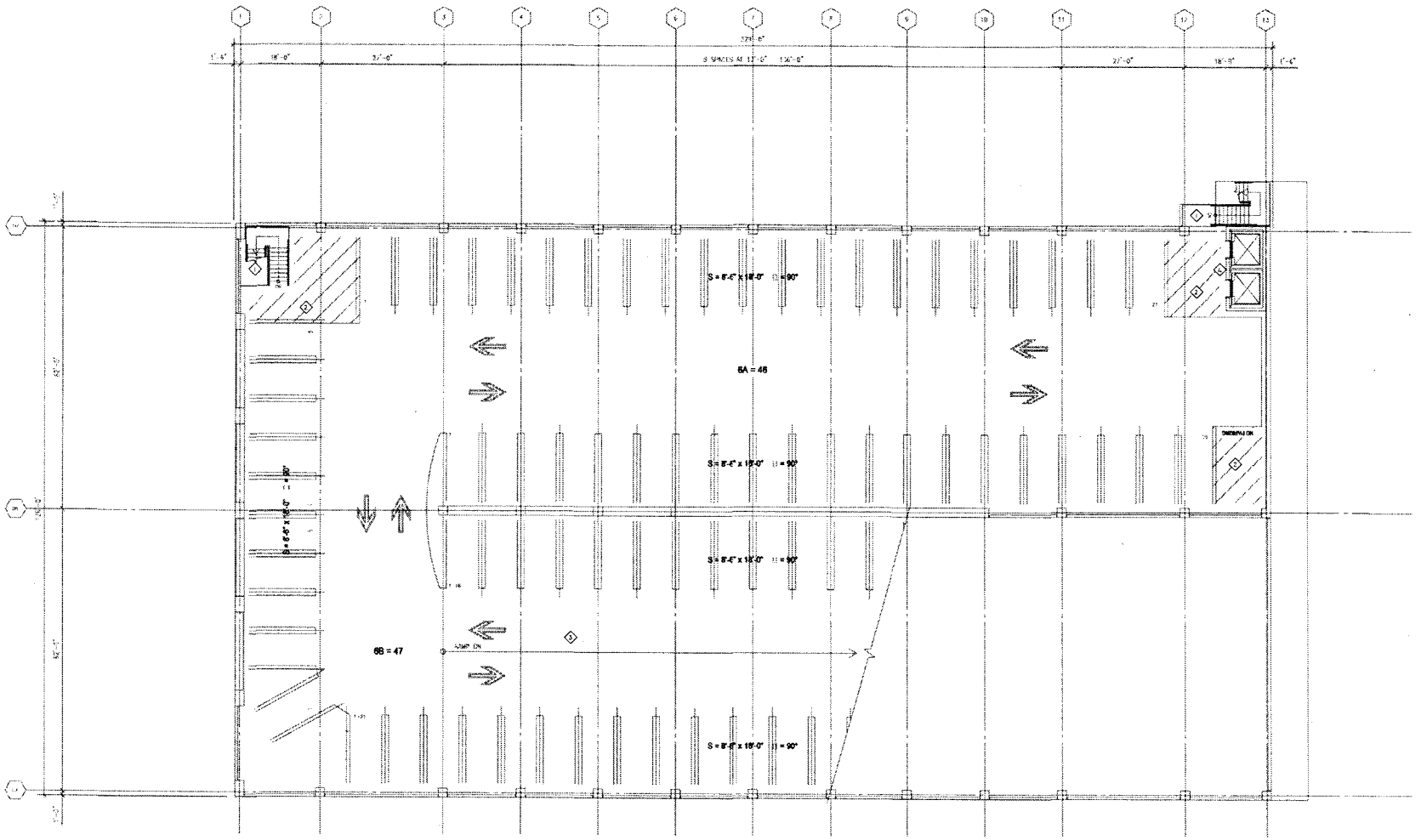
SHEET TITLE
TYPICAL LEVEL (THIRD TO FIFTH) PLAN

SHEET NUMBER
A2.3

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KEY NOTES

1. EGRESS STAIR
2. NO PARKING ZONE
3. SPEED RAMP
4. NEW ELEVATORS



1 SIXTH LEVEL (ROOF) PLAN
3/32" = 1'-0"

5/14/2010 12:41:29 PM

LOWNEY ARCHITECTURE

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Oakland, CA 94609

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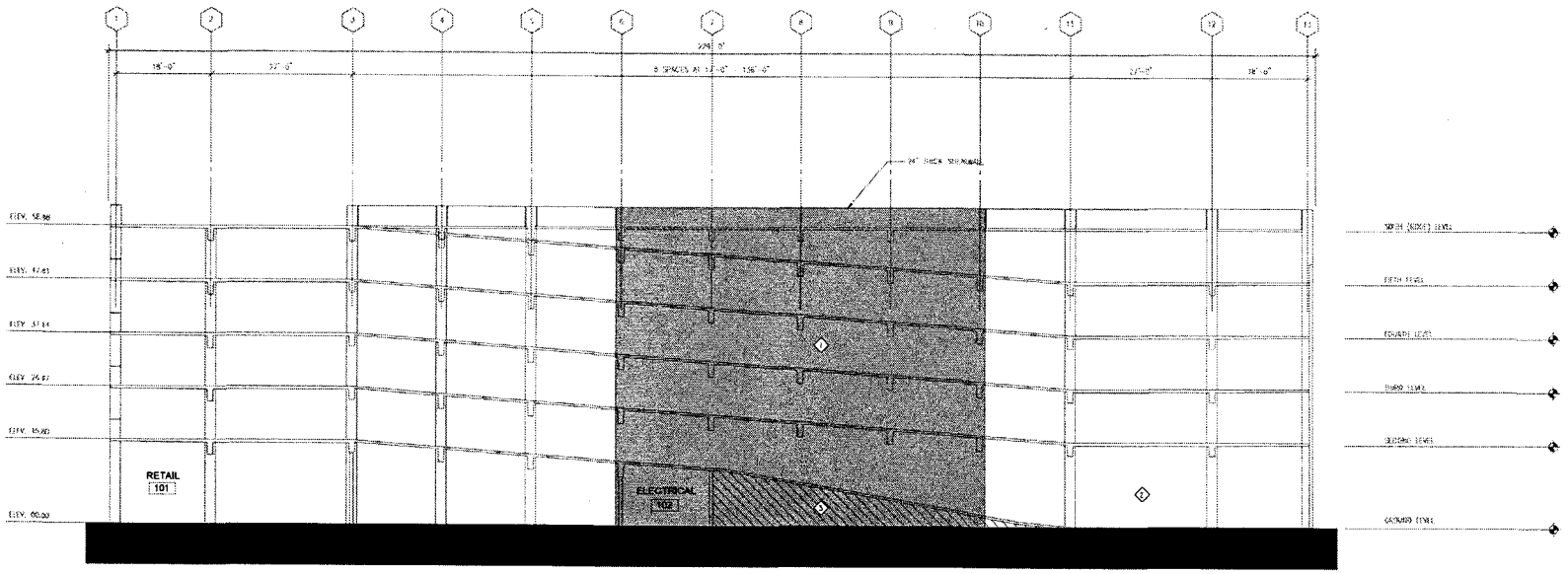
SHEET TITLE
SIXTH (ROOF) LEVEL PLAN

SHEET NUMBER
A2.6

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KEY NOTES

1. SHEAR WALL
2. GARAGE VEHICLE ACCESS
3. UNOCCUPIABLE SPACE UNDER RAMP



1 NORTH - SOUTH BUILDING SECTION
3/32" = 1'-0"

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2013	PLANNING SUBMITTAL	EP

DATE:
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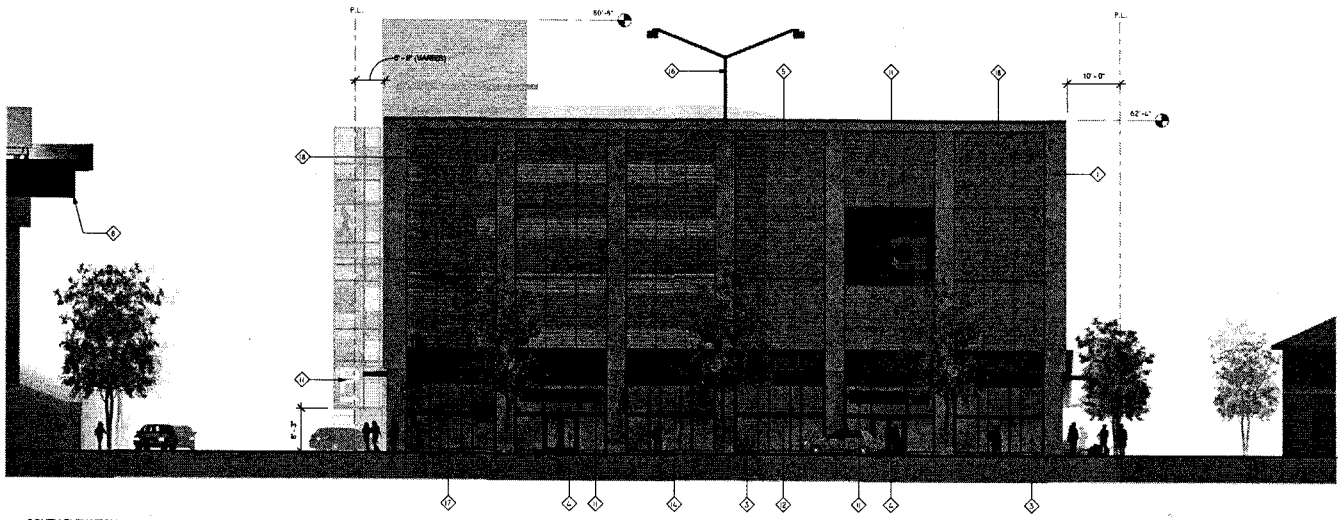
PROJECT NUMBER 10.006

SHEET TITLE
BUILDING SECTION

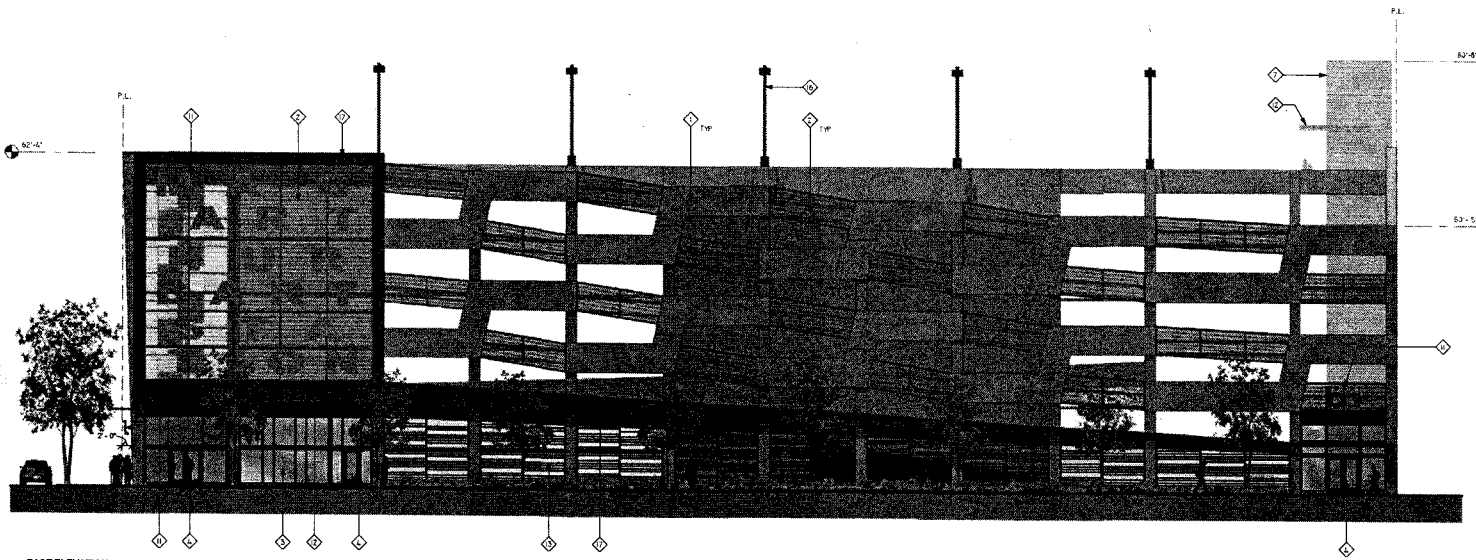
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A3.0

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4/14/2013 12:41:32 PM



1 SOUTH ELEVATION
3/32" = 1'-0"



2 EAST ELEVATION
3/32" = 1'-0"

KEY NOTES

1. PRECAST CONCRETE
2. PERFORATED METAL SCREEN
3. ALUMINUM AND GLASS STOREFRONT
4. PEDESTRIAN EGRESS DOOR
5. PERFORATED METAL SCREEN
6. VEHICLE ENTRY/EXIT
7. METAL PANELS
8. FREEWAY - CA ROUTE 24
9. EGRESS STAIR
10. CONCRETE SHEAR WALL
11. SIGNAGE
12. METAL ARCHITECTURAL AWNING/OVERHANG
13. METAL SECURITY SCREEN
14. ACCENT UPLIGHTING, EACH BAY
15. ALUMINUM STOREFRONT AND COLORED GLASS
16. LIGHTING FOR ROOF LEVEL PARKING
17. POWDER-COATED METAL
18. METAL ACCENT PANEL

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2010	PLANNING SUBMITTAL	EP

DATE:
DRAWN BY: EP/CS

PROJECT NUMBER 10.006

SHEET TITLE

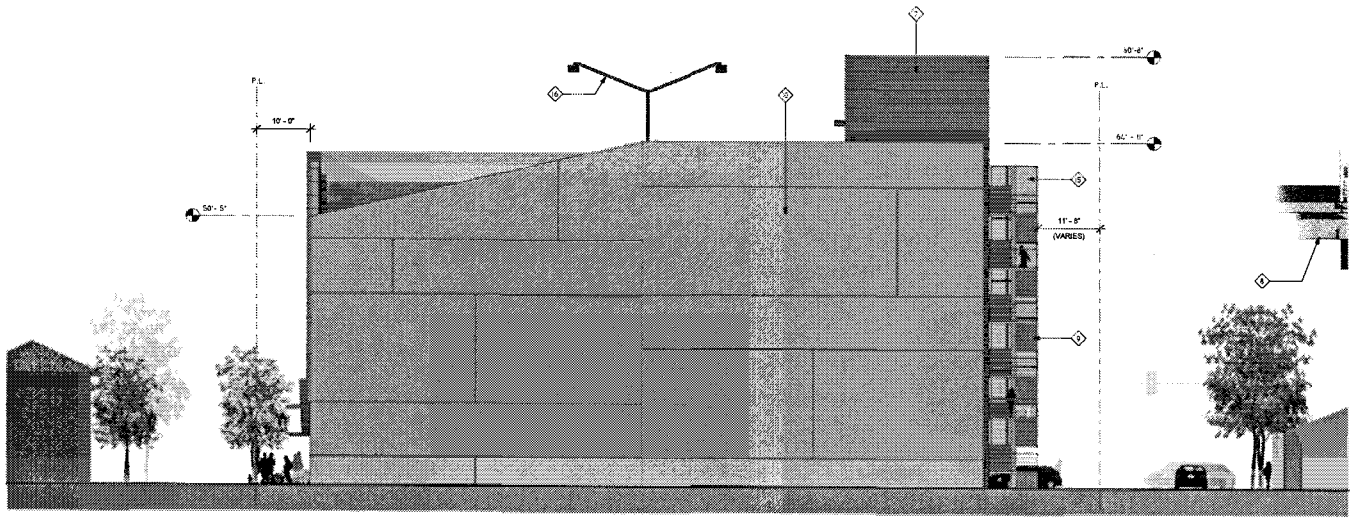
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SHEET NUMBER

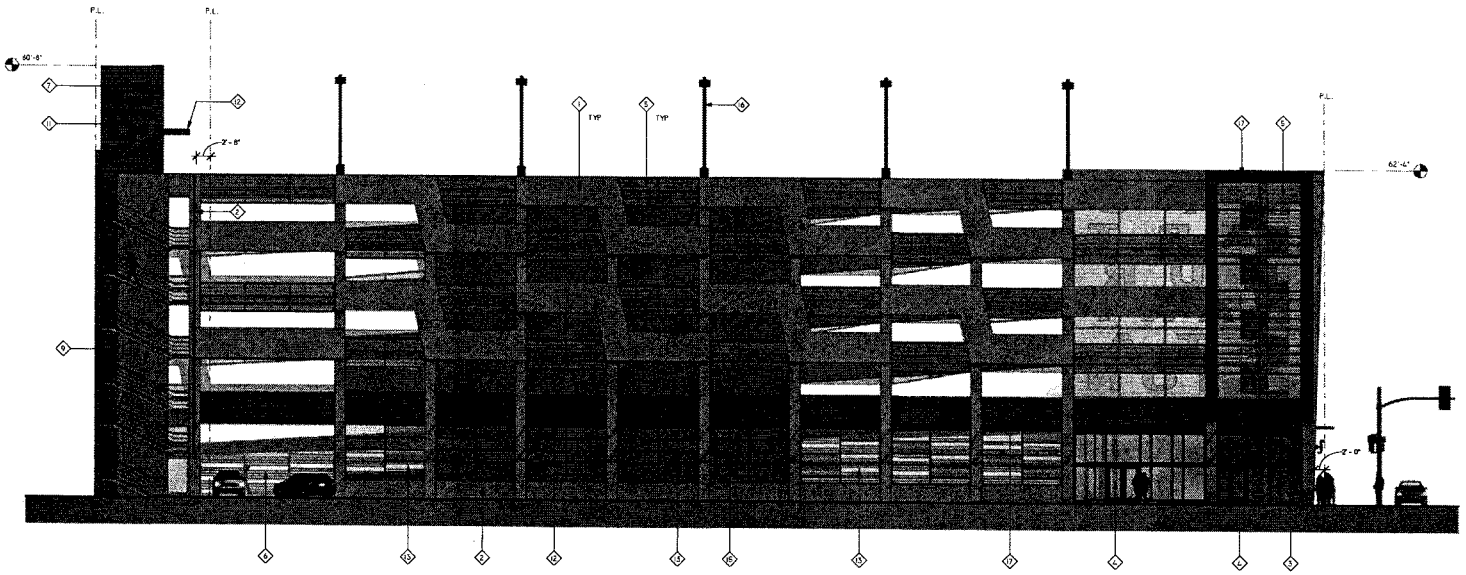
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4/14/2010 12:41:44 PM



1 NORTH ELEVATION
3/32" = 1'-0"



2 WEST ELEVATION
3/32" = 1'-0"

KEY NOTES

1. PRECAST CONCRETE
2. PRECAST ROUGH TEXTURED CONCRETE
3. ALUMINUM AND GLASS STOREFRONT
4. PEDESTRIAN EGRESS DOOR
5. PERFORATED METAL SCREEN AND CRASH RAIL
6. VEHICLE ENTRY/EXIT
7. METAL PANELS
8. FREEWAY - CA ROUTE 24
9. EGRESS STAIR
10. CONCRETE SHEAR WALL
11. SIGNAGE
12. METAL ARCHITECTURAL AWNING/OVERHANG
13. METAL SECURITY SCREEN
14. ACCENT UPLIGHTING, EACH BAY
15. ALUMINUM STOREFRONT AND COLORED GLASS
16. LIGHTING FOR ROOF LEVEL PARKING
17. POWDER-COATED METAL

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2010	PLANNING SUBMITTAL	EP

DATE:
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PROJECT NUMBER 10.006

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A3.2

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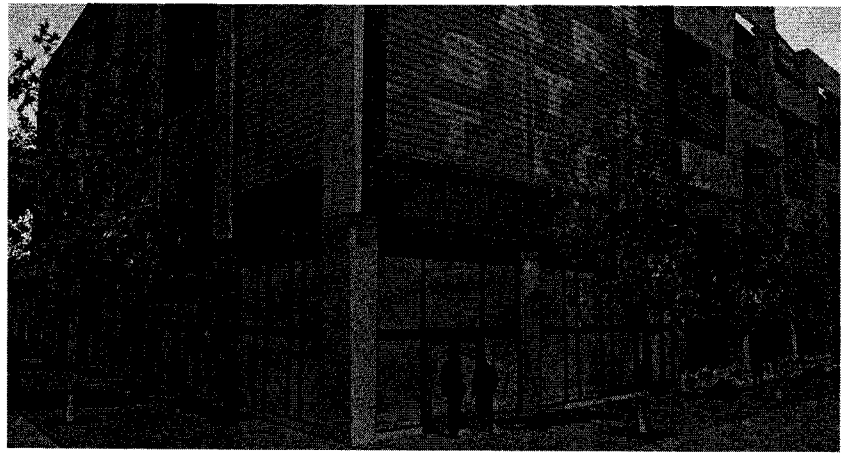
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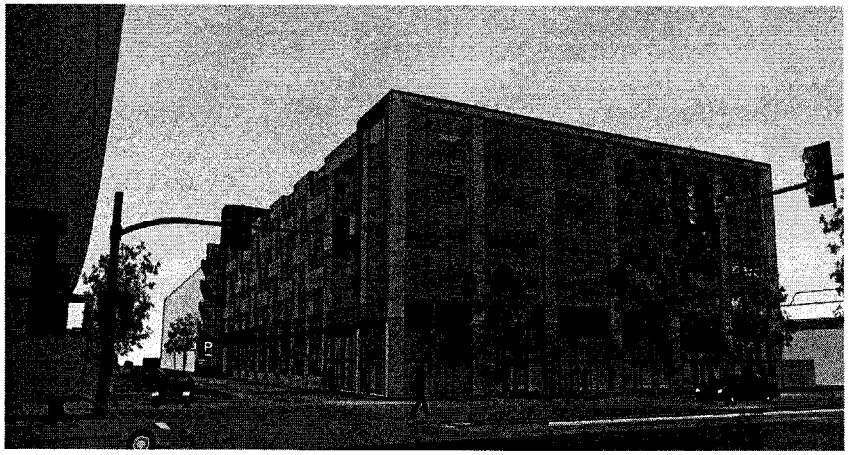
LOOKING WEST FROM INTERSECTION OF MACARTHUR BLVD AND TELEGRAPH AVE



LOOKING NORTHWEST FROM WEST MACARTHUR BLVD



GROUND FLOOR COMMERCIAL AT SOUTHEAST CORNER OF GARAGE



LOOKING NORTHEAST FROM UNDER THE FREEWAY

9/14/2016 12:42:38 PM

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.15.2016	PLANNING SUBMITTAL	EP

DATE:

DRAWN BY: EP/CS

PROJECT NUMBER 10.006

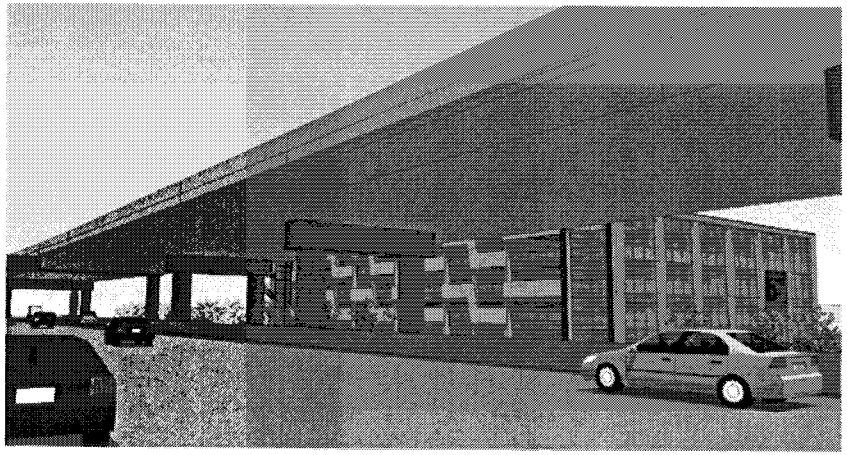
SHEET TITLE

PERSPECTIVE VIEWS

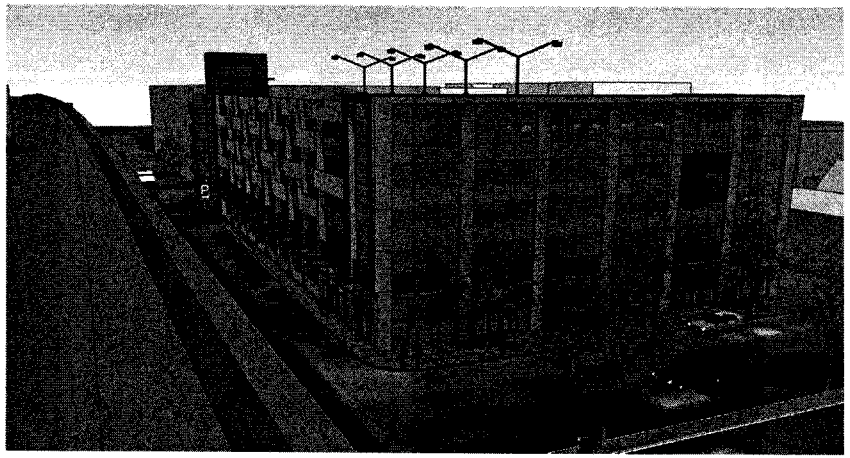
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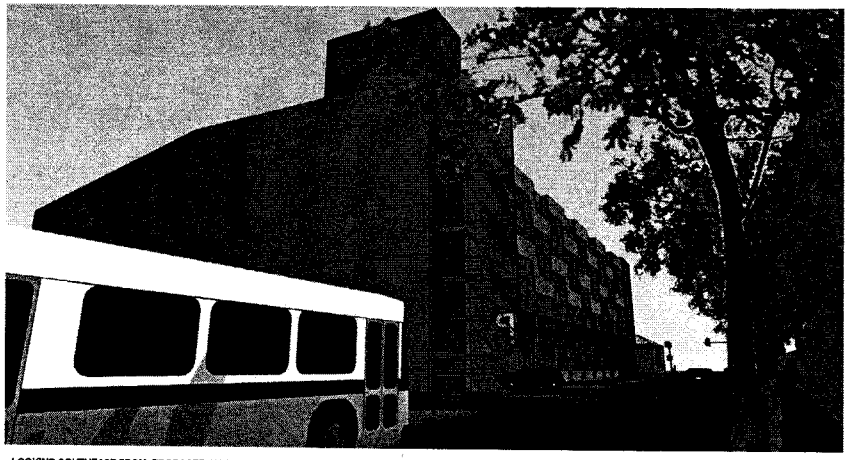
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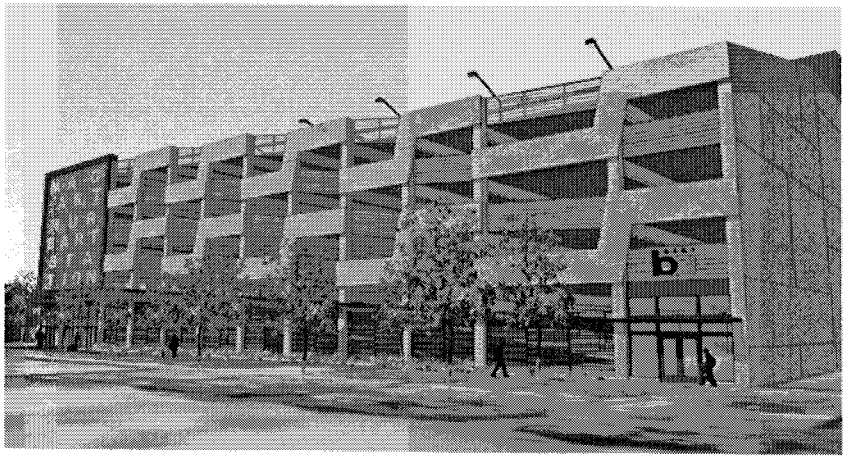
VIEW FROM EASTBOUND 24



VIEW FROM ELEVATED 24/580 CONNECTOR



LOOKING SOUTHEAST FROM PROPOSED SHUTTLE ACCESS ROAD



VEW OF EASTERN FACADE

LOWNEY ARCHITECTURE

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

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1.	04.15.2010	PLANNING SUBMITTAL	EP

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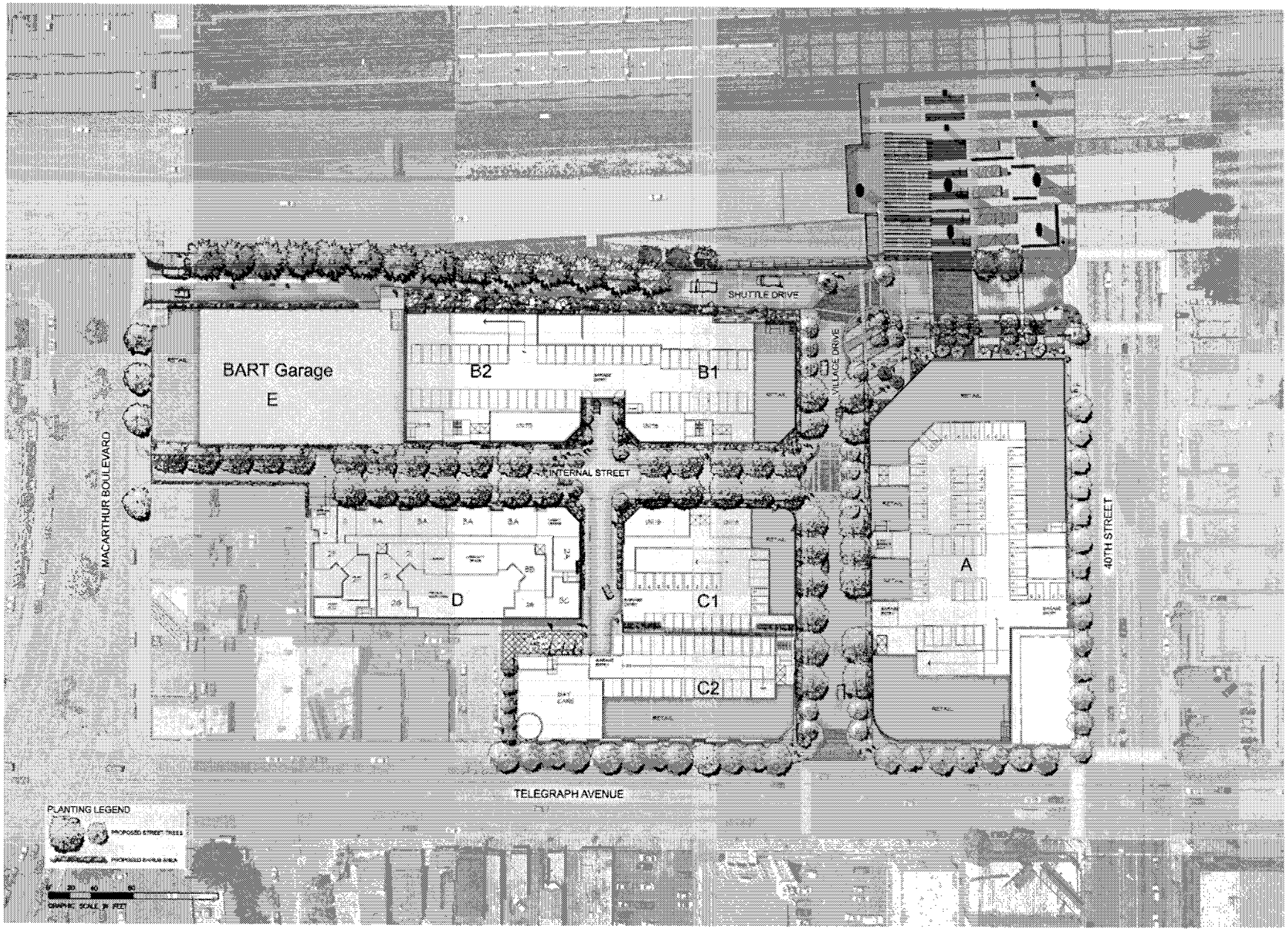
PERSPECTIVE VIEWS

SHEET NUMBER

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PGA design
LANDSCAPE ARCHITECTS
44417th Street, Oakland, CA 94612
T 510 465 1284
F 510 465 1256

PROJECT NAME

MACARTHUR BART VILLAGE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.12.2010	PLANNING SUBMITTAL	EP

DATE: 05-17-10
DRAWN BY: CS/EP

PROJECT NUMBER 10-006

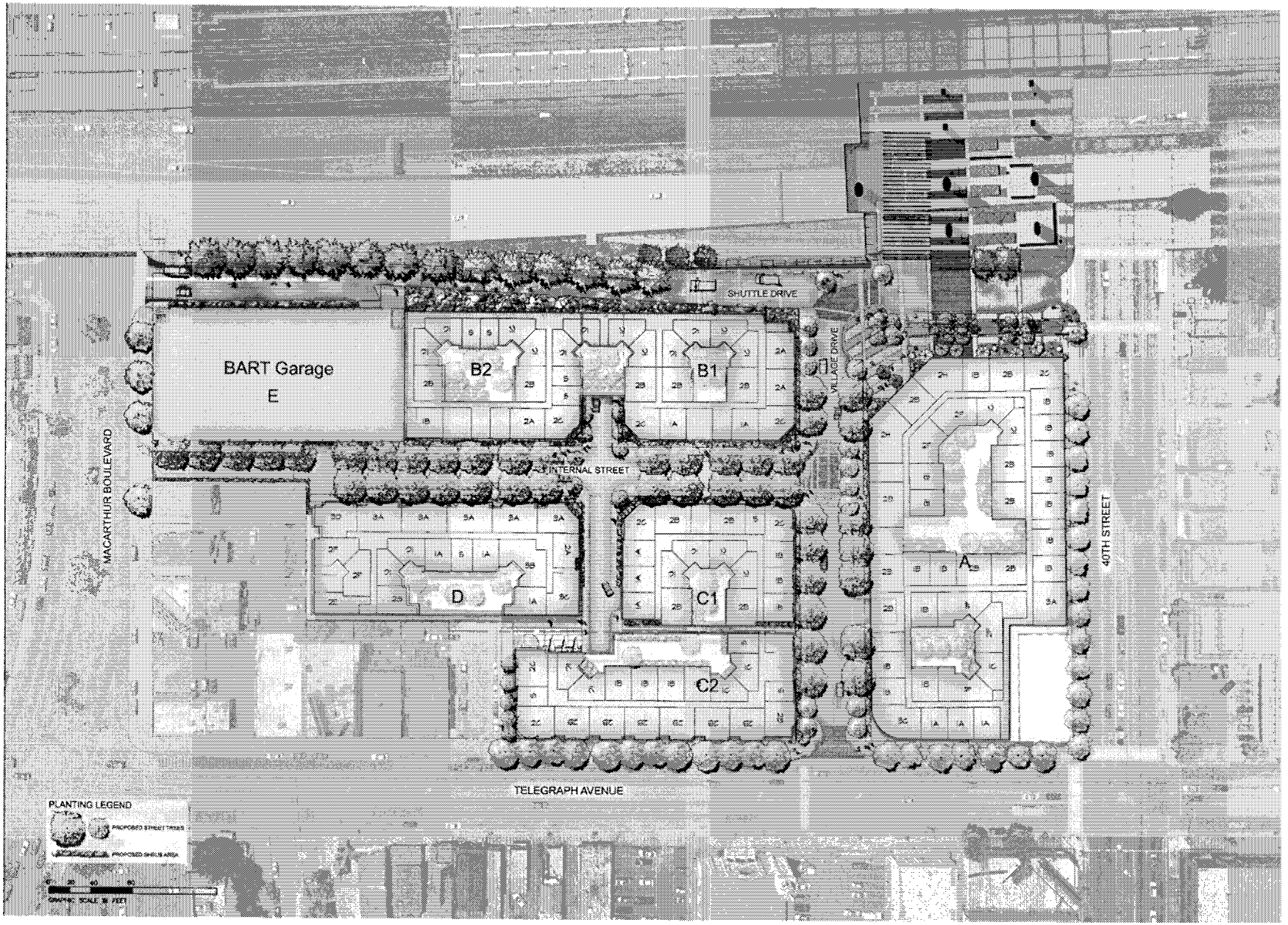
SHEET TITLE

LANDSCAPE ILLUSTRATIVE PLAN
GROUND LEVEL PLAN

SHEET NUMBER

L - 1.0

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PGA design
LANDSCAPE ARCHITECTS
444 17th Street, Oakland, CA 94612
T 510 465 1284
F 510 465 1256

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

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PROJECT NUMBER 10-006

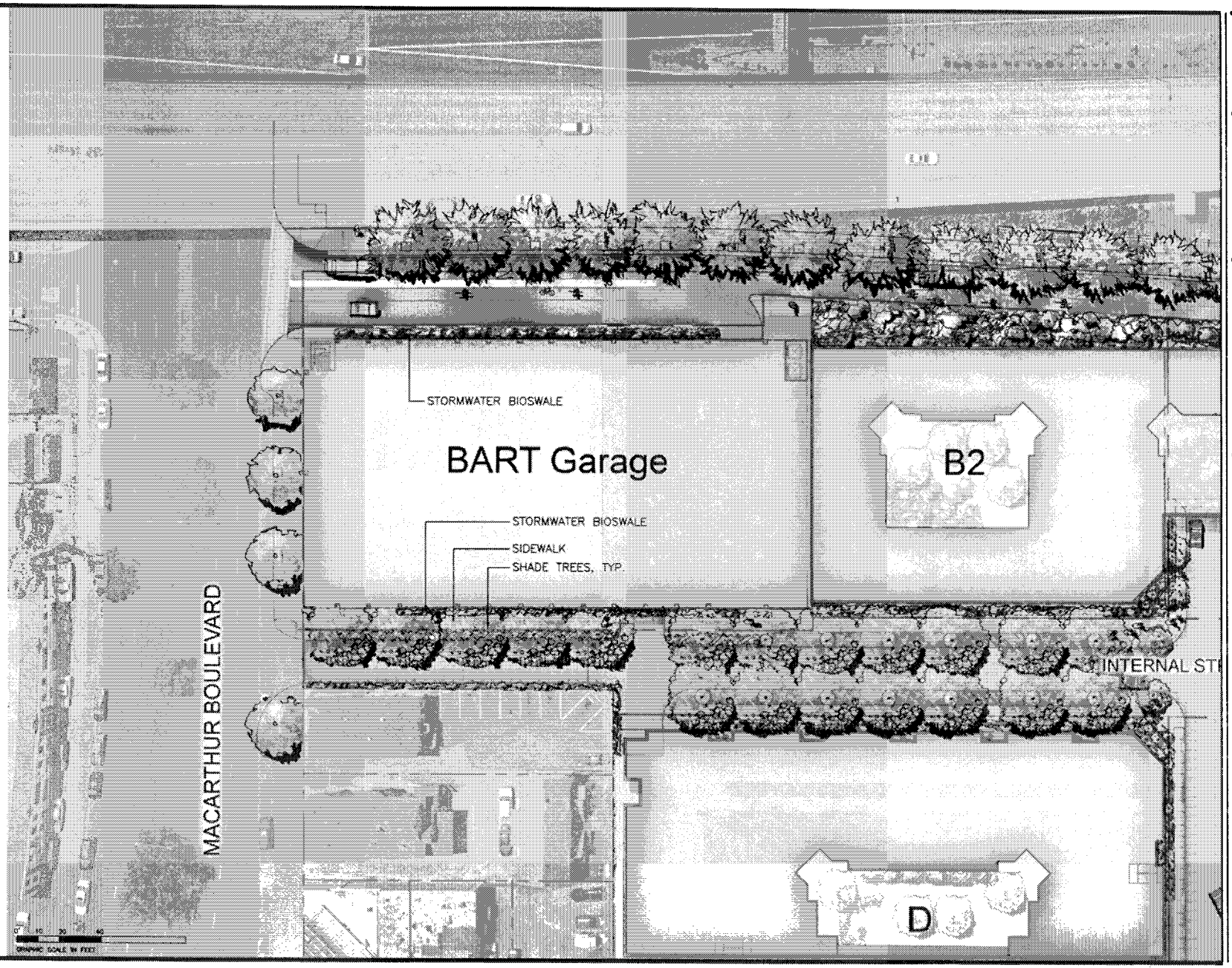
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LANDSCAPE ILLUSTRATIVE PLAN PODIUM LEVEL AND ABOVE

SHEET NUMBER

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PGA design
LANDSCAPE ARCHITECTS
44417th Street, Oakland, CA 94612
T 510 465 1284
F 510 465 1256

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1.	04.12.2010	PLANNING SUBMITTAL	EP

DATE: 04-12-10
DRAWN BY: CS/EP

PROJECT NUMBER 10-006

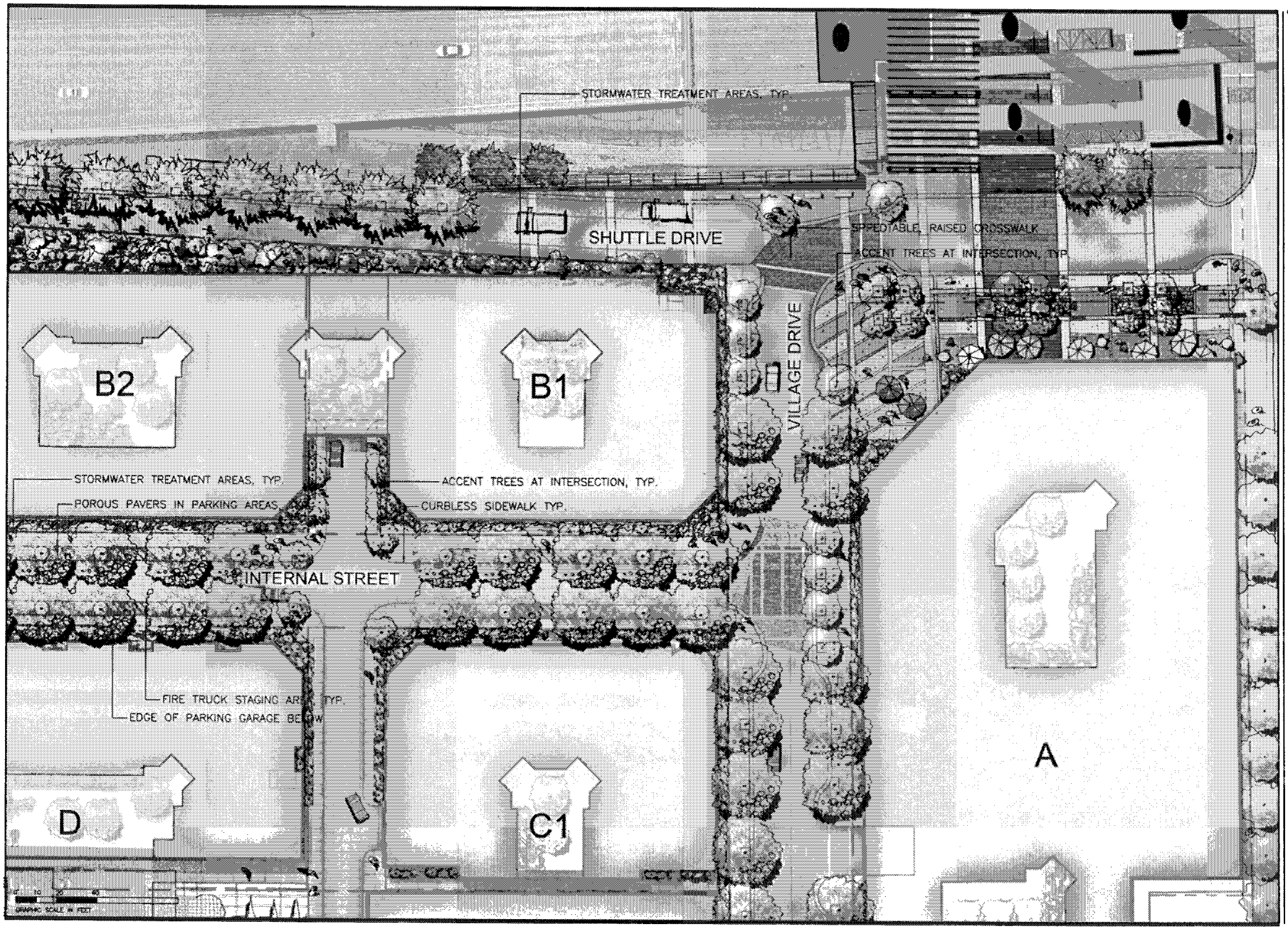
SHEET TITLE

LANDSCAPE ILLUSTRATIVE PLAN

SHEET NUMBER

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PGA design
LANDSCAPE ARCHITECTS
444 17th Street, Oakland, CA 94612
T 510 465 1284
F 510 465 1256

PROJECT NAME

MACARTHUR BART PARKING STRUCTURE

Oakland, CA 94609

CONSULTANTS

NO.	DATE	ISSUES AND REVISIONS	BY
1	04.12.2013	PLANNING SUBMITTAL	SP

DATE: 04-12-10
DRAWN BY: CS/EP

PROJECT NUMBER 10-006

SHEET TITLE
LANDSCAPE ILLUSTRATIVE PLAN

SHEET NUMBER
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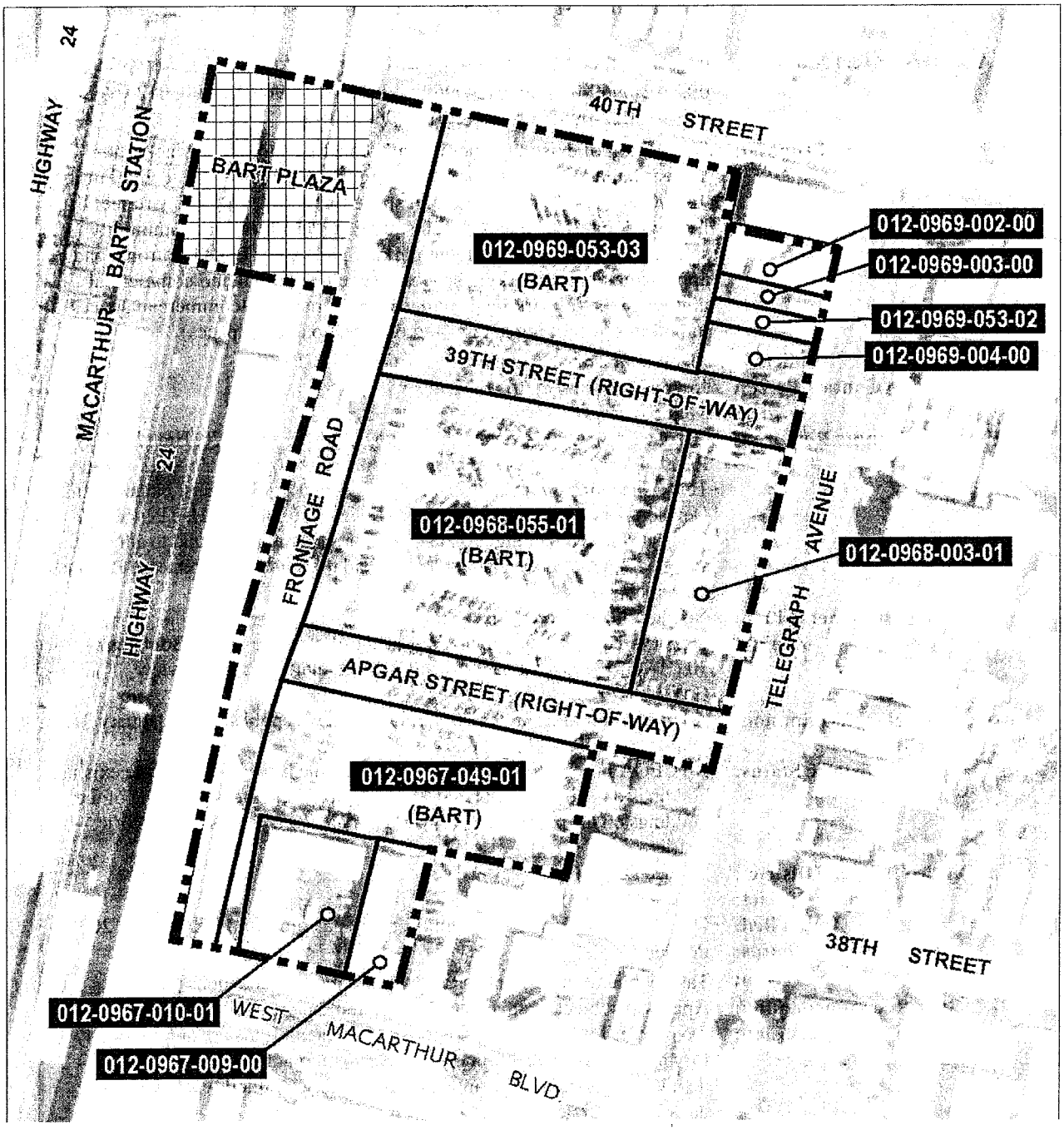
ATTACHMENT D:

JUNE 4, 2008 PLANNING COMMISSION REPORT (AND ATTACHMENTS)

Oakland City Planning Commission STAFF REPORT

Case File Number: ER06-0004, RZ06-0059, PUD06-0058 **June 4, 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:	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**


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
HIGHWAY 24

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

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

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**

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

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.

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

General Plan Analysis

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.

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.

[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 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 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.

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

- 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

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.

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.

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.

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.

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

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.

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:

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

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.

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

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

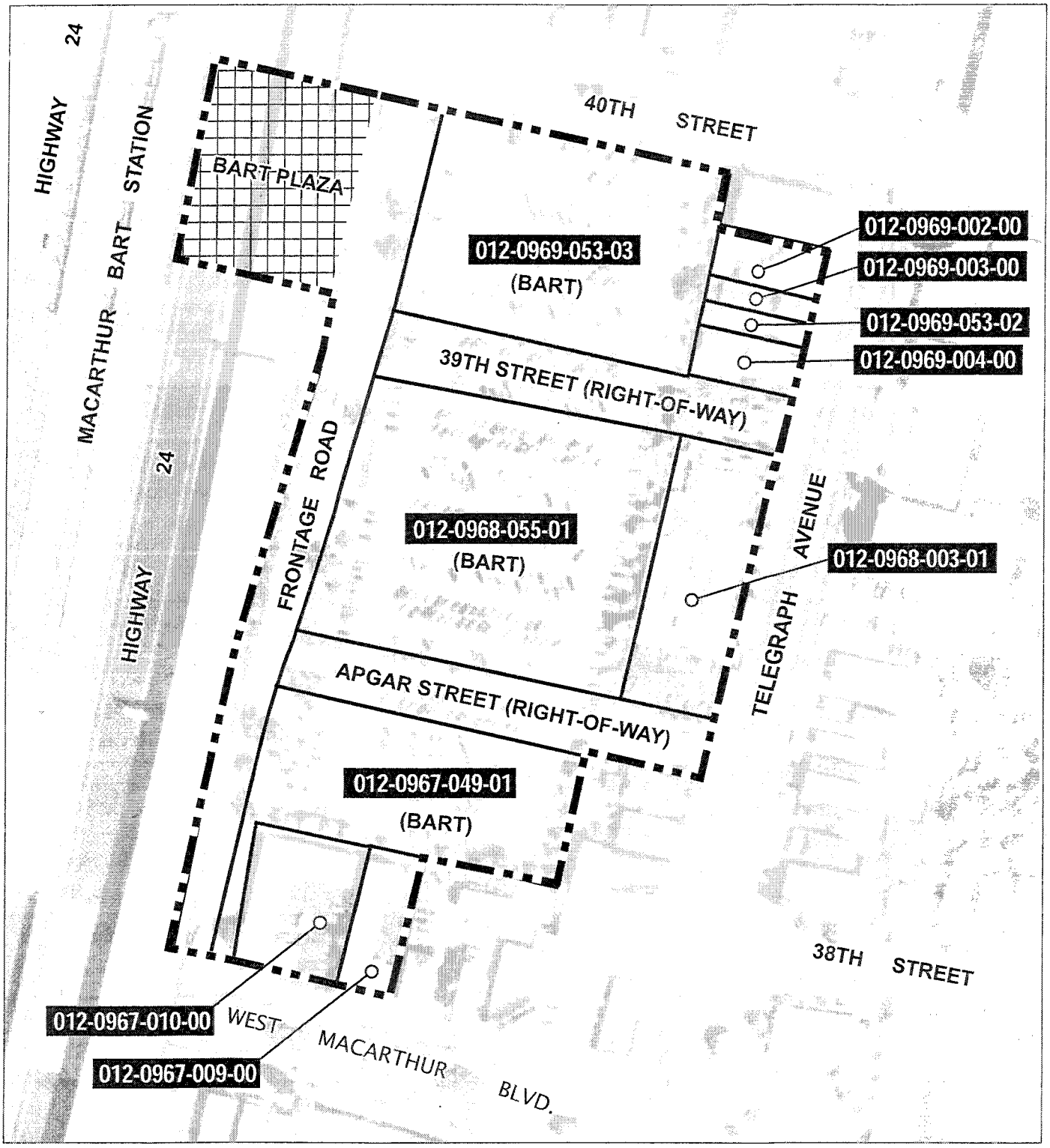


FIGURE III-2

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

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

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Air Quality *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.	

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

Impact	Level of Significance Without MM	Standard COA/MM	Level of Significance With MM/COA
Air Quality *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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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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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*		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

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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-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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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

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
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

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
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

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
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

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

Table II-2 Recommendations

TRANS-1: In consultation with City of Oakland staff and pending feasibility studies, the following improvements should be considered in and around the project area: • Removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard. • Providing street furniture and widening sidewalks where feasible in and around the project site. • Providing pedestrian scale lighting on MacArthur Boulevard under the freeway overpass. • Specific intersection improvements, such as advanced stop bars, median refuge islands, reduced corner curb radii, raised crosswalks, curb bulb-outs, audible pedestrian signals, and pedestrian and bicycle signal detection.
TRANS-2: Project applicant should pay to monitor traffic volumes and speeds on the following roadways before and after the completion of the proposed project: • 37th Street between West MacArthur Boulevard and Telegraph Avenue; • 38th Street between Telegraph Avenue and Webster Street; and • Clarke Street and Ruby Street between 38th Street and 40th Street. In consultation with local residents, and in accordance with all legal requirements, appropriate traffic calming measures, such as speed humps, or roadway closures, should be considered if and when excessive traffic volumes or speeding are observed. These potential improvements should be funded by the project applicant.
NOISE-1: All exterior active use areas, including playgrounds, patios, and decks, shall either be shielded by buildings to block any direct line of sight to 40th Street, MacArthur Boulevard, or SR-24; or be located a minimum of 87 feet from the centerline of 40th Street, a minimum of 94 feet from the centerline of MacArthur Boulevard, and a minimum of 372 feet from the centerline of SR-24.

CITY OF OAKLAND

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

Community and Economic Development Agency
Planning & Zoning Services Division

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

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

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

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

Address	Assessor Parcel Number	Current Use
532 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

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

SCH # 2006022075

Project Title: Mac Arthur Transit Village

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

Project Location:

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

Document Type:

CEQA: ☐ NOP ☒ Draft EIR
☐ Early Cons ☐ Supplement to EIR (Note prior SCH # below)
☐ Neg Dec ☐ Subsequent EIR (Note prior SCH # below)
☐ Mit Neg Dec ☐ Other ____

NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI

Other: ☐ Joint Document ☐ Final Document ☐ Other ____

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: Neighhorhood 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:

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

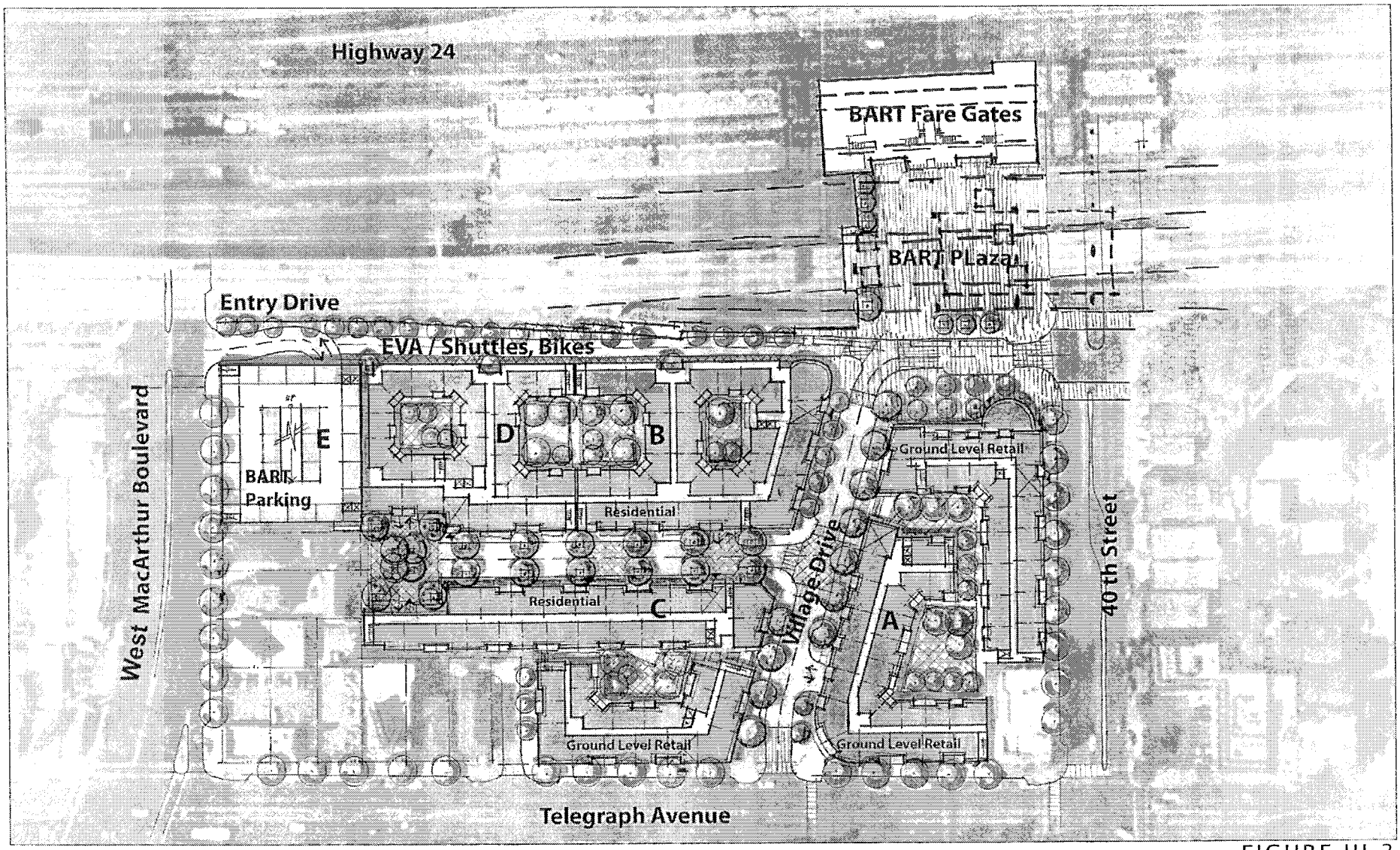


FIGURE III-3

MacArthur Transit Village Project EIR
Conceptual Site Plan

N

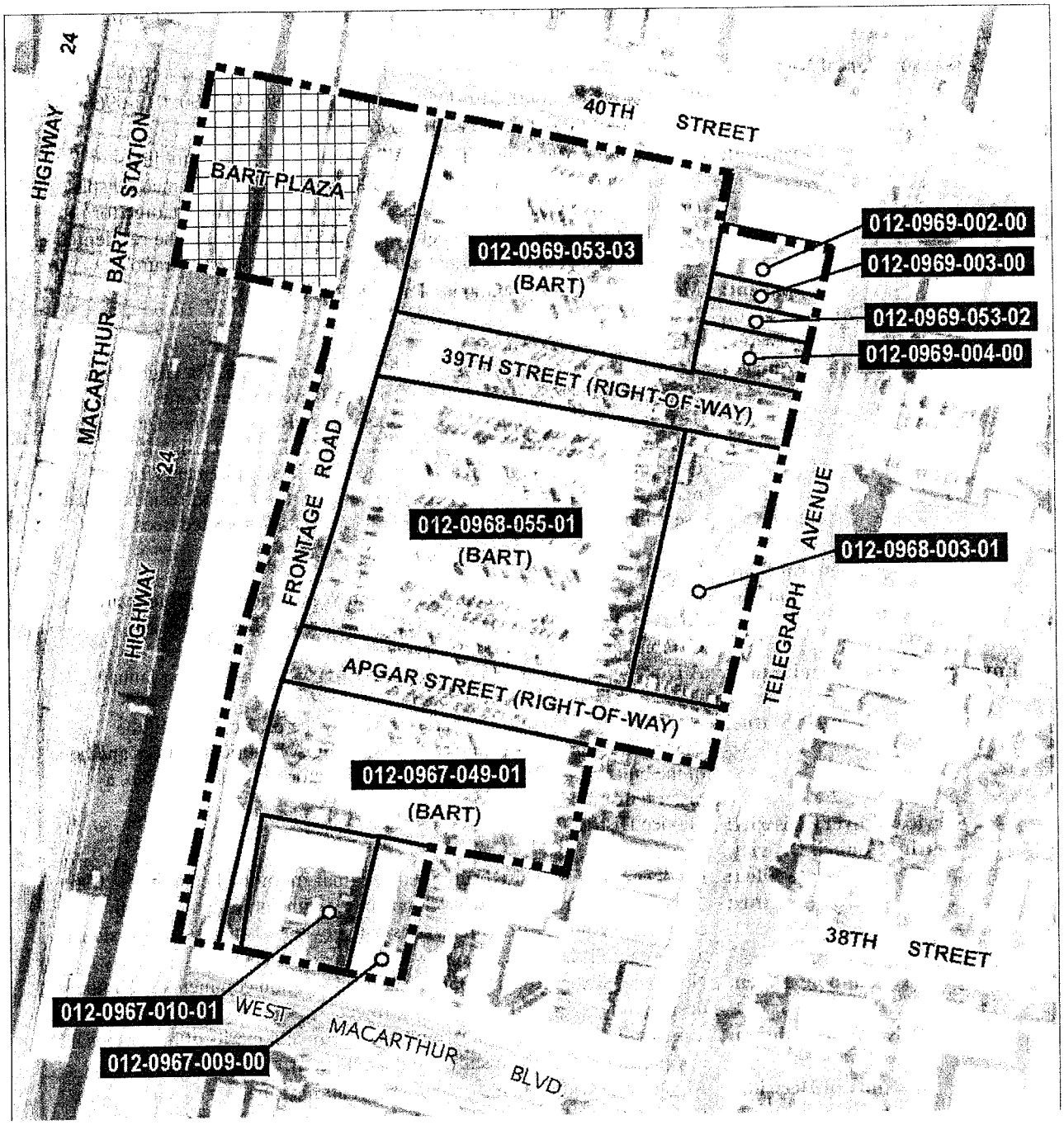
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SOURCE: MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC, 2007
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Oakland City Planning Commission STAFF REPORT

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**


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)
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.
HIGHWAY 24

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

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<< NOFLACLOGO.JPG >>

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http://www.reallivemoms.com?ocid=TXT_TAGHM&loc=us

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More photos; more messages; more whatever – Get MORE with Windows Live™ Hotmail®. NOW with 5GB storage. Get more!

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
> within a month or so that the proposed transit village would be built,

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

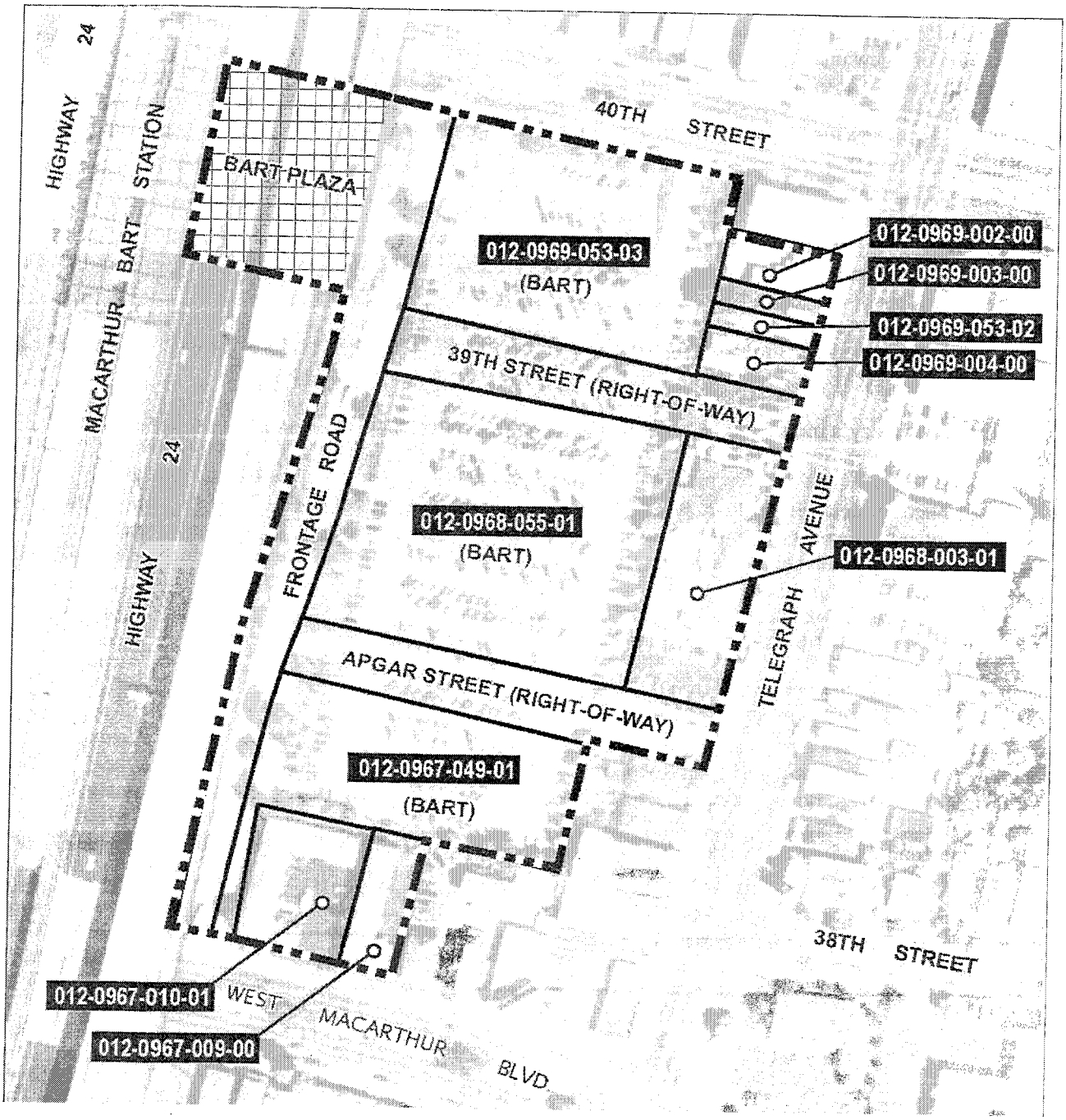
Design Review Committee

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
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
HIGHWAY 24

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

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

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

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EXHIBIT 1

Existing Zoning Alternative

MacArthur Transit Village Project - CEQA Alternatives Analysis

83% MARKET RATE UNITS / 17% BMR UNITS

ASSUMES SELL-OUT AND STABILIZED OCCUPANCY

Stabilized Operating Statement - Market Rate (2008 $s)		
Average Market Rate Sales Prices	$460,000 per unit	$202,400,000
Less: Marketing & Commissions	4.5%	(9,108,000)
Market Rate Net Sales Proceeds		193,292,000
Total Residential Value		**$193,292,000**
Stabilized Operating Statement - Retail (2008 $s)		
Retail Gross Income		
Potential Gross Rental Income	$36 per sf/year	$1,584,000
Less Vacancy And Collection Loss	10.0% of Gross Rental Income	(158,400)
Total Effective Gross Income (EGI)		$1,425,600
Less Operating Expenses	3.0% of EGI	(42,768)
Less Reserves	2.0% per year	(28,512)
Net Operating Income		$1,354,320
Capitalization		9.0%
Indicated Value		**$15,048,000**
Total Value		**$208,340,000**
Less: Development Costs		**($179,736,260)**
Less: Developer Profit (15%)		**($26,960,439)**
Residual Land Value		**$1,643,300**
Land Value per Square Foot		**$3**

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

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EXHIBIT 2

GENERAL ASSUMPTIONS

Reduced Building/Site Alternative

MacArthur Transit Village Project - CEQA Alternatives Analysis

April 2008

SITE AND BUILDING ASSUMPTIONS

Site Assumptions		**Building Assumptions**	
Site Area (Square Feet)	252,648	Number of Stories	6
Site Area (Net Acres)	5.80	Market rate units	166
		Below market units	34
		Total Units	200
Parking Assumptions			
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

ATTACHMENT E:

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)

6. Carsharing

Companies such as City CarShare and Zipcar[5] provide car rentals by the hour, using internet and telephone-based reservation systems to allow their members to have access to a vehicle whenever needed without the significant costs to own, maintain, and park a car. This strategy has proven successful in reducing both household vehicle ownership and the amount of driving people do, both during peak commute hours and other times of day. According to the Transportation Research Board, each carshare vehicle takes nearly 15 private cars off the road. A UC Berkeley study of San Francisco's City CarShare found that members drive nearly 50 percent less after joining.[6]

Carsharing would reduce or eliminate the need for MacArthur Transit Village residents to own a vehicle, reducing their housing costs in addition to reduced transportation costs. This is especially advantageous for lower-income households.

City CarShare and Zipcar currently offer four vehicles in the existing surface parking lot at the MacArthur BART Station – three for City CarShare and one for ZipCar. These spaces are provided on a contract basis with BART. For the provision of future carshare spaces, a phased approach is recommended in order to coordinate the availability of parking spaces and future demand with project construction. In the early phases of project construction, two spaces shall be made available (one each to City CarShare and ZipCar) on Village Drive. These spaces shall be located as close and as convenient as possible to the fare gate entrances. In addition, up to four spaces will be provided in the newly constructed BART garage. The utilization of these spaces will be on a contract basis with BART.

As project buildout progresses, demand for carsharing is expected to grow for both residents and BART patrons. Therefore, in the later phases of project construction, eight spaces shall be provided as follows:

- Option 1: 4 spaces in the Block A parking garage and 4 spaces in the BART parking garage on a contract basis with BART.
- Option 2: 2 spaces in the Block A parking garage, 2 spaces on Village Drive, and 4 spaces in the BART parking garage on a contract basis with BART.

In general, all carshare parking spaces should be located in a manner that will attract as many users as possible. For example, carshare spaces shall be located in close proximity to fare gates and shall be made as visible and as recognizable as possible. When located in a parking garage, carshare spaces shall be located on the ground floor and as proximate to entrances/exits as possible.

7. 40th Street Transit Corridor

Because Emery-Go-Round and AC Transit transit services currently make limited stops along the 40th Street corridor between the Emeryville border and the MacArthur BART station, many BART patrons living on 40th Street drive and park at the MacArthur BART Station. The potential to reduce parking demand and increase BART ridership could be significantly increased through the provision of a shuttle stop or other transit service along this corridor. However, the funds that are currently available for access improvements to and from the station are not eligible for such operating expenses. Funds are strictly

[5] More information can be found at citycarshare.org, flexcar.com, and zipcar.com

[6] TCRP (2005) *Car-Sharing: Where and How it Succeeds*, TCRP Report 108, 2005. Available online at http://www.nelsonnygaard.com/articles/tcrp_rpt_108.pdf

restricted to capital expenditures and improvements, such as new bike lanes and bike parking facilities, pedestrian and street improvements, transit shelters, and new lighting.

To help improve transit connectivity in this corridor, however, the developer will collaborate with BART, AC Transit, and Emery-Go-Round stakeholders to research and identify additional funding sources for enhanced transit service along the 40th Street corridor. In addition, the developer, BART, and the City will work with Kaiser Hospital and Alta Bates Medical Center to evaluate if, and how, any service improvements can be made to better coordinate the number of other shuttle services in the area, and potentially provide additional transit service to 40th Street.

8. TDM Marketing Coordination

Informational materials about the above listed programs, as well as transit, shuttle service, and bicycling information, will be distributed as part of a "move-in" packet for residents. One or more full-time employees from the sales and/or leasing offices will be responsible for these tasks, including receiving TDM training to help residents become aware of, and make use of, non-vehicular modes of transportation. After initial lease-up or initial sales the manager of the HOA and a staff member of the respective leasing offices will assume this responsibility, pursuant to the master association CC&Rs.

9. Neighborhood Marketing Coordination

In an effort to decrease the number of local residents driving to the BART station, two months prior to the existing BART surface parking lot being closed for project construction the project applicant will undertake a one-time marketing campaign targeted to neighborhoods and local residents that have convenient access via other modes of transportation to the BART Station. In addition, marketing information shall also be provided to those currently parking in the surface lot via a windshield flyer or handouts at parking lot access points. Marketing materials will include distribution of information on alternative means of accessing BART and potentially free trial transit passes or other financial incentives to encourage people to not drive to BART. The marketing campaign will be created by the developer with input from the City, BART, AC Transit, and other local transit and transportation providers.

C. TDM Strategies not required by CEQA

These strategies are not required by CEQA, but will be important to ensure the provision of sufficient vehicle parking supply for BART patrons, and effective signage to help orient people who are going to or passing through MacArthur Transit Village.

1. BART Parking Garage Supply and Operations

There are currently 600 on-site parking spaces at MacArthur BART Station. In addition, a number of BART patrons do not park in the BART lot, but rather on nearby city streets. Previous surveys have found that up to 200 cars are parked by BART patrons on local streets each day, which currently have no parking restrictions. However, to ensure that there is sufficient on-street parking for residents in the surrounding neighborhood, the City is exploring the feasibility of developing a residential permit program (RPP). An RPP operates by exempting permitted vehicles from the parking restrictions and time limits for non-metered, on-street parking spaces within a geographically defined area.

To accommodate the parking demand for BART patrons that would still access the station by automobile, the developer will build a 450-space replacement parking garage on Block E in the first phase of the project. In addition, the project applicant will unbundle at least 60

additional residential parking spaces. BART patrons will have a non-exclusive opportunity to share the 60 unbundled spaces that are built as the Project develops (as part of Phase 3). There is potential for additional unbundled spaces depending on residential parking demand, as discussed above.

2. Non-Residential Parking

All other non-residential parking at MacArthur Transit Village, both on-street and off-street, will be studied as paid parking at market-rates to be determined by the property owner, for off-street parking, and the City of Oakland, for on-street parking. The implementation plan will consider a phased program for off-street parking over time and limited free parking for retail use.

3. BART Access Strategies

The developer will contribute $350,000 toward capital costs for BART's "Access Strategies Fund." BART will have sole discretion to allocate these funds to a variety of approved capital access strategies, but will consult and coordinate with the City. This fund is separate from the TDM program outlined in this memorandum, but capital expenditures from this fund will likewise be designed to improve non-motorized access to the MacArthur BART station.

4. Wayfinding Strategies

"Wayfinding" refers to how people orient themselves and navigate from place to place, and the types of information they use to do so. People, especially those less familiar with an area, orient themselves using maps, signage, and other publicized information, as well as landmarks such as prominent buildings and other natural features in the landscape. An effective wayfinding system helps people feel safe and comfortable, and, ultimately, find their destination. It also gives them a "sense of place" – an understanding and familiarity with where they are and where they are going, and encourages them to use the same travel mode again in the future.

Residents, employees, and visitors to MacArthur Transit Village can all benefit from an effective wayfinding program, including signage and other information to help them navigate throughout the development, to BART from within the project area, and elsewhere in the City of Oakland and beyond. With simple and intuitive wayfinding tools, visitors can quickly find their destination without the fear or stress of getting lost, arriving on time, or feeling comfortable with their surroundings.

The wayfinding improvements and strategy can build on recent investments in new bicycle and pedestrian signage near MacArthur BART. The provision of wayfinding signage at MacArthur BART and MacArthur Transit Village can also share the same design and navigational themes.

The developer will install standard street signs pursuant to City standards and approvals. Furthermore, the developer shall ensure that any wayfinding improvements meet the City's existing wayfinding program requirements[7] (especially for bicyclists and pedestrians), are well-coordinated with BART signage, and integrate easily with other wayfinding improvements in the area. More specifically, to facilitate the creation of a holistic and well-coordinated signage program for the whole station area, the developer shall allocate $15,000 to the City. These funds can be used not only for the staff time required to plan and

[7] "City of Oakland – Design Guidelines for Bicycle Wayfinding Signage." Adopted in 2009.

coordinate the wayfinding program with BART and the developer, but also for the actual production and installation of the signage.

When coordinating the wayfinding program, the City, BART, and the developer shall evaluate some or all of the following strategies and wayfinding elements within the project area:

- Publicly displayed maps of the neighborhood surrounding MacArthur Transit Village and MacArthur BART Station that indicate prominent landmarks and important destinations, as well as maps of the regional transportation system for the Bay Area.
- Provide transportation information for all modes, including maps and schedules for transit, directions to bus stops, bicycle parking, carshare pods, and automobile parking areas.
- Signage throughout the site, designed in coordination with the City, BART, AC Transit, Emery-Go-Round, and other transportation services, to direct travelers to various services and key destinations. These signs will supplement the signs already being provided by BART, with an emphasis on pedestrian navigation.
- There will be many opportunities to design wayfinding into structures, plazas and other elements of the site. Furthermore, the actual design of the site, not just signage, will make an important contribution to the identity and ability for people to orient themselves at MacArthur Transit Village.

D. Program Monitoring and Adjustment

It will be important to monitor and adjust the TDM program during the construction of each phase and subsequent to completion of the project to ensure that investments in TDM strategies are as effective as possible. The developer will therefore submit *a TDM Monitoring Plan before the beginning of each construction phase that will include the* following elements:

- Performance of each of the measures listed in B.1. - B.9. and C.1. - C.4. If a strategy is deemed unsuccessful or underutilized, it could be replaced by another strategy that is likely to be more successful.
- Parking supply and occupancy for peak periods, to determine feasibility of reductions in parking supply construction and/or expansion in unbundling.

The developer shall fund the monitoring plan and ongoing review by a qualified transportation firm with TDM development and monitoring experience, with oversight by the City, up to a maximum of $50,000 until completion of the project. Once again, a review of the TDM Plan will take place following the completion of each phase of the Project. These funds can be used at any time during the construction of the project. However, utilization of the funds will likely vary from year to year and depending on completion date of the five construction phases.

The developer shall fund an escrow type account to be used exclusively for the TDM monitoring activities as applicable for each phase by a qualified third party (such as: parking occupancy counts for each phase; travel surveys of residents, employees, customers, and BART patrons; data compilation and analysis of EasyPass participation, analysis of BART, AC Transit, and shuttle ridership, etc.), preparation of monitoring reports, and review by City staff. The specifics of the account shall be mutually agreed upon by the developer and the City, including the ability of the City to access the funds if the developer is not complying with the TDM requirements.

Within 6 months of completion of the last phase of development, a final TDM Monitoring Plan shall be completed highlighting the performance of each of the TDM strategies and recommending any changes or modifications that should be made to improve the ongoing performance of the various TDM strategies. In addition, the plan shall include a summary of the ongoing management obligations of the HOA and/or leasing office.

It is also important to note that the project's Conditions of Approval require that the developer allocate $150,000 to the City for the development of a Residential Permit Program (RPP). At this time, the extent of the RPP and its status remain uncertain. If these funds are not expended within five years of project completion, "...the project sponsor shall have no further obligation to pursue or fund any RPP program and any remaining funds shall revert back toward public improvements in the project area as determined by the City."

E. Implementation

Figure 3 on the following page summarizes the implementation schedule for the TDM plan.

Figure 3 Implementation Schedule for MacArthur Transit Village TDM Plan

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	**Sub Strategy**	**BART Garage & Infrastructure**	**Affordable Housing Component**	**Market-Rate Housing Phase 1, Block A**	**Market-Rate Housing, Blocks B or C**	**Market-Rate Housing, Blocks B or C**	**On-going or One-Time Item**
B.1. Discounted Transit Passes	**B.1.a. Collaborate with AC Transit to provide EasyPass program to affordable housing residents**	N/A	To be implemented prior to Certificate of Occupancy and available to residents upon occupancy.	N/A	N/A	N/A	On-going through life of project
	B.1.b Provide location for sales of AC Transit and high-value BART/Clipper passes to market rate units	N/A	N/A	Single retailer or centralized market-rate project staff	Single retailer or centralized market-rate project staff	Single retailer or centralized market-rate project staff	On-going through life of project
B.2 and B.3. Bicycle Parking	**B.2.a Provide secure bicycle parking for residential and retail uses**	N/A	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be installed prior to Certificate of Occupancy in accordance with City of Oakland Bicycle Ordinance	To be maintained through life of project
	B.3.a Collaborate with BART to provide high-capacity, secure bicycle parking	Collaborate with BART and City and, if feasible, located in the BART Plaza, a commercial space, or in new BART parking garage	N/A	N/A	N/A	N/A	Continued discussion until suitable solution has been found

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	**Sub Strategy**	**BART Garage & Infrastructure**	**Affordable Housing Component**	**Market-Rate Housing Phase 1, Block A**	**Market-Rate Housing, Blocks B or C**	**Market-Rate Housing, Blocks B or C**	**On-going or One-Time Item**
	B.3.b Provide bicycle repair facilities	N/A	N/A	To be installed prior to Certificate of Occupancy, if deemed feasible.	If deemed feasible, and not installed in Phase 3.	If deemed feasible, and not installed I Phase 3 or 4.	To be maintained through life of project
B.4. Unbundling of Parking	**B.4.a 30% of residential parking will be unbundled in Block A**	N/A	N/A	Prior to FDP approval, details of unbundling to City; to be ensured in selling the units in Parcel A.	Feasibility of additional unbundled parking to be assessed as part of B.4.a below and if deemed feasible, then to be ensured in the selling of the units in Phase 4.	Feasibility of additional unbundled parking to be assessed as part of B.4.a below and if deemed feasible, then to be ensured in the selling of the units in Phase 5.	In Phases 3-5
	B.4.b Explore potential for lease back of designated parking spaces	N/A	Prior to FDP approval, determine feasibility; if determined feasible ensure garage design will accommodate and provide the details of the mechanisms of the lease-back program for review and approval by City staff prior to Certificate of Occupancy.	N/A	Feasibility of assigning ownership of all or some of the parking spaces within the market rate buildings to the HOA, with first priority of use provided to residents, commercial tenants with any unused spaces being available to lease to the general public	Feasibility of assigning ownership of all or some of the parking spaces within the market rate buildings to the HOA, with first priority of use provided to residents, commercial tenants with any unused spaces being available to lease to the general public	If deemed feasible , implement prior to Certificate of Occupancy and on-going through life of project

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	**Sub Strategy**	**BART Garage & Infrastructure**	**Affordable Housing Component**	**Market-Rate Housing Phase 1, Block A**	**Market-Rate Housing, Blocks B or C**	**Market-Rate Housing, Blocks B or C**	**On-going or One-Time Item**
					to be assessed as part of B.4.a below; if deemed feasible to be implemented prior to Certificate of Occupancy.	to be assessed as part of B.4.a below; if deemed feasible, to be implemented prior to Certificate of Occupancy.	
B.5. Phased Parking Construction	**B.5.a In future phases, assess whether parking supply can be reduced before construction**	N/A	N/A	N/A	Prior to FDP approval, assess whether parking supply in this phase can be reduced due to lower demand than expected in Phase 3. Opportunities to increase unbundling and/or a lease back program will also be assessed as part of this sub-strategy.	Prior to FDP approval, assess whether parking supply in this phase can be reduced due to lower demand than expected in Phases 3 and 4. . Opportunities to increase unbundling and/or a lease back program will also be assessed as part of this sub-strategy.	In Phase 4 and 5

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	**Sub Strategy**	**BART Garage & Infrastructure**	**Affordable Housing Component**	**Market-Rate Housing Phase 1, Block A**	**Market-Rate Housing, Blocks B or C**	**Market-Rate Housing, Blocks B or C**	**On-going or One-Time Item**
B.6. Carsharing	**B.6.a Maintain and increase number of parking spaces available for car-sharing**	The 4 existing carshare spaces will be moved to the BART Garage once in operation	N/A	Prior to Certificate of Occupancy, discuss with carshare operators on potentially moving 2 vehicles to Parcel A and 2 vehicles to Village Drive, with a total potential supply of 8 spaces.	Prior to Certificate of Occupancy, discuss with carshare operators an increase in the number of carshare vehicles.	Prior to Certificate of Occupancy, discuss with carshare operators an increase in the number of carshare vehicles.	On-going discussions with carshare operators on the best locations for up to 8 carshare vehicles
B.7. TDM Marketing Coordination	**B.7.a Provide TDM marketing coordination to residents and employees**	N/A	Staff will provide move-in packets to new tenants and on-going marketing materials and support for non-vehicular modes of transportation. To be located in the leasing office.	Marketing coordination will take place in the sales/leasing office.	Marketing coordination will take place in the sales/leasing office.	Marketing coordination will take place in the sales/leasing office.	Once the sales office has closed, TDM coordination will be managed by the HOA or leasing offices.
C.1. BART Garage Operations	**C.1.a Provide parking spaces to BART patrons**	Project Sponsor will ensure a BART patron parking supply of 450 centralized parking spaces and potential sharing of 60 unbundled spaces within the Project	N/A	N/A	N/A	N/A	450 spaces to be provided through the life of the project.

		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Timeframe
Key Strategy	Sub Strategy	BART Garage & Infrastructure	Affordable Housing Component	Market-Rate Housing Phase 1, Block A	Market-Rate Housing, Blocks B or C	Market-Rate Housing, Blocks B or C	On-going or One-Time Item
C.4. Wayfinding Signage	C.4.a Improve wayfinding in, and in the vicinity of, the project site	On-going	On-going	On-going	On-going	On-going	On-going

ATTACHMENT I:

FEASIBILITY ANALYSES

Memorandum

To:	Catherine Payne
Cc:	Art May
From:	Joe McCarthy
Date:	October 21, 2010
Project:	MacArthur Transit Village
Subject:	UPDATED Bike Facility Feasibility Study

Introduction

The MacArthur Transit Village's PDP Condition of Approval #15 calls for the developer, MacArthur Transit Community Partners, LLC (MTCP), to perform a feasibility study that analyzes the physical and economic impacts of locating a long-term bike parking facility in three potential locations at the MacArthur BART Station and Transit Village. This requirement was also incorporated into the Draft Transportation Demand Management Plan (TDM). The City of Oakland's goals (pursuant to their Bike Master Plan) for bicycle parking at railroad and bus terminals is to provide a combination of short-term and long-term bike parking equal to 5% of the maximum projected ridership for the station.

The study will be reviewed by the City's Transportation Services Division (TSD), Planning and Zoning Division and BART. If the conclusion is that the bicycle facility is feasible, then MTCP would market the appropriate spaces to potential operators or include a facility along with the proposed BART parking garage.

Existing and Proposed Capacity

The MacArthur BART Station saw an increase in bicycle access mode share from 4% in 1999 to 8.2% in 2008, one of the highest in the BART system. There are currently 122 bike spaces located in the BART Plaza adjacent to the fare gates and 35 bike spaces inside the fare gates. Outside the fare gates, 72 spaces are provided in "wave-like" bike racks and 40 spaces are within bike lockers that are available for a small fee. Inside the fare gates there are 11 bike lockers and 24 spaces provided in the "wave-like" bike racks.

The maximum home base ridership at the MacArthur BART Station in 2010 is approximately 3,850. Based on the City's 5% goal, 192 bike spaces should be provided at the station today. In interviewing BART's staff regarding their long term goals at the station, BART's staff noted that

the estimated demand in 2030 will grow to 295 bike spaces. BART's preference is to have 70% of those spaces in secured areas (lockers or a bike station) and 30% in open bike racks. In discussing the proposed bike station with BART, they suggested targeting 315 bike spaces an allocation of 200 bike station spaces, 75 bike rack space, and 40 bike locker spaces. For the sake of this analysis, MTCP studied the feasibility of providing 315 spaces, thus a 20 year supply.

Proposed Bike Facility Location

The locations considered for this study are within the BART Plaza, ground floor retail space within the proposed Transit Village development, and the new BART Parking Garage. These three options are analyzed below in terms of access, expansion, security, schedule, and economic. Based on research conducted at other BART Stations, for this study it is assumed a bike station would be approximately 2,000 to 3,000 square feet in size with additional space for room for expansion.

BART Plaza

The BART Plaza is an approximately 1 acre area located directly outside the BART fare gates at the MacArthur BART Station. Located under Highway 24, the Plaza provides direct access to the BART fare gates and the BART Platform. The plaza is also the main waiting area for AC Transit, several shuttle services, taxi service, and kiss and ride. Designed as part of the original plan for the BART station, the plaza is the current location for bike parking.

Access – The proposed location of the bike station would be in the southern portion of the plaza, approximately 100 feet from the fare gates. Cyclists would have convenient access to the 40th Street and Frontage Road bike paths and they would be virtually at the front door of the BART Station.

Expansion – Due to the amount of available space within the BART Plaza, expansion for bike parking could be accommodated by designing the facility to expand in a given direction. Furthermore, adding space for a attended operation can also be included.

Security – The plaza is well lit at night and it will continue to be the most active space in the Transit Village. The bike facility will be completely enclosed with controlled access through smart card technology and the location will be within observation view to the BART station agents.

Schedule– Assuming funding availability, the bike facility could be under construction at the same time MTCP is renovating the BART Plaza in 2011 and it could be completed in early 2012.

Economic – Based on estimates provided by BART staff from the Ashby Station study, a bike station for 199 bikes could cost between $400,000 to $600,000 (capital costs). Depending on marketing assumptions, costs for operating an unstaffed facility could cost between $10,000 to $15,000 per year. Assuming the station is attended 14 hours a day, an attended facility would add an additional $80,000 to $120,000 per year (Downtown Berkeley BART Bikestation:

Economic Analysis for Facility Expansion). In the case of the MacArthur BART station additional space would needed to be added to the Bike facility if any retail component is added to the bike facility. Depending on funding, the BART Plaza location could easily support a staffed or unattended facility especially if there was a bike shop or small retail component to help cover additional operating costs.

Retail Space

The MacArthur Transit Village will include 42,500 square feet of ground floor retail space. It is assumed the location of the bike station would either be located in a retail storefront on the public open space directly across from the BART Plaza or along Village Drive of Parcel A. Parcel A will include a 200 unit building with approximately 20,000 square feet of commercial space.

Drawing from the work of Strategic Economics in their report, "Downtown Berkeley BART Bikestation: Economic Analysis for Facility Expansion," it is assumed the bike station would be co-located along with a complimentary and compatible tenant, like a café, where fixed costs could be shared and the exposure regarding both uses maximized further ensuring long term financial sustainability. The estimated size of the space is 3,000 square feet with the bike station encompassing approximately 2,000 square feet.

Access – Located in the retail space east of the BART Plaza and Village Drive, the bike facility would be approximately 300 feet from the BART fare gates. Assuming co-locating along with a complimentary tenant such as a café, the location would have an attendant who could assist in parking and retrieving bikes during store operating hours. The location would still be convenient to the surrounding bike paths; however, bikers would have to travel farther to get to the fair gates.

Expansion – Future expansion in the retail space would be very limited as adjacent retail spaces could be leased. Expansion might require relocation to a location further from the BART Plaza and fair gates.

Security – The bike facility would be enclosed with controlled access either through an attended/employee or potentially with Smart Card technology after the retail use is closed. The retail space would be well lit and given the amount of retail space and location, the area should be relatively active.

Schedule – Assuming funding availability, the bike facility would be completed after the proposed mixed-use building is completed. An aggressive schedule for Parcel A would have it competing in 2017. However, based on MTCP's agreement with the Redevelopment Agency, the latest the parcel could be developed would be a 2021 start construction and completion three years thereafter.

Economic –Locating in the retail space would add costs associated with the tenant improvements and costs associated with monthly rent not required in the other two options. However, the shell would be built by the developer, thus the total capital cost could be lower

than the BART Plaza location. The bike facility would most likely require co-locating with a café or other retail use where the revenue stream from the retail business could help cover costs associated with the attendant/employees costs and the other operating costs.

BART Garage

MTCP is building a replacement parking garage for BART patrons that drive to the station. The garage will include approximately 480 parking stalls and 5,000 square feet of ground floor retail space in a five story structure. The BART Garage will be located at the corner of Frontage Road and W. MacArthur Blvd.

Access – The garage access is approximately 750 feet to the BART fare gates along Frontage Road. BART patrons will also have the option of walking down Internal Street, a residential street. The location of a bike facility would be on the first level of garage near the pedestrian exit area and would displace approximately six parking stalls. An alternative option would be locating the bike facility in the retail space in the garage. In that scenario the analysis above for the retail space would apply. However, locating the bike facility in the retail space of the garage would require BART patrons to walk over 600 feet to the BART fare gates, the farthest travel distance of the three options.

Expansion – Future expansion in the garage would be challenging. Displacing additional parking stalls would directly impact number of stalls available for BART's driving patrons.

Security – The Bike station would be enclosed with controlled access through Smart Card technology. Access between the Garage and the fare gates would be well lit to BART standards; however activity at the facility would be limited to BART drivers and bikers.

Schedule – Assuming funding availability, the bike station could be completed along with the BART Garage in early 2012.

Economic – In addition to the costs mentioned above for construction of the bike station and ongoing operations, locating the bike station in the garage would also require a share of the garage construction costs. The current construction estimates for the garage is $40,000 per parking stall. Assuming the Bike station would displace 6 parking stalls, locating the bike station in the garage would cost $240,000 in lost value in the parking garage. In addition, adding an attendant to the bike facility would most likely cost more in the garage where most retail uses would not be viable to help offset operating costs.

The following table highlights the options and key benefits.

	BART Plaza	MTV Retail Area	BART Garage
Access	Superior	Good	Poor
Expansion	Superior	Poor	Poor
Security	Superior	Superior	Moderate
Schedule	Superior	Poor	Superior
Econ. Oper. Costs	Superior	Poor	Moderate
Econ. Cap. Costs	Superior	Good	Poor

As noted above, of the three options identified in the Condition of Approval and TDM Plan, the BART Plaza provides the most direct access, security, and expansion capability and can be constructed in the first phase of development. Locating the Bike station or in the ground floor retail space or the BART garage is not as convenient or as direct for BART patrons riding their bike to the station.

Economic Feasibility

Since the approval of the PDP and DRAFT TDM plan in 2008, BART, through assistance from MTCP and City of Oakland Redevelopment Agency, received a Transportation for Livable Communities (TLC) Federal grant for work in the BART Plaza. The majority of the $625,000 grant was specifically allocated to the construction of a Bike Facility in the BART Plaza. Furthermore if the bike facility is located in the garage or BART Plaza, it is assumed the operating costs of an unattended facility would be absorbed by BART. However, currently there are no identified sources of funds for an attended facility.

Conclusion

Of the three options considered, the BART Plaza is the most feasible and best location for the bike facility. Its convenient location provides direct access to the BART fare gates in a secure open setting. The facility can be easily designed now to accommodate future expansion (including an attended station with possible bike repair shop) and the facility can be constructed in the current phase. In addition, BART's willingness to maintain an unattended facility makes locating the bike facility in the BART Plaza the most feasible.

Walter Hood of Hood Design is currently finalizing a plan for an integrated 315 space bike facility that includes a "caged facility," lockers, and racks. A construction budget for the facility has not been finalized. The intent is to use the majority of the TLC grant to build as much of the facility as possible with the ability to phase in additional bike spaces as demand increases beyond BART's 2030 needs.

Memorandum

To:	Catherine Payne Kathy Kleinbaum
Cc:	Joe McCarthy
From:	Art May
Date:	October 22, 2010
Project:	MacArthur Transit Village
Subject:	Updated FDP Phase I and PDP's Conditions of Approval #36

The MacArthur Transit Village's PDP Condition of Approval #36 calls for the developer, MacArthur Transit Community Partners, LLC (MTCP), to perform a feasibility study that analyzes the potential removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard and the provision for street furniture and widening of sidewalks for street frontages immediately adjacent to the project site (location was not specific). This required feasibility study would be reviewed by the City Planning Division and Transportation Services Division and if determined as feasible by the City, MTCP would implement the plan.

This condition stems from a recommendation in the traffic study performed pursuant to the project's Environmental Impact Report. The report studied the removal of the slip right-turns on northbound and southbound Telegraph Avenue at West MacArthur Boulevard and found that the removal of the slip right turns would improve pedestrian movement across West MacArthur Boulevard. Thus, this issue concerning feasibility was not from a traffic analysis or physical standpoint, but from a financial and funding viewpoint.

The City of Oakland's Redevelopment Agency (RDA) recently studied and recommended various street improvements along Telegraph Avenue, including the subject intersection. The RDA engaged an engineer to prepare 35% construction plans for the closure of these right turn pockets and the RDA estimated that the work would cost approximately $639,200. Attached is a copy of the RDA's site plan and their cost estimate.

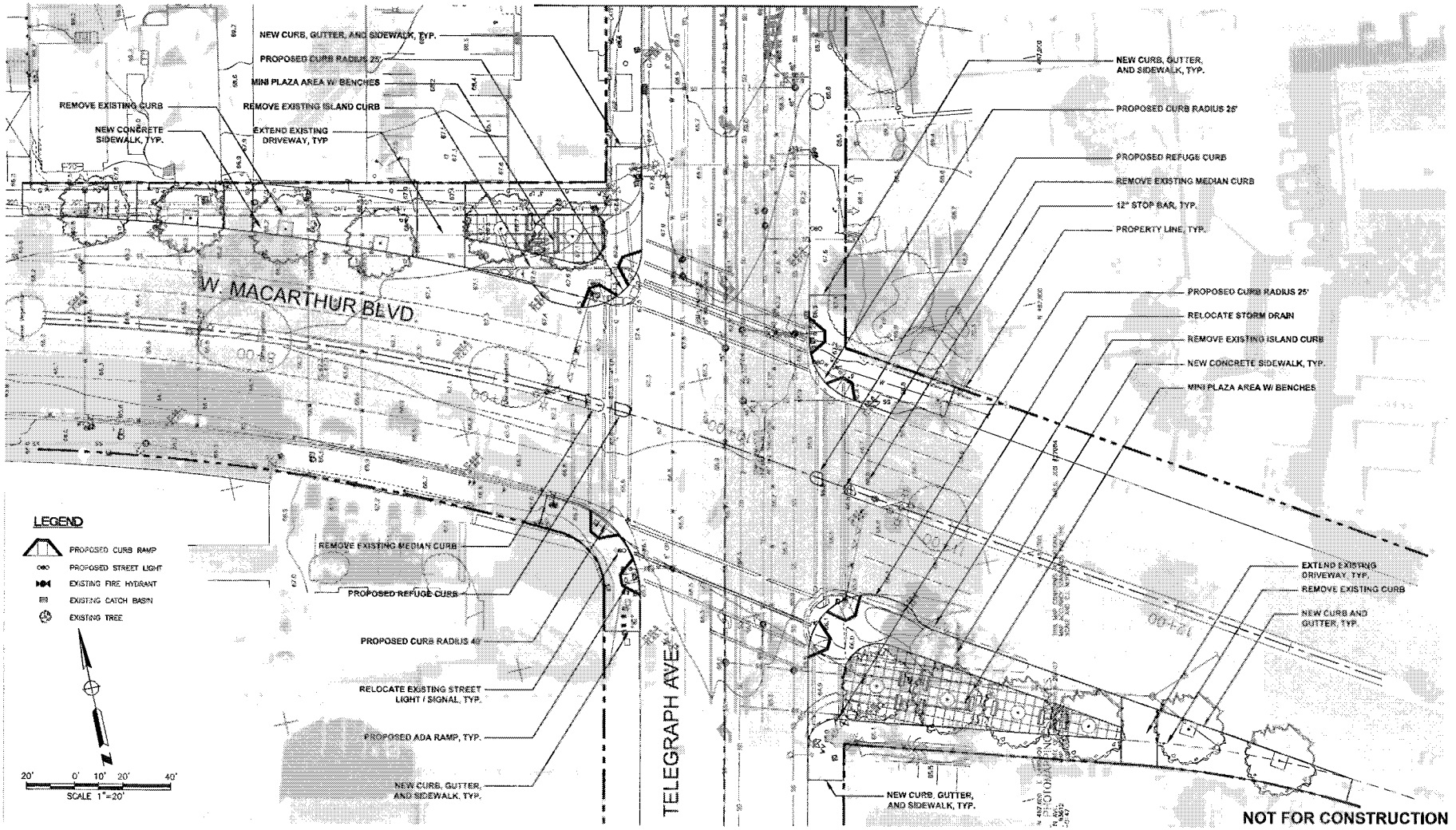
MTCP's engineers also studied the intersection to determine what requirements were necessary to remove the slip right turn pockets (see attached). They revealed that the biggest obstacle was the need to relocate two existing street signals poles and associated masks since the current poles are within the same location as the required crosswalk ramps. In meeting with the Transportation Services Division (TSD), TDS staff noted that they would not allow relocation of

the existing signal poles due to the poles being obsolete, thus new street signal poles and mask would be required. Furthermore, they noted that the work required to upgrade the signals could vary depending on the condition of the existing underground conduits and controller equipment.

Based on TSD's information and the RDA's preliminary site plans, MTCP prepared a cost estimate for the associated work (see attached). The total came to $696,580; however there are several variables that can affect the cost such as the inclusion of irrigation, or work within the non right turn slip corner.

In terms of funding availability, the RDA submitted a grant proposal earlier this year for their proposed Telegraph Avenue improvements which included the subject intersection; however they were not awarded a grant. The RDA has continued to seek funding sources, but no other grants have been identified. Pursuant to MTCP's Development Agreement with the City, MTCP has committed $1.45 million of the project's Prop 1C award funds for pedestrian improvements along West MacArthur Boulevard from Telegraph Avenue to Martin Luther King Jr. Way. The specific improvements could include lighting, street furniture, improved sidewalks, and new greenspaces.

Given that the removal of the slip right-turns project fits within MTCP's committed West MacArthur Boulevard program, the City and RDA could request MTCP to allocate approximately half of the West MacArthur Boulevard funds toward the intersection project. Thus, the question to the City and RDA is one more of priority. Should half of the funds be spent on the intersection or should more funds be targeted toward the Highway 24 underpass improvements. The intersection project would be feasible based on the prioritization of MTCP's West MacArthur Boulevard Prop 1C funds.



TELEGRAPH AVENUE STREETSCAPE ENHANCEMENT PROJECT

CITY OF OAKLAND
DESIGN AND CONSTRUCTION SERVICES DEPARTMENT
250 FRANK H. OGAWA PLAZA, SUITE 4314 * OAKLAND CA, 94612
(510) 238-3157 * FAX (510) 238-7227
PROJECT NO. _____

CHECKED BY
DESIGNED BY
DRAWN BY

No.	DATE	BY	REFERENCE

TELEGRAPH AVE. AT MACARTHUR BLVD

SCALE: 1" = 20'
NON-VERT:
DATE: APR 12, 2019

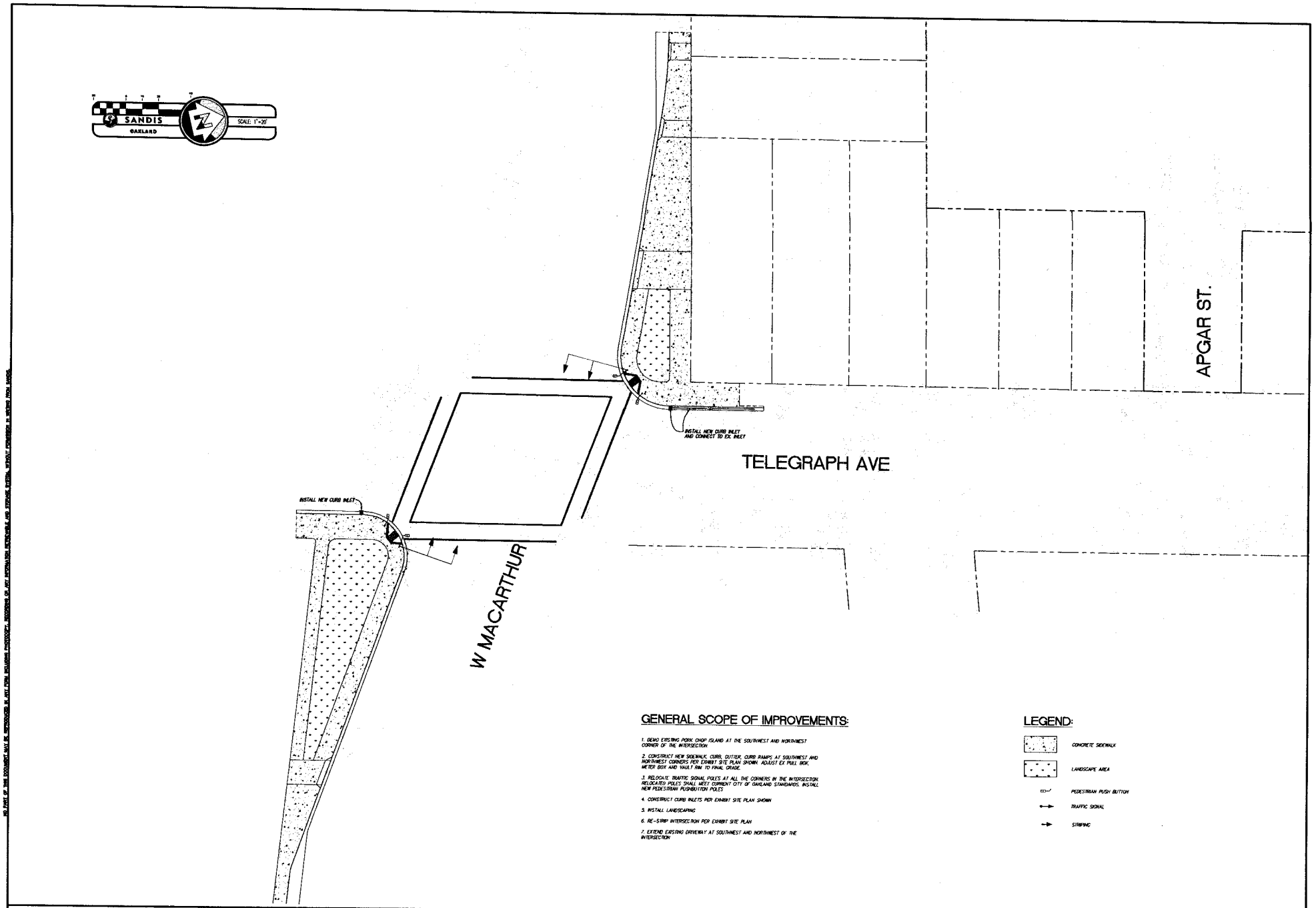
SHEET NO.
01 OF 05

Telegraph Avenue Improvements - Summary Costs
Preliminary Cost Estimate 35% Plans
Bottomley Design & Planning

19-Apr-10

MacArthur Boulevard Intersection

Item No.	Item Description	Units	Quantity	Unit Price	Amount
1	Demo Existing Conc Sidewalk/AC Roadway	sf	26,000	5.00	$130,000
2	Median/Refuge Curb and Gutter	lf	50	25.00	$1,300
3	Sidewalk/Frontage Curb and Gutter	lf	730	35.00	$25,600
4	Concrete Sidewalk/Refuge Paving	sf	13,000	15.00	$195,000
5	ADA Curb Ramp w/Warning Tiles	ea	8	3,500.00	$28,000
6	Concrete Driveway	ea	4	3,000.00	$12,000
7	AC Roadway Replace/Patching	ton	35	100.00	$3,500
8	Street Oil Seal (for Restriping)	sf	26,000	1.00	$26,000
9	Traffic/Lane Striping and Markings	lf	240	20.00	$4,800
10	Stop Bars	lf	1,600	10.00	$16,000
11	Crosswalk Bars (standard)	lf	660	3.00	$2,000
12	Relocate Traffic Signal/Light Pole	ea	4	20,000.00	$80,000
13	Trash Receptacle	ea	2	2,000.00	$4,000
14	Bench	ea	6	2,500.00	$15,000
15	Street Tree w/ Irrigation	ea	12	2,500.00	$30,000
16	Plaza Area w/ Paving, etc. (allow)	sf	3,300	20.00	$66,000
			Construction Subtotal		$639,200



GENERAL SCOPE OF IMPROVEMENTS:

1. DEMO EXISTING PORK CHOP ISLAND AT THE SOUTHWEST AND NORTHWEST CORNER OF THE INTERSECTION
2. CONSTRUCT NEW SIDEWALK, CURB, GUTTER, CURB RAMPS AT SOUTHWEST AND NORTHWEST CORNERS PER EXHIBIT SITE PLAN SHOWN. ADJUST EX PULL BOX, METER BOX AND VAULT RIM TO FINAL GRADE.
3. RELOCATE TRAFFIC SIGNAL POLES AT ALL THE CORNERS IN THE INTERSECTION. RELOCATED POLES SHALL MEET CURRENT CITY OF OAKLAND STANDARDS. INSTALL NEW PEDESTRIAN PUSHBUTTON POLES
4. CONSTRUCT CURB INLETS PER EXHIBIT SITE PLAN SHOWN
5. INSTALL LANDSCAPING
6. RE-STRIP INTERSECTION PER EXHIBIT SITE PLAN
7. EXTEND EXISTING DRIVEWAY AT SOUTHWEST AND NORTHWEST OF THE INTERSECTION

LEGEND:

- CONCRETE SIDEWALK
- LANDSCAPE AREA
- PEDESTRIAN PUSH BUTTON
- TRAFFIC SIGNAL
- STRIPING

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MOUNTAIN VIEW ROSEVILLE OAKLAND

DATE: 10-18-2010
SCALE: 1"=20'
DRAWN BY: RB
APPROVED BY: JMS
DRAWING NO: 607128

DATE _____, 2010

JEFFREY MICHAEL SETERA
R.C.E. NO. 62793, EXPIRES 6-30-12

No	REVISION	DATE	BY

WEST MACARTHUR AND TELEGRAPH AVE
MACARTHUR TRANSIT VILLAGE

OAKLAND CALIFORNIA

SITE EXHIBIT - OPTION 1

SHEET 1 OF SHEETS

File: X:\P\607128\PLAN SETS\WESTMAC IMPROVEMENT\SITE-OPTI-Exhibit.dwg Date/Oct 19, 2010 - 4:46pm

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Telegraph and W. MacArthur BLVD Improvements

By: Travis Lee
Date: 9/22/2010
Group: Keystone Development Group

Item #	Item description	Units	Quantity	Unit $	Amount
DEMO					
1	Demo (E) Concrete sidewalks	sf	6,975	$3.00	$20,925
2	Remove (E) Median Curb and Gutter	lf	378	$6.00	$2,268
3	Remove Curb and Gutter	lf	545	$6.00	$3,270
4	AC Roadway Removal	sf	8,510	$1.00	$8,510
5	Demo (E) planters	sf	2,025	$3.00	$6,075
6	Remove existing striping	lf	620	$2.50	$1,550
CONSTRUCT					
7	AC roadway replace/patching	sf	1,680	$5.00	$8,400
8	ADA Curb ramps	ea	2	$2,500.00	$5,000
9	Concrete Sidewalks	sf	13,500	$7.50	$101,250
10	Concrete Curb and Gutter	lf	665	$30.00	$19,950
11	Concrete Driveways	sf	900	$10.00	$9,000
12	Traffic lane striping	lf	100	$2.00	$200
13	Crosswalk striping	lf	660	$5.00	$3,300
14	Relocate Storm Drains	ea	1	$5,000.00	$5,000
MISC.					
15	Furnish and Install Traffic Lights	ea	2	$50,000.00	$100,000
16	Tree Well Grates	ea	12	$500.00	$6,000
17	New City Street Lights	ea	6	$10,000.00	$60,000
18	Street Trees	ea	12	$450.00	$5,400
19	Landscaping and/or surface	sf	2,500	$15.00	$37,500
OPTIONS					
20	Benches	ea	8	$750.00	$6,000
21	Trash/Recycle Receptacles	ea	4	$250.00	$1,000
Subtotal					**$410,598**
	GC General Conditions	10%			$41,060
	GC Bond & Insurance	2%			$8,212
	GC Fee	5%			$20,530
GC Total					**$480,400**
	Contingency	20%			$96,080
	Design & Engineering	15%			$72,060
	Permit & Inspections	5%			$24,020
	Design & Construction Mgt.	5%			$24,020
Total Budget					**$696,580**

Location:	Citywide
Proposal:	**Further (Tier 3) Corrections, Refinements and Clarifications of the General Plan Land Use Diagram to Generally Reflect Existing Land Use and Conform to the Intent of the Previously Adopted General Plan**
Applicant:	Planning Commission
Planning Permits Required:	None
General Plan:	Affects all categories
Zoning:	Affected areas include most of the zoning districts used in Oakland, except CBD
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018); as a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.
Service Delivery District:	All
City Council District:	All
Date Filed:	October , 2010
Status:	N/A
Staff Recommendation:	Forward recommendation to City Council.
For Further Information:	Contact **Christina Ferracane**, Strategic Planning at (510) 238-3903 or by email: cferracane@oaklandnet.com

SUMMARY

As part of the effort to update the Oakland zoning regulations, the Planning Department has continued to refine the 1998 General Plan Land Use Diagram to respond more closely to actual land uses and parcel shapes. Over the past several years, the City has been transitioning from a highly generalized "blob-like" General Plan Land Use Diagram to a more precise Diagram. This shift will facilitate a more accurate alignment between the Oakland General Plan Land Use Diagram and the Oakland Zoning Maps, and will reduce the need for frequent General Plan consistency determinations as specific development projects are proposed.

The 1998 General Plan Map (i.e., the Land Use Diagram) was prepared before the use of computer-generated (GIS) maps by the Planning Department. Thus, its designations are overly generalized in some areas. If not corrected, the existing Map could lead to the rezoning of property to designations that were not intended by the General Plan. The refinements now being completed will improve the Plan's conformance to what was previously adopted by the Council in 1998. The changes are not substantive amendments to the Plan, although all procedural requirements for a general plan amendment have been followed. There are 79 refinements and corrections in total, encompassing approximately 556 acres and affecting almost 1,400 parcels.

This is the third and final set of Map refinements and corrections to be brought before the Planning Commission. Two earlier sets of corrections were considered by the Planning Commission in October 2008 and September 2009. Both of these were subsequently approved by the City Council.

BACKGROUND

Consistent with State law, the Oakland General Plan includes a Land Use Diagram (also called the "General Plan Map") showing the distribution of various land uses across the city. Fourteen color-coded categories are used, each corresponding to a different land use and density/intensity.

The 1998 Land Use Diagram was drawn in a very "broad brush" manner. It was designed to be printed and interpreted at a scale of 1" = one mile, allowing the entire city to fit on an 11" x 17" sheet which could be folded and inserted in the back of the Plan document. The philosophy was to keep the map conceptual, leaving the more detailed parcel-level mapping to the Zoning Update. As the Land Use and Transportation Element itself notes:

> "The zoning map will refine the boundaries used for the land use classifications as needed to achieve the intent of the General Plan....the zoning map will provide greater specificity and detail in areas of the City too small to be detailed in the General Plan." *(Land Use and Transportation Element, p. 144)*

Although the "broad brush" mapping approach is acceptable under California general plan law, it has had a number of unintended consequences. Specifically:

- The edges of map shapes were overly generalized; areas with complex land use patterns were simply mapped as "blobs" rather than conforming to their actual extent.
- Small pockets of residential and commercial uses (generally 10 acres or less) do not appear on the map at all; they were omitted to keep the map legible.

One of the major purposes of the Zoning Update is to achieve conformance with General Plan. For the past two years, City staff has been updating the Zoning Maps to incorporate new residential and commercial zoning districts and to match these districts to the General Plan Map to the greatest extent possible. In undertaking this task, Staff has identified a number of areas where literal interpretation of the General Plan Map would require rezoning in a manner that would be inconsistent with the General Plan's policies.

For example, there are several high-rise apartment buildings along Market Street in West Oakland and along Martin Luther King Jr. Way in North Oakland (in both cases zoned R-70) with a General Plan designation of "Mixed Housing Type Residential". A literal interpretation of the General Plan would mean downzoning these buildings to a much lower density, rendering all of the existing structures non-conforming. Given that the General Plan strategy is to "maintain and enhance" these areas, a more appropriate solution is to refine the General Plan to recognize these small pockets of high-density development and retain the zoning "as is".[1] In most cases, the Map refinements will result in a General Plan designation which matches what is on the ground today and will enable a new zoning designation which is equivalent to the current zoning. The intent of the General Plan refinement is to reinforce the current pattern of use and avoid potential future disinvestment.

In addition to the Map refinements described above, several corrections to the General Plan Map also are needed. For example, updated designations are needed to more accurately depict development that

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[1] *Although the statement indicates that existing zoning will be retained "as is", the R-70 zone will be replaced in the near future with a zone of equivalent density using the new Oakland zoning framework, which is being considered by the Planning Commission, as a separate action. The name of the zone is proposed to change from R-70 to RU-3, but the allowable density would stay the same.*

occurred between 1998 and 2010. In a few cases, updated designations are needed to reflect recent public acquisition of property as open space and to show large institutional uses that were not initially displayed on the Map.

Three -Tiered Process

Corrections and refinements to the Land Use Diagram have been brought forward in three tiers. The **first tier** consisted of 32 scrivener's errors and was heard by the Planning Commission in October 2008 and approved by the City Council in December 2008. The **second tier** consisted of 116 map refinements and included over 1,600 parcels. These refinements were intended to more accurately show the edges of the colored shapes on the Land Use Diagram. The refinements were heard by the Planning Commission in September 2009 and approved by the City Council in October 2009.

As noted above, the **third tier** of refinements and corrections is primarily intended to recognize small pockets of higher and lower density development that were not recognized on the original Land Use Diagram. The cumulative effect of the refinements and corrections will be to replace Oakland's "blob-like" General Plan Map with a more precise map that recognizes the fine-grained pattern of land uses and densities that characterizes many Oakland neighborhoods. The modifications to the Map continue to non-substantive and are administrative in nature. Although the overall effect of these changes will be to make the Map more precise, the Map will continue to be *somewhat* generalized and will not match zoning district boundaries exactly.

Extent and Location of the Tier 3 Proposed Map Refinements

The **Tier 3** refinements now before the Planning Commission represent just approximately one percent of all parcels in the City of Oakland. There are 79 identifiable map refinements (the refinements are referred to as "shapes" in this staff report since they correspond to physical shapes on the Map), which affect about 1,400 parcels. In almost all cases, the proposed refinements will adjust General Plan boundaries to reinforce *existing* land use patterns and preclude the need for substantive zoning changes. Based on policies in the General Plan, the Plan's intent was not to upzone or downzone the subject areas, which for the most part are located in stable neighborhoods which the Plan indicates should be "maintained and enhanced."

The Tier 3 refinements are located in all parts of Oakland, as indicated below:

Planning Area	Number of Tier 3 General Plan Map Refinements
North Hills	5
South Hills	2
Lower Hills	9
North Oakland	8
West Oakland	13
Central	2
San Antonio	10
Fruitvale	2
Central East Oakland	11
Elmhurst	17
TOTAL	79

The 79 refinements are grouped into the following categories for discussion in this staff report:

Category 1: Areas where "built out" pockets of higher density residential development were not acknowledged by the General Plan Map due to mapping scale issues (33 cases)

Category 2: Areas where existing "built out" pockets of lower density residential development were not acknowledged by the General Plan Map due to mapping scale issues (9 cases)

Category 3: Areas where commercial map designations were over-generalized or omitted due to mapping scale issues (15 cases)

Category 4: West Oakland Map clarifications (5 cases)

Category 5: Areas where major institutional uses were not shown on the map due to scale issues (5 cases)

Category 6: Areas where the extent of open space needs to be clarified (5 cases)

Category 7: Areas where substantial land use changes have occurred since adoption of the 1998 General Plan (5 cases)

Category 8: Other miscellaneous refinements necessary to avoid erroneous rezoning (2 cases)

The proposed refinements will eliminate many potential inconsistencies between the General Plan Map and the Zoning Map and will reduce uncertainty and ambiguity for property owners in these areas. More substantial inconsistencies are being eliminated through the rezoning process as thousands of properties across Oakland are being rezoned to reflect their designations on the General Plan Map. The latter changes will be considered by the Planning Commission in upcoming public hearings.

The City is using a standardized 32-sheet parcel-level map grid to annotate Map corrections. This same grid has been used throughout the Zoning Update process, and will continue to provide a template for future maps. Each refinement has been assigned an identification number (ID #) which indicates the map grid number plus a second number to distinguish it from other shapes on the map. For instance, on Map Sheet 27, one would find shapes 27-1, 27-2, 27-3, 27-4, and so on.

The Tier 3 General Plan refinements are annotated in two forms: (a) in the text below and (b) in a series of 11 x 17 map panels at the end of this report.

DESCRIPTION OF PROPOSED REFINEMENTS

The remainder of this staff report provides a more detailed overview of each of the refinements, using the eight categories listed above:

Category 1: Small Pockets of Higher Density Residential Use Not Currently Shown on the General Plan Map

These refinements would avoid the need to "downzone" established residential areas. These areas include small clusters of duplexes, triplexes, and 4-8 plexes that are designated for "Detached Residential" on the General Plan Map, and clusters of mid-rise or high-rise apartments that are designated for "Mixed Housing Type Residential" on the Map. In such cases, a literal interpretation of the General Plan would mean changing the zoning for these areas to the point where a majority of the structures would become non-conforming. The General Plan designations for these areas do not represent an accurate portrayal of what is "on the ground" or what is projected to be "on the ground" in the future.

There are 33 cases like this on the General Plan Map. These cases include:

- 24 instances where clusters of existing duplexes, triplexes, and 4-8 unit apartment buildings are designated "Detached Residential" on the General Plan instead of "Mixed Housing Type Residential." In all cases, these areas are already zoned for medium-density development (typically R-50 and in some cases R-60 or R-70). Staff does not believe that downzoning to single family districts (e.g., R-30) would be consistent with the General Plan directive to "maintain and enhance" these areas.
- 2 clusters of small apartment buildings that are designated "Hillside Residential" instead of "Mixed Housing Type Residential." One of these areas is located on Somerset Road (near Montclair Village) and the other is located on Mountain Blvd just north of 98th Avenue. The former area is zoned R-50 and the latter area is zoned R-70. Both are fully developed.
- 7 cases where clusters of higher-density apartment buildings (with densities exceeding 30 units per acre) are designated "Mixed Housing Type Residential." All seven of these areas are currently zoned R-70 or R-80. Based on their actual densities, these areas should be designated "Urban Residential." Staff does not believe that downzoning to medium density districts (e.g., (R-40 or R-50) would be consistent with the General Plan directive to "maintain and enhance" these areas.

Table 1 profiles each of the 33 cases:

Table 1: Map Refinements Which Increase Densities to the Intended Designations

Map ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
10-1	8.0	East and south sides of Montclair Village	Detached Unit Residential	Mixed Housing Type Residential	Small apartment buildings and condominiums within the "village" street grid Currently zoned R-50 and R-70.
10-4	5.0	Perimeter of Oakmore-Leimert commercial district	Detached Unit Residential	Mixed Housing Type Residential	Well-established area of single family homes, small apartment buildings and 2-8 unit buildings adjacent to commercial district. Currently zoned R-50.
11-1	22.6	East end of Tompkins St	Detached Unit Residential	Mixed Housing Type Residential	Several blocks of mixed density housing, including single family homes, group homes and institutional uses, small apartment buildings. Currently zoned R-50.
12-2	2.1	75th and Ney	Detached Unit Residential	Mixed Housing Type Residential	Area of mixed multi-family (small apartment buildings) and single family homes. Currently zoned R-50.
12-3	5.3	7664-7811 Ney	Detached Unit Residential	Mixed Housing Type Residential	Area of mixed multi-family (small apartment buildings) and single family homes. Currently zoned R-50.
12-4	7.6	7870-8117 Ney	Detached Unit Residential	Mixed Housing Type Residential	Area of mixed multi-family (small apartment buildings) and single family homes. Currently zoned R-50.
13-2	8.1	10200-10500 Foothill Blvd	Detached Unit Residential	Mixed Housing Type Residential	Four-plexes, large townhome complex, mid-size apartments, liquor store. Zoned R-40, R-50, C-10
17-1	3.4	East side of Park Blvd at El Centro	Detached Unit Residential	Mixed Housing Type Residential	Mix of single family homes, garden apartments. Currently zoned R-50.
17-2	4.2	Both sides of Park Blvd at Leimert	Detached Unit Residential	Mixed Housing Type Residential	Mix of single family homes, garden apartments. Currently zoned R-50.
17-3	10.3	Park Blvd below Glenview, Norwood, Woodruff	Detached Unit Residential	Mixed Housing Type Residential	Mix of single family homes, 2-8 plexes, and several large apartment buildings. Currently zoned R-50 and R-70.

Map ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
18-2	4.9	East of Courtland Creek and w/ of House of Peace Cemetery	Detached Unit Residential	Mixed Housing Type Residential	Mix of single family homes, 2-8 plexes, and large apartment buildings. Currently zoned R-50.
18-3	3.7	East side of Fern Street facing House of Peace Cemetery	Detached Unit Residential	Mixed Housing Type Residential	Continuous block of small apartment buildings. Currently zoned R-50.
18-4	7.0	Ransom to 38th b/w Carrington and Santa Rita	Detached Unit Residential	Mixed Housing Type Residential	Mix of single family homes and flats, block currently zoned R-50. Some commercial on 38th
19-1	8.3	MacArthur Blvd opposite Mills College	Detached Unit Residential	Mixed Housing Type Residential	Small apartment buildings and gas station. Currently zoned R-50.
19-2	10.4	Ygnacio Av from Congress to Trask	Detached Unit Residential	Mixed Housing Type Residential	2-4 plexes and a few SF homes. Current zoning is R-50.
19-5	4.1	Walnut at Mason, and Kingsley Street	Detached Unit Residential	Mixed Housing Type Residential	Church, apartment buildings, and courtyard style homes. Current zoning is R-50 and C-30.
19-7	9.7	First block of 73rd Avenue below International Blvd	Detached Unit Residential	Mixed Housing Type Residential	Mix of single family homes and 2-8 unit buildings. Current zoning is R-50.
19-10	12.4	Garfield Av b/w 75th and 80th Avenues	Detached Unit Residential	Mixed Housing Type Residential	Mix of single family homes and 2-8 unit buildings. Current zoning is R-50.
20-1	5.4	Bancroft between 103th and 106th Aves.	Detached Unit Residential	Mixed Housing Type Residential	Single family homes and small apartment buildings. Current zoning is R-50.
23-1	14.1	MacArthur Blvd between Wesley and Spruce St	Detached Unit Residential	Mixed Housing Type Residential	Mix of SF homes, 2-4 plexes, older homes divided into multiple units, larger apartments. Current zoning is R-70 and R-50.
23-2	4.9	W/side Athol from Haddon to Cleveland	Detached Unit Residential	Mixed Housing Type Residential	Single family homes and small apartment buildings. Current zoning is R-50.
23-4	6.0	Hillsborough St.	Detached Unit Residential	Mixed Housing Type Residential	Large apartment buildings. Current zoning is R-50 and R-70.
25-1	11.5	70th to 76th Avenues between Hawley and Spencer Sts.	Detached Unit Residential	Mixed Housing Type Residential	Mixed density housing (mostly single family with some 2-4 units), across the street from BART station. Current zoning is R-50.
26-2	0.8	Edes Av at S. Elmhurst Av	Detached Unit Residential	Mixed Housing Type Residential	Vacant site zoned R-50; multi-family dev't project has been proposed for several years.
10-2	4.2	Somerset Rd (above Park Blvd below 13)	Hillside Residential	Mixed Housing Type Residential	Block of mostly 4-8 unit apartment buildings. Currently zoned R-50.
13-1	2.0	Mountain Blvd just above 98th Av	Hillside Residential	Mixed Housing Type Residential	Area of several multi-story condos/ apartment buildings. Currently zoned R-70.
17-4	11.0	MacArthur Blvd at 14th Avenue	Mixed Housing Type Residential	Urban Residential	Apartment buildings adjacent to Highland Hospital and I-580, currently zoned R-70.
19-11	1.0	Foothill, opposite Eastmont Mall	Mixed Housing Type Residential	Urban Residential	Several parcels developed with 3-4 story apartment buildings, currently zoned C-30.
21-1	3.1	W/ side of MLK Jr	Mixed Housing	Urban	Strip of high-rise apartment buildings currently

Map ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
		Way just south of Berkeley	Type Residential	Residential	zoned R-70.
22-7	4.8	Vicinity of Valdez and 29th Streets	Mixed Housing Type Residential	Urban Residential	Three high rise apartment buildings currently zoned R-80.
23-6	3.1	E/side 14th Avenue b/w East 29th and East 30th	Mixed Housing Type Residential	Urban Residential	Block of apartments developed at densities of approx. 100 units/ acre and zoned R-70.
23-7	16.7	Area b/w Santa Clara St and I-580 above Grand Ave	Mixed Housing Type Residential	Urban Residential	Area of continuous large apartment buildings, some 4-5 stories tall and some 2-3 stories. Current zoning is R-70.
27-4	5.2	W/ side of Market St b/w 14th and 18th	Mixed Housing Type Residential	Urban Residential	Strip of high-rise apartment buildings currently zoned R-70.

Category 2: "Built-out" Low Density Residential Areas Shown for Higher Densities on the General Plan Map

There are nine locations where the General Plan shows an established low density residential area as being more dense than actual conditions. While this may be appropriate in areas with opportunities for "growth and change," the areas in question are well-established neighborhoods where the General Plan indicates the existing land use pattern should be "maintained and enhanced." Some contain important historic resources or natural resources that the General Plan indicates should be conserved.

The discrepancy is primarily a result of the scale at which the General Plan was prepared. In most cases an adjoining moderate or high density area was "drawn too large" or was overly generalized. Rezoning these areas to a higher density zone could have unintended consequences that would conflict with the General Plan's policies. Staff is seeking to clarify the intent of the General Plan Map by refining boundaries and reducing the Map designation to something more consistent with prevailing densities.

Table 2 profiles each of the nine cases:

Table 2: Map Refinements Which Reduce Densities Down to the Intended Designations

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
17-5	3.0	Block bounded by Vermont / Warfield/ Weldon/ Prince	Mixed Housing Type Residential	Detached Residential	Block of entirely single family homes, on the edge between a "Mixed Housing Type" area and a "Detached Residential" area.
19-4	1.8	Holway Court	Mixed Housing Type Residential	Detached Residential	Older subdivision of single family homes, on edge between a "Mixed Housing Type" area and a "Detached Residential" area.
20-3	4.3	Dowling at 86th Street	Mixed Housing Type Residential	Detached Residential	Edge of the "Mixed Housing Type" area was not drawn precisely, taking in these single family detached homes now zoned R-30.
22-1	25.6	Area immediately east of Highway 24 from 44th St to 50th St.	Urban Residential	Mixed Housing Type Residential	One and two family homes, 3-8 plexes, a few small apartment buildings. Current zoning is R-50.
22-2	2.9	W/ side of MLK Jr Way at 52nd Street	Urban Residential	Mixed Housing Type Residential	Well established block of mixed density housing currently zoned R-40 and surrounded by similar blocks.

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
23-3	3.8	Capital Street (Haddon Hill)	Urban Residential	Mixed Housing Type Residential	Mix of single family homes and small multi-unit buildings, adjacent to much higher density area. Currently zoned R-50.
23-5	13.5	Portions of Lester St., Newton, Athol, Haddon	Urban Residential	Mixed Housing Type Residential	Mix of single family homes and small multi-unit buildings, adjacent to much higher density area. Currently zoned R-40 and R-50. GP Map over-generalized this area.
23-11	15.0	3rd, 4th, and 5th Avenues from E. 15th to E. 17th St.	Urban Residential	Mixed Housing Type Residential	Mix of single family homes and small multi-unit buildings. Currently zoned R-50. GP Map over-generalized this area.
10-6	19.5	End of Woodcrest, Dublin, Kearny, Argyle, Woodminster area	Detached Unit Residential	Hillside Residential	Large lots backing onto Joaquin Miller Park and Sausal Creek. More environmentally constrained than adjacent areas.

Category 3: Areas where Commercial Map Designations were Overgeneralized

There are 15 locations on the General Plan Map where a commercial district was not drawn precisely enough to facilitate a match with the Zoning Map. In 11 of these locations, the proposed General Plan Map refinements will avoid the rezoning of established residential areas with commercial designations. For example, the Piedmont Avenue commercial corridor was mapped as being an entire city block wide in the area between MacArthur Boulevard and I-580, taking in all the homes along Westall and Warren Streets. These are residential blocks, and the commercial area should be limited to the parcels fronting on Piedmont Avenue. The Map refinement would adjust the boundary and show the block's "interior" residential area as "Mixed Housing Type" Residential. The other ten locations are similarly configured.

The remaining four locations include two where the commercial area was not mapped large enough, one where the commercial area was not mapped at all, and one where a map "clean-up" is needed to eliminate a remnant designation in the I-980 Freeway right-of-way. The first category includes one location where the San Pablo commercial corridor "bulbs out" at 30th Street and another where the Eastmont Mall commercial area crosses 73rd Avenue and includes parcels on the east side of the street. Rather than rezoning these active commercial areas to residential uses, the map will be refined to show them as Community Commercial. The commercial district that was not mapped at all is the Oakmore-Leimert commercial district, which was shown as "Detached Residential" on the Plan Map due to scale issues. The final area is a map "clean up" adjacent to the Jack London Shopping Center at 7th and Brush Streets.

These areas are shown in Tables 3a and 3b.

Table 3a: Map Refinements Restoring Residential Designations where Commercial Areas were Overstated

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
16-1	4.5	Interior of area bounded by Shattuck, Hwy 24, Telegraph, and 51st Street	Neighborhood Center Mixed Use	Urban Residential	Large apartment buildings and smaller flats and mixed density units, currently zoned R-70.
18-1	1.8	NW corner Garden and Courtland	Neighborhood Center Mixed Use	Mixed Housing Type Residential	Four or five parcels with apartment buildings, adjacent to Walgreens Shopping Center
19-3	1.3	Both sides of Bancroft just east of Vicksburg	Neighborhood Center Mixed Use	Urban Residential	Several apartment buildings adjacent to a small neighborhood commercial district

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
21-2	6.8	W/ side Dover St b/w 56th and 59th Streets	Neighborhood Center Mixed Use	Mixed Housing Type Residential	Formerly part of the "Old Merritt College" (University High) campus and since redeveloped with SF homes, currently zoned R-40. Commercial area mapped too large.
22-3	4.4	40th to 41st Streets between Telegraph and Hwy 24	Neighborhood Center Mixed Use	Urban Residential	Established area of apartments adjacent to the MacArthur BART transit village area. Current zoning of R-70 is better fit than S-15.
22-4	1.7	San Pablo at 32nd St	Community Commercial	Urban Residential	Large multi-family building; Urban Residential portion of corridor should extend ½ block further to include this site.
22-6	4.1	Warren Av and Westall Av	Neighborhood Center Mixed Use	Mixed Housing Type Residential	Mix of SF homes, flats, small apartments. Commercial corridor mapped too wide.
23-8	2.1	East side of Wesley, behind Trader Joes	Neighborhood Center Mixed Use	Mixed Housing Type Residential	Map overstates the extent of the shopping district, covering parcels currently developed with apartment buildings.
23-9	3.8	W/ side of 5th Avenue between E. 19th and E.21 Streets	Neighborhood Center Mixed Use	Urban Residential	Map overstates the extent of the shopping district, covering parcels currently developed with apartment buildings.
23-10	3.3	SE perimeter of the East 18th St shopping district	Neighborhood Center Mixed Use	Urban Residential	Map overstates the extent of the shopping center, covering parcels currently developed with apartment buildings.
32-3	1.4	7th Street between Wood and Pine	Community Commercial	Mixed Housing Type Residential	This is Marcus Garvey Commons, a multi-family development that would be more appropriately zoned residential rather than commercial.

Table 3b: Map Refinements Restoring Commercial Designations where Other Designations were Overstated

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
10-3	2.0	Leimert just east of Park Blvd	Detached Unit Residential	Neighborhood Center Mixed Use	Established commercial district zoned C-5 and left off the General Plan Map due to scale issues.
19-6	5.3	Corner of 73rd and Bancroft	Mixed Housing Type Residential	Community Commercial	Office buildings, retail, fast food, currently with C-30 zoning—on the eastern perimeter of Eastmont Mall.
22-5	3.1	30th and Filbert Streets	Mixed Housing Type Residential	Community Commercial	Auto services, light industry, heavy commercial – San Pablo corridor "bulbs out" at this location. Currently zoned C-40.
27-2	2.2	I-980 Freeway between 7th and 9th	Business Mix	Community Commercial	Should be part of the adjacent shape that includes the shopping center. This is just a "clean up" item.

Category 4: West Oakland Map Clarifications

There are five locations in West Oakland where staff seeks to clarify the intent of the General Plan to avoid the erroneous rezoning of property during the zoning update. The changes annotated below will enable existing zoning to remain "as is" in most cases, and will avoid rezoning property based on General Plan designations which do not match either existing or intended future conditions. These five changes include two around the West Oakland BART station (making the General Plan boundary consistent with the S-15 Transit Oriented Development district), two along Pine Street (clarifying the extent of the

Mixed Housing Type area), and two along Adeline Street (intended to align the General Plan designations to existing zoning in order to prevent the creation of new non-conforming uses).

Staff is not proposing substantive changes to the General Plan Map in West Oakland at this time. A request to amend the General Plan to create a new four-block Housing Business Mix area (near Adeline/ 24th) was received from a property owner during the Zoning Update process. However, this change would be considered a substantive amendment rather than a correction since it would require concurrent rezoning of industrial land to the HBX zone. This change is not included in this staff report but could be considered at a future date.

The West Oakland Map refinements are shown in Table 4.

Table 4: Proposed West Oakland General Plan Map Refinements

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
27-3	0.4	24th and Chestnut, NW corner	Business Mix	Mixed Housing Type Residential	Single family homes, church, on edge between Business Mix and Mixed Housing Type, currently zoned R-50.
32-1	1.0	Pine and 10th St	Mixed Housing Type Residential	Business Mix	Recycling business occupies full city block. Parcel is currently split, with an isolated "island" of Mixed Housing Type on the front half and Business Mix on back half.
32-2	0.7	SE corner of Pine at 8th	Mixed Housing Type Residential	Housing and Business Mix	Extends existing strip of HBX by three parcels to include warehouse/ office building.
32-4	1.1	Center St. between 3rd and 5th Streets	Business Mix	Mixed Housing Type Residential	Enables retention of existing R-36 zoning on enclave of houses in South Prescott area.
32-5	13.6	Southern terminus of Mandela Parkway and I-880 right of way	Business Mix	Community Commercial	Aligns General Plan designation with the S-15 Transit Oriented Development zone, consistent with W. Oakland transit village plans.

Category 5: Large Institutional Uses That Were Left Off the Map

This category also appeared in the Tier 2 General Plan Corrections and Refinements. Over the course of the Zoning Update, staff has identified four additional institutional uses that are large enough to be depicted on the General Plan Map. Clarification of the General Plan Map is desired to acknowledge these uses as the important community resources they are. The specific uses include:

- The complex of public buildings on 18th Street in West Oakland across from DeFremery Park, including Ralph Bunche School and the West Oakland Library
- Parker Elementary School in East Oakland
- Acorn Woodland Elementary School in East Oakland (itemized as two separate Map refinements)
- The complex of public and institutional buildings at 27th and Harrison, including Westlake Middle School and the First Congregational Church

Table 5 provides more information on these cases in this category.

Table 5: Map Refinements to Show Public and Institutional Uses That Were Not Mapped

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
12-1	3.0	7929 Ney Ave	Detached Unit Residential	Institutional	Parker Elementary School
19-8	3.2	81st Ave at Rudsdale	Mixed Housing Type Residential	Institutional	Woodland Elementary School
19-9	6.5	81st Ave at Rudsdale	Business Mix	Institutional	Woodland Elementary School
22-8	8.5	27th and Harrison	Community Commercial	Institutional	First Congregational Church; Westlake Middle School
27-5	6.0	North side of 18th Street opposite DeFremery Park	Business Mix	Institutional	Ralph Bunche School, West Oakland Library

Category 6: Refinements to Clarify the Extent of Public Open Space Areas

Five refinements to the Map are proposed to clarify the extent of public open space shown on the General Plan and to update the Map to show a recent acquisition by the East Bay Regional Park District. These refinements include:

- Clarifying the extent of the Grizzly Peak Open Space in the North Hills to remove a small piece of private property that was erroneously shown as public land
- Depicting Castle Canyon (in the Piedmont Pines area) as open space, since the land has been acquired by the City for resource conservation and will be rezoned OS (RCA)
- Expanding the Dunsmuir Ridge regional open space to show a recent 65-acre acquisition by the East Bay Regional Park District
- Clarifying the extent of Golden Gate Park on San Pablo Avenue to show the actual park boundary and ensure that homes along 61st Street are shown as "residential" rather than "open space" uses
- Correcting a longstanding error on the map in which Sobrante Park and Sobrante Park Elementary School are shown in the reverse locations from where they actually appear.

These changes are annotated in Table 6 below:

Table 6: Map Refinements to Clarify the Extent of Public Open Space

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
2-1	0.6	Grizzly Peak Estates (Tunnel Rd)	Resource Conservation	Hillside Residential	Small portion of a private parcel erroneously shown as part of the public open space.
10-5	10.8	Castle Canyon (Piedmont Pines)	Hillside Residential	Resource Conservation	Reflects acquisition of this area by the city for protection and resource management
14-1	65.2	Above Dunsmuir House	Hillside Residential	Resource Conservation	Reflects acquisition of this area by the EBRPD for protection and resource management
21-3	3.6	61st Street above San Pablo Ave	Urban Open Space	Mixed Housing Type Residential	Plan overstated extent of park. Should clarify to note that homes on 61st are in Residential area.
26-4	3.0	Bergedo Drive	Urban Open	Institutional	Location of elementary school.

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
a			Space		
26-4 b	3.2	Bergedo Drive	Institutional	Urban Open Space	Location of park.

Category 7: Refinements to Reflect Development Since 1998

The Land Use and Transportation Element, which includes Oakland's General Plan Map, was adopted in 1998. Since that time, several large-scale projects have been developed that do not match the designations on the General Plan Map. Formal General Plan Map Amendments were not required in these instances because the proposed use was permitted by the Map designation. The changes below would simply align the Map designations so that they are closer to the actual new uses on these sites.

This category also appeared in the Tier 2 General Plan corrections. However, the changes below were not identified until the update of the zoning maps took place.

There are five cases in this category, described in Table 7 below:

Table 7: Map Refinements to Show Land Use Changes That Have Occurred Since 1998

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
24-1	18.2	I-880 frontage between 29th Av and Fruitvale	Regional Commercial	Community Commercial	When the General Plan was prepared, the former Del Monte Cannery site was envisioned as a major regional employment hub. The site was subsequently developed as a community scale shopping center.
26-1	16.9	98th Ave near E Street	Housing and Business Mix	Mixed Type Residential	This is the Arcadia Park development. It was originally shown as Business Mix in the 1998 Plan. Following demolition of Fleischmanns Yeast in 2003, the Plan was amended to Housing Business Mix. A portion of the site was developed with housing and zoned R-30 and R-50. This portion should now be shown as Mixed Housing Type Residential on the General Plan, in order to retain the existing zoning and reflect existing residential uses.
26-3	2.0	Edes Avenue near Bergedo	Housing and Business Mix	Mixed Type Residential	Should update GP Map to reflect recent development of this site with townhomes, and retain R-40 zoning.
27-1	3.6	Mandela Parkway at 32nd Street	Business Mix	Housing and Business Mix	Should update GP Map to reflect recent development of this site with live-work units, and to support HBX zoning rather than CIX zoning (which prohibits residential use)
27-6	1.7	Palm Court	Urban Residential	Mixed Type Residential	Enclave of single family homes in West Oakland built after demolition of public housing units on this site in early 2000s.

Category 8: Other Miscellaneous Corrections and Refinements

Two additional small refinements to the Plan Map are proposed. The first is the designation of a two block area on MacArthur Boulevard between Foothill and Talbot (near Foothill Square) as "Neighborhood Center Mixed Use" instead of "Community Commercial." This area was rezoned from a heavier commercial designation to C-28 as part of a community planning process in the 1990s. The

General Plan Map refinement would enable these blocks to keep their "neighborhood" oriented commercial zoning, rather than returning to a heavier commercial district. The existing uses on these blocks are small-scale neighborhood serving businesses.

The second case involves the designation of several blocks immediately east of the Coliseum BART parking lot as "Business Mix" rather than "General Industrial." These blocks are currently zoned M-20, which is consistent with a Business Mix designation. Staff does not believe that it was the intent of the General Plan to create more high-impact heavy industrial uses on these blocks. Such an action would conflict with the transit-oriented development policies of the General Plan, as these blocks are across the street from BART and within a Redevelopment Project Area. The proposed designation would permit zoning of these blocks with a CIX zone (office/ light industry) equivalent to the current M-20 rather than "downzoning" to an IG zone.

Table 8 summarizes the miscellaneous refinements.

Table 8: Miscellaneous Map Refinements

ID #	Acres	Location	Designation on Existing Map	Corrected Designation	Description
20-2	6.1	MacArthur Blvd from Foothill to Talbot	Community Commercial	Neighborhood Center Mixed Use	Small local serving businesses, rezoned from heavier commercial designation to C-28 in the 1990s.as part of a neighborhood planning process.
25-2	12.3.	73rd Avenue at San Leandro Street	General Industrial	Business Mix	Mix of industrial uses and storage areas immediately east of the Coliseum BART station. Currently zoned M-20.

NOTIFICATIONS

In addition to the notice to agenda subscribers, newspaper notice was provided and CEDA mailed written notification to all property owners directly affected by the map changes. Approximately 1,400 notices were sent, each with a website link to review maps identifying the proposed changes. The website also includes a data base with the assessor parcel numbers and street addresses of all properties included in the Tier 3 corrections, giving the existing (incorrect) Land Use Diagram designation and the proposed (corrected) designation.

ENVIRONMENTAL DETERMINATION

The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018); as a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.

2. Forward the proposed Further (Tier 3) Corrections, Refinements and Clarifications of the General Plan Land Use Diagram to the City Council.

Prepared by:

BARRY MILLER
Planning Consultant

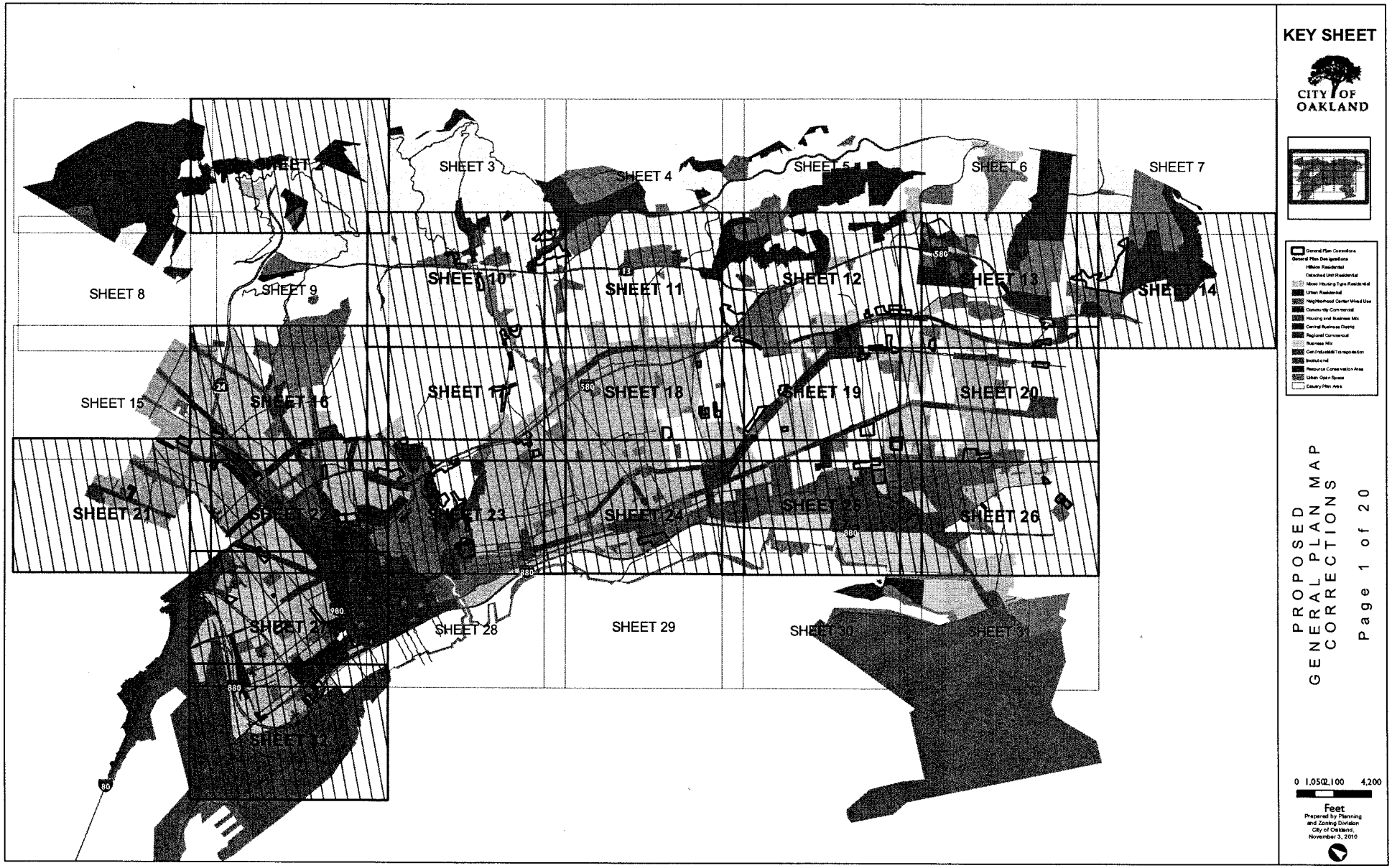
CHRISTINA FERRACANE
Planner II, Planning and Zoning, CEDA

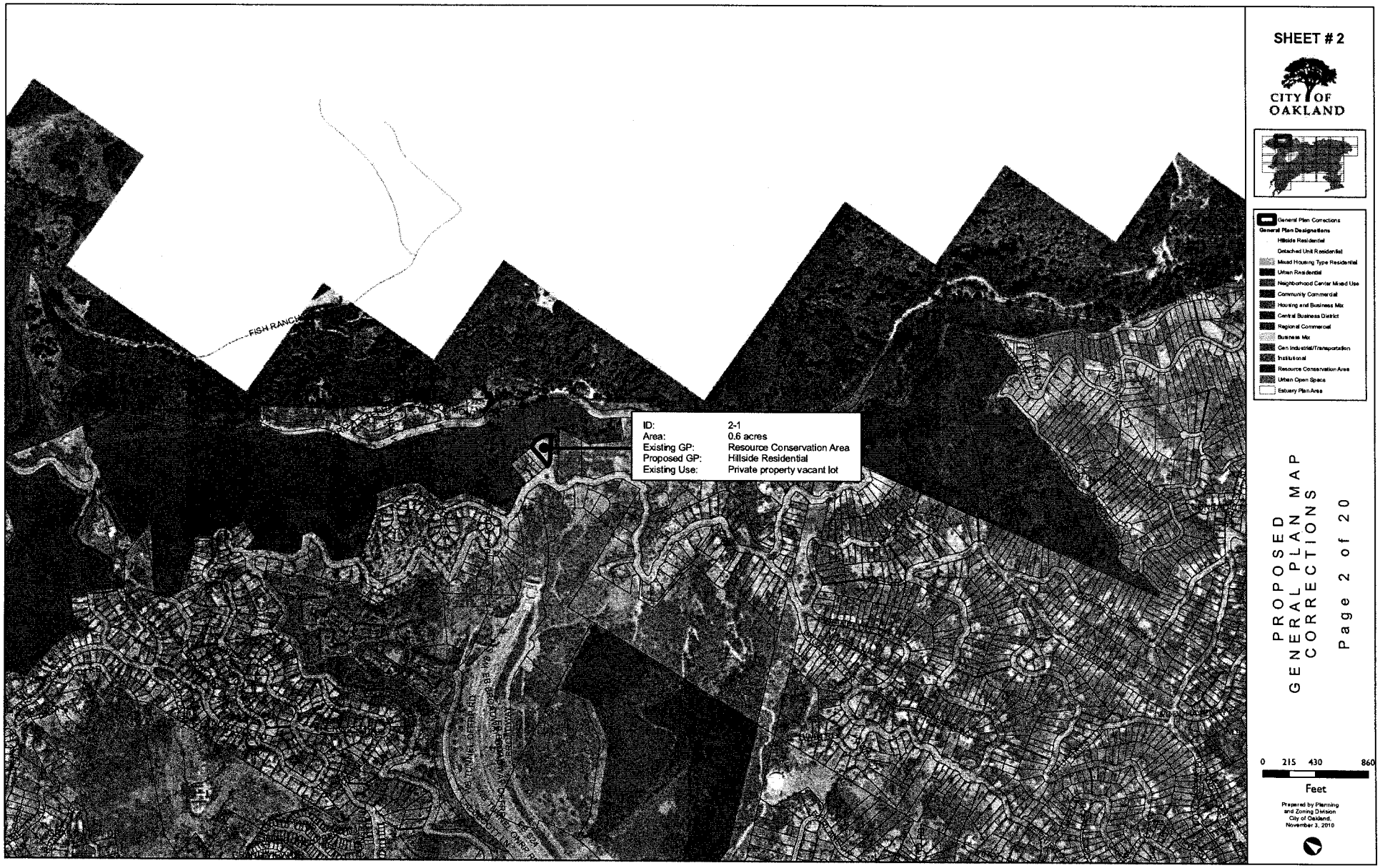
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City Planning Commission:

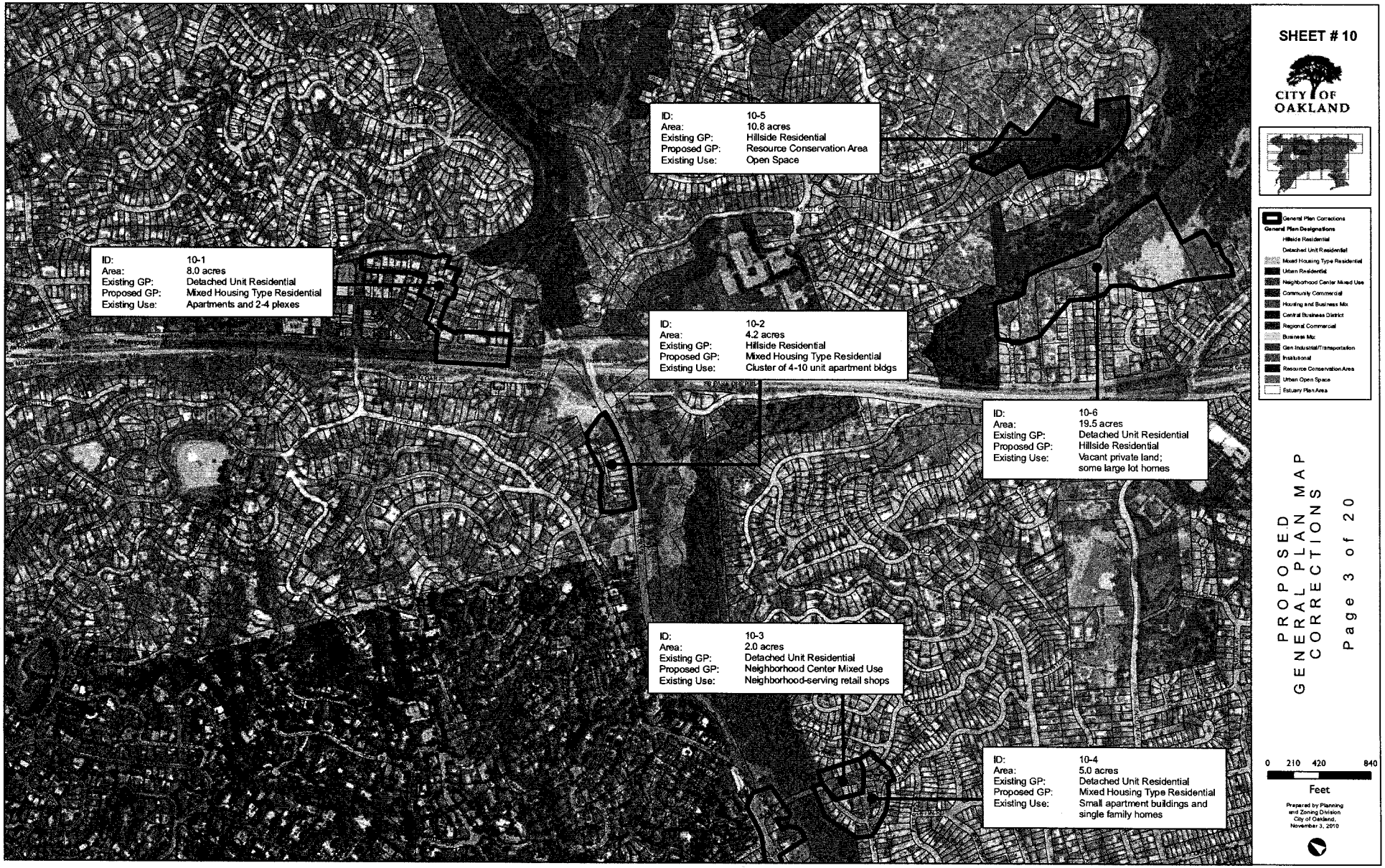
ERIC ANGSTADT
Deputy Director of Planning and Zoning, CEDA

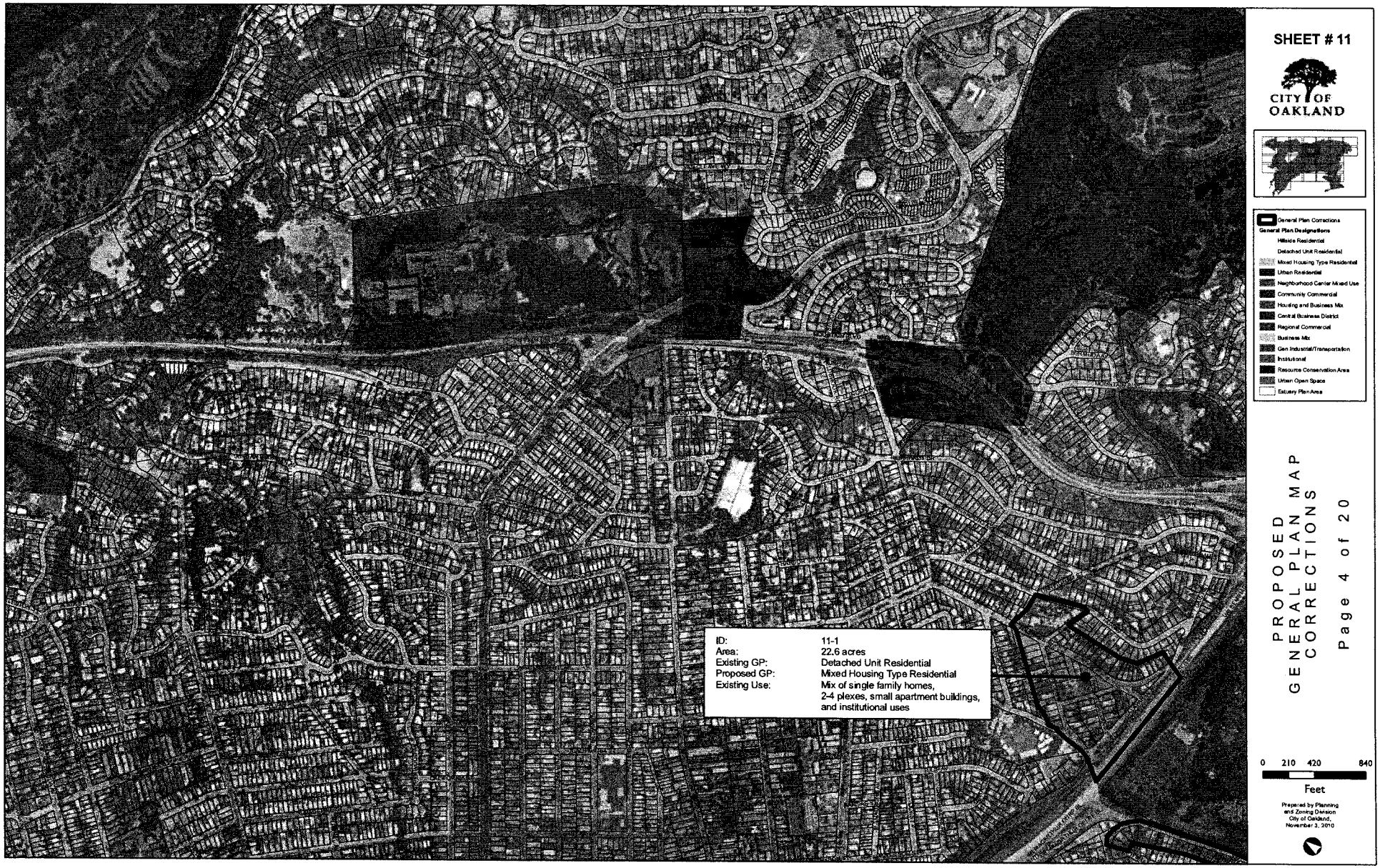
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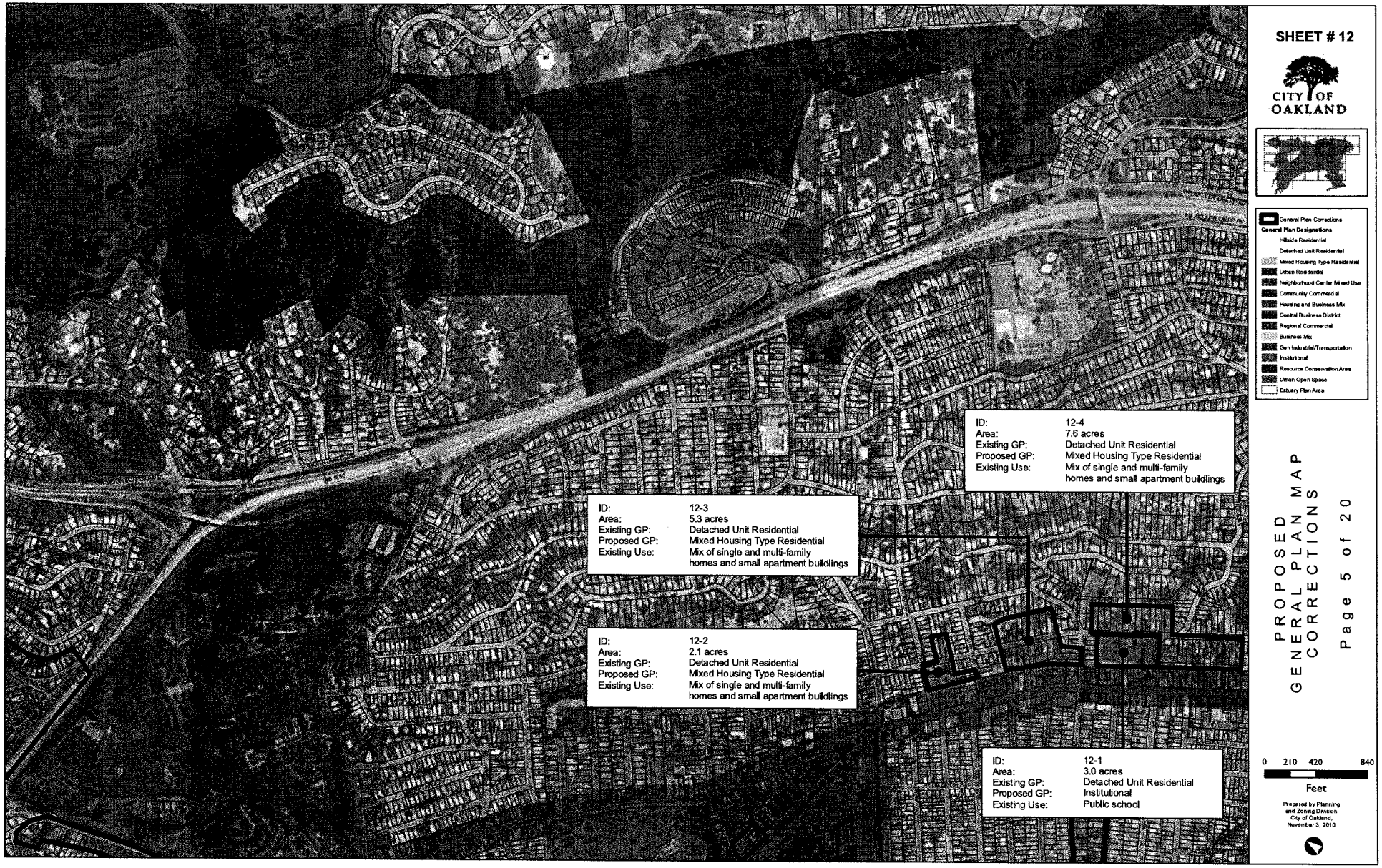
A. General Plan Map Corrections (11" x 17" map sheets)

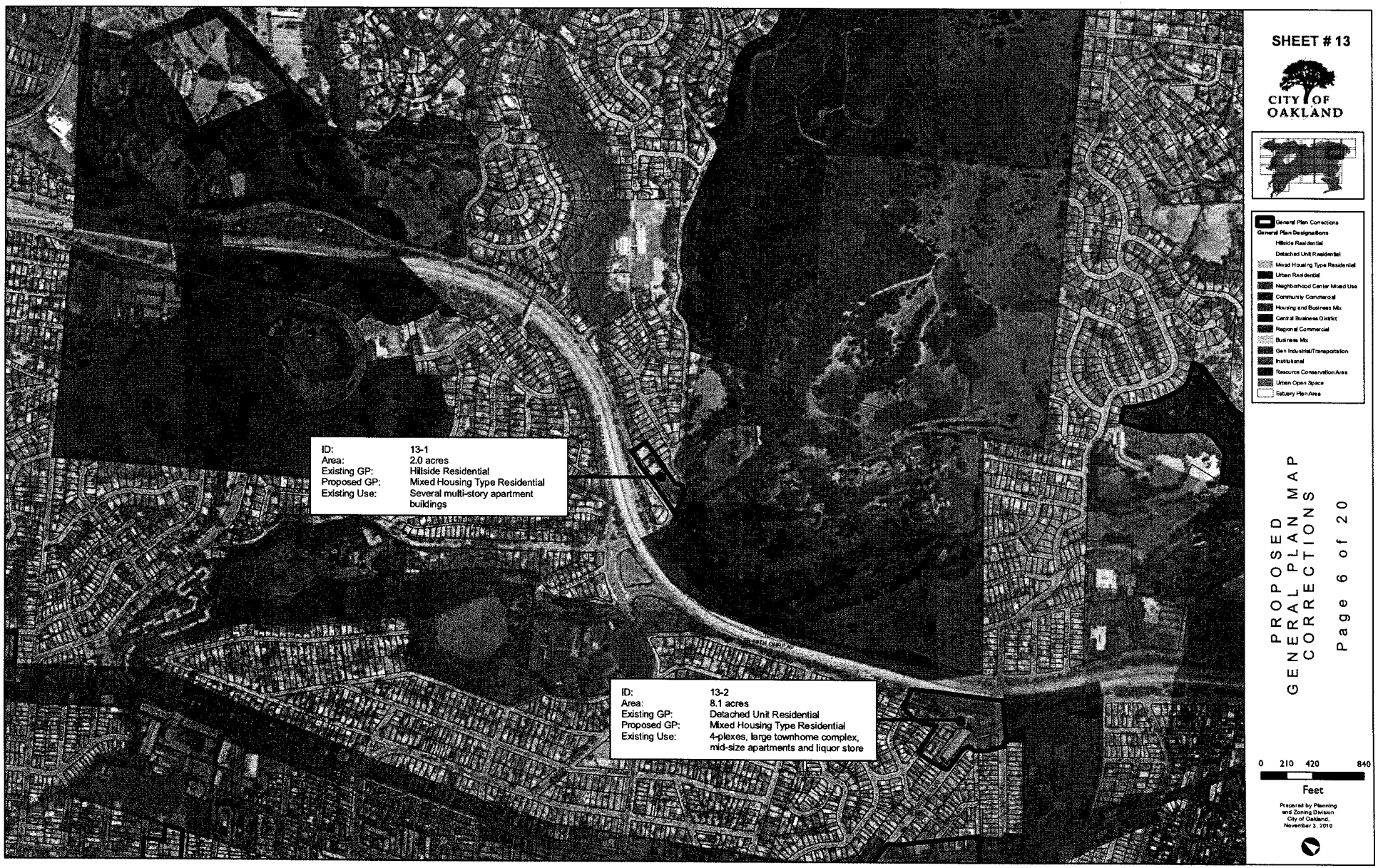

KEY SHEET
CITY OF OAKLAND
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SHEET 32
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 1 of 20
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Prepared by Planning and Zoning Division City of Oakland November 3, 2010


SHEET # 2
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
ID: 2-1
Area: 0.6 acres
Existing GP: Resource Conservation Area
Proposed GP: Hillside Residential
Existing Use: Private property vacant lot
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 2 of 20
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Prepared by Planning and Zoning Division City of Oakland, November 3, 2010


ID: 10-1
Area: 8.0 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Apartments and 2-4 plexes
ID: 10-2
Area: 4.2 acres
Existing GP: Hillside Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Cluster of 4-10 unit apartment bldgs
ID: 10-3
Area: 2.0 acres
Existing GP: Detached Unit Residential
Proposed GP: Neighborhood Center Mixed Use
Existing Use: Neighborhood-serving retail shops
ID: 10-4
Area: 5.0 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Small apartment buildings and single family homes
ID: 10-5
Area: 10.8 acres
Existing GP: Hillside Residential
Proposed GP: Resource Conservation Area
Existing Use: Open Space
ID: 10-6
Area: 19.5 acres
Existing GP: Detached Unit Residential
Proposed GP: Hillside Residential
Existing Use: Vacant private land; some large lot homes
SHEET # 10
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 3 of 20
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Prepared by Planning and Zoning Division City of Oakland, November 3, 2010

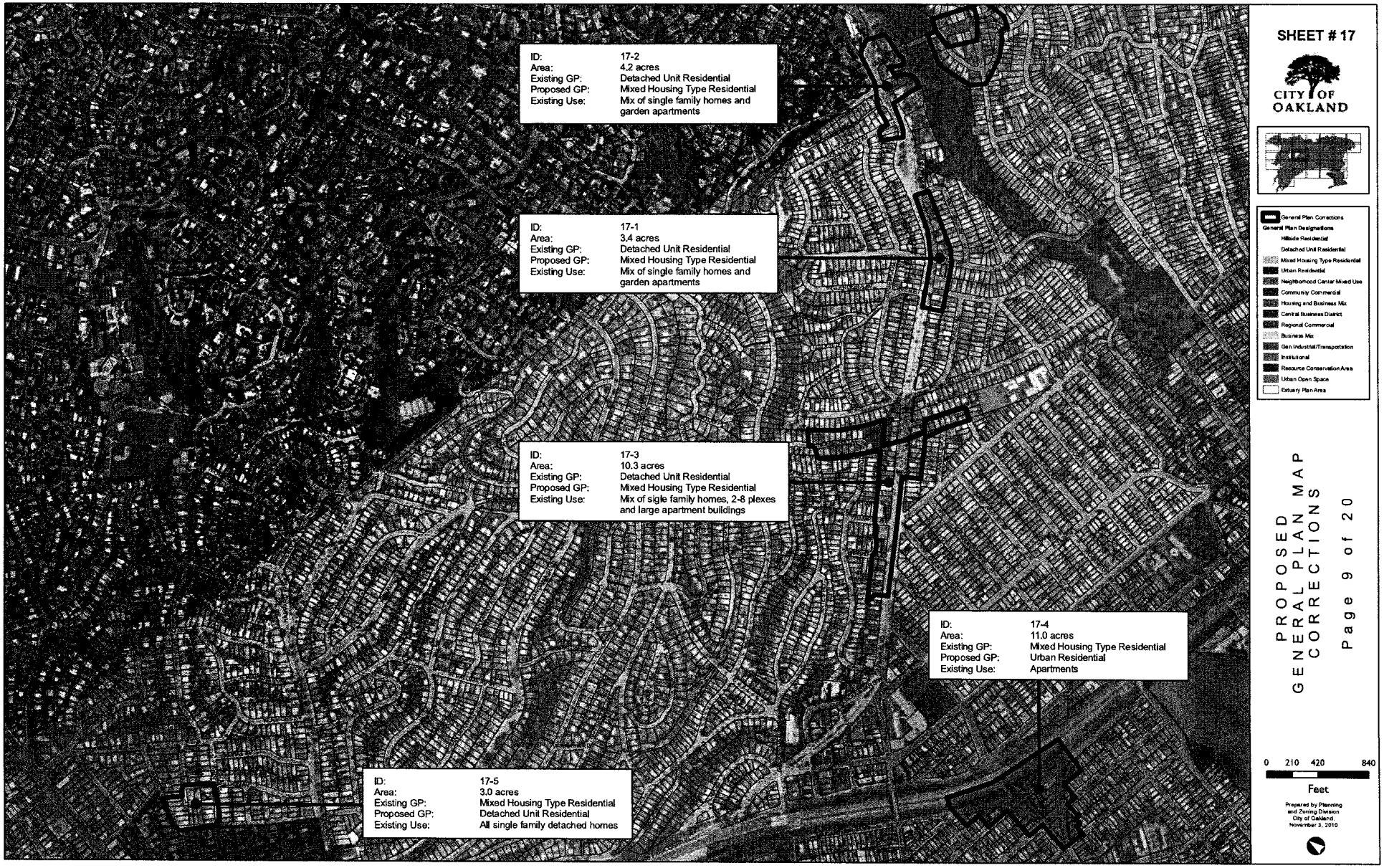

SHEET # 11
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
ID: 11-1
Area: 22.6 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of single family homes, 2-4 plexes, small apartment buildings, and institutional uses
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 4 of 20
0 210 420 840
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Prepared by Planning and Zoning Division City of Oakland, November 3, 2010


ID: 12-3
Area: 5.3 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of single and multi-family homes and small apartment buildings
ID: 12-4
Area: 7.6 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of single and multi-family homes and small apartment buildings
ID: 12-2
Area: 2.1 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of single and multi-family homes and small apartment buildings
ID: 12-1
Area: 3.0 acres
Existing GP: Detached Unit Residential
Proposed GP: Institutional
Existing Use: Public school
SHEET # 12
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 5 of 20
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Prepared by Planning and Zoning Division City of Oakland, November 3, 2010

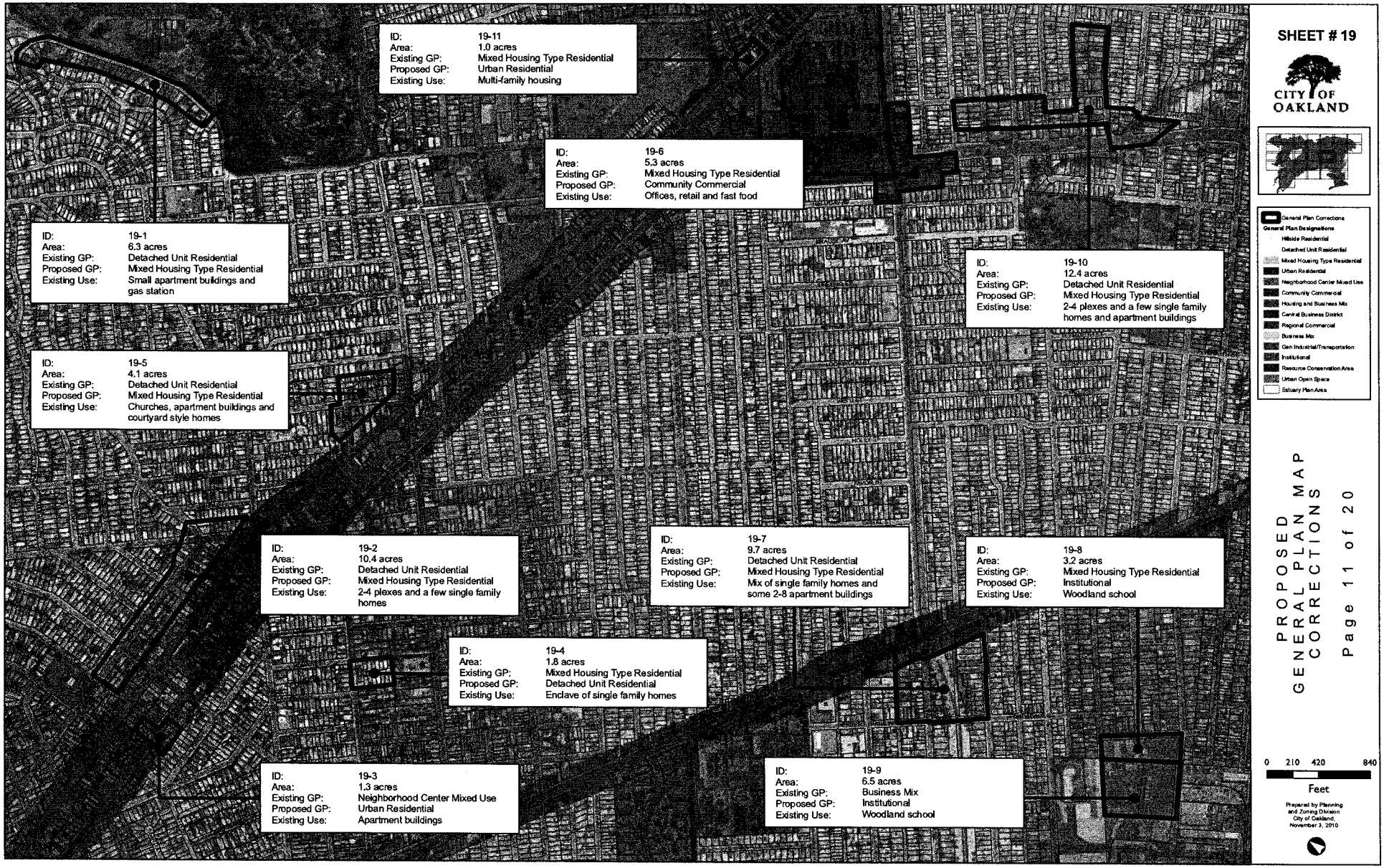

ID: 13-1
Area: 2.0 acres
Existing GP: Hillside Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Several multi-story apartment buildings
ID: 13-2
Area: 8.1 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: 4-plexes, large townhome complex, mid-size apartments and liquor store
SHEET # 13
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 6 of 20
0 210 420 840
Feet
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ID: 14-1
Area: 65.2 acres
Existing GP: Hillside Residential
Proposed GP: Resource Conservation Area
Existing Use: Open Space
SHEET # 14
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 7 of 20
0 210 420 840
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LAKE CHABOT RD
ASTOR ST
OAKVIEW TER
KENNEDY ST
MACARTHUR BLVD


SHEET # 16
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
ID: 16-1
Area: 4.5 acres
Existing GP: Neighborhood Center Mixed Use
Proposed GP: Urban Residential
Existing Use: Apartments and flats
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 8 of 20
0 210 420 840
Feet
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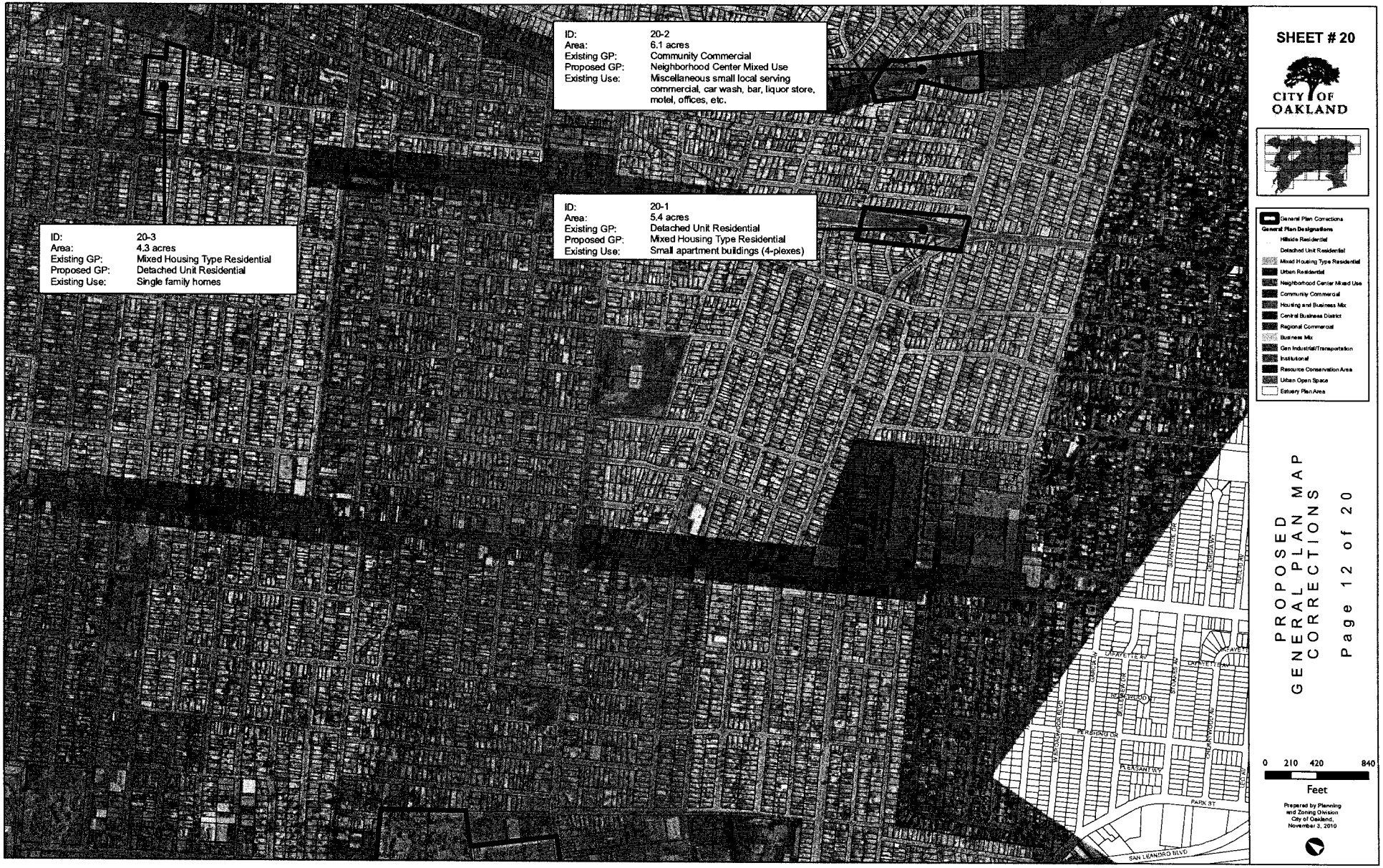

ID: 17-2
Area: 4.2 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of single family homes and garden apartments
ID: 17-1
Area: 3.4 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of single family homes and garden apartments
ID: 17-3
Area: 10.3 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of sigle family homes, 2-8 plexes and large apartment buildings
ID: 17-4
Area: 11.0 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Urban Residential
Existing Use: Apartments
ID: 17-5
Area: 3.0 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Detached Unit Residential
Existing Use: All single family detached homes
SHEET # 17
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 9 of 20
0 210 420 840
Feet
Prepared by Planning and Zoning Division City of Oakland, November 3, 2010


ID: 18-1
Area: 1.8 acres
Existing GP: Neighborhood Center Mixed Use
Proposed GP: Mixed Housing Type Residential
Existing Use: Apartments and vacant land
ID: 18-3
Area: 3.7 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mostly 2-8 plex buildings and single family homes
ID: 18-2
Area: 4.9 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Apartments
ID: 18-4
Area: 7.0 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Single family homes and flats
SHEET # 18
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 10 of 20
0 210 420 840
Feet
Prepared by Planning and Zoning Division City of Oakland November 3, 2010


ID: 19-11
Area: 1.0 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Urban Residential
Existing Use: Multi-family housing
ID: 19-6
Area: 5.3 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Community Commercial
Existing Use: Offices, retail and fast food
ID: 19-1
Area: 6.3 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Small apartment buildings and gas station
ID: 19-10
Area: 12.4 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: 2-4 plexes and a few single family homes and apartment buildings
ID: 19-5
Area: 4.1 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Churches, apartment buildings and courtyard style homes
ID: 19-2
Area: 10.4 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: 2-4 plexes and a few single family homes
ID: 19-7
Area: 9.7 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mix of single family homes and some 2-8 apartment buildings
ID: 19-8
Area: 3.2 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Institutional
Existing Use: Woodland school
ID: 19-4
Area: 1.8 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Detached Unit Residential
Existing Use: Enclave of single family homes
ID: 19-3
Area: 1.3 acres
Existing GP: Neighborhood Center Mixed Use
Proposed GP: Urban Residential
Existing Use: Apartment buildings
ID: 19-9
Area: 6.5 acres
Existing GP: Business Mix
Proposed GP: Institutional
Existing Use: Woodland school
SHEET # 19
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 11 of 20
0 210 420 840
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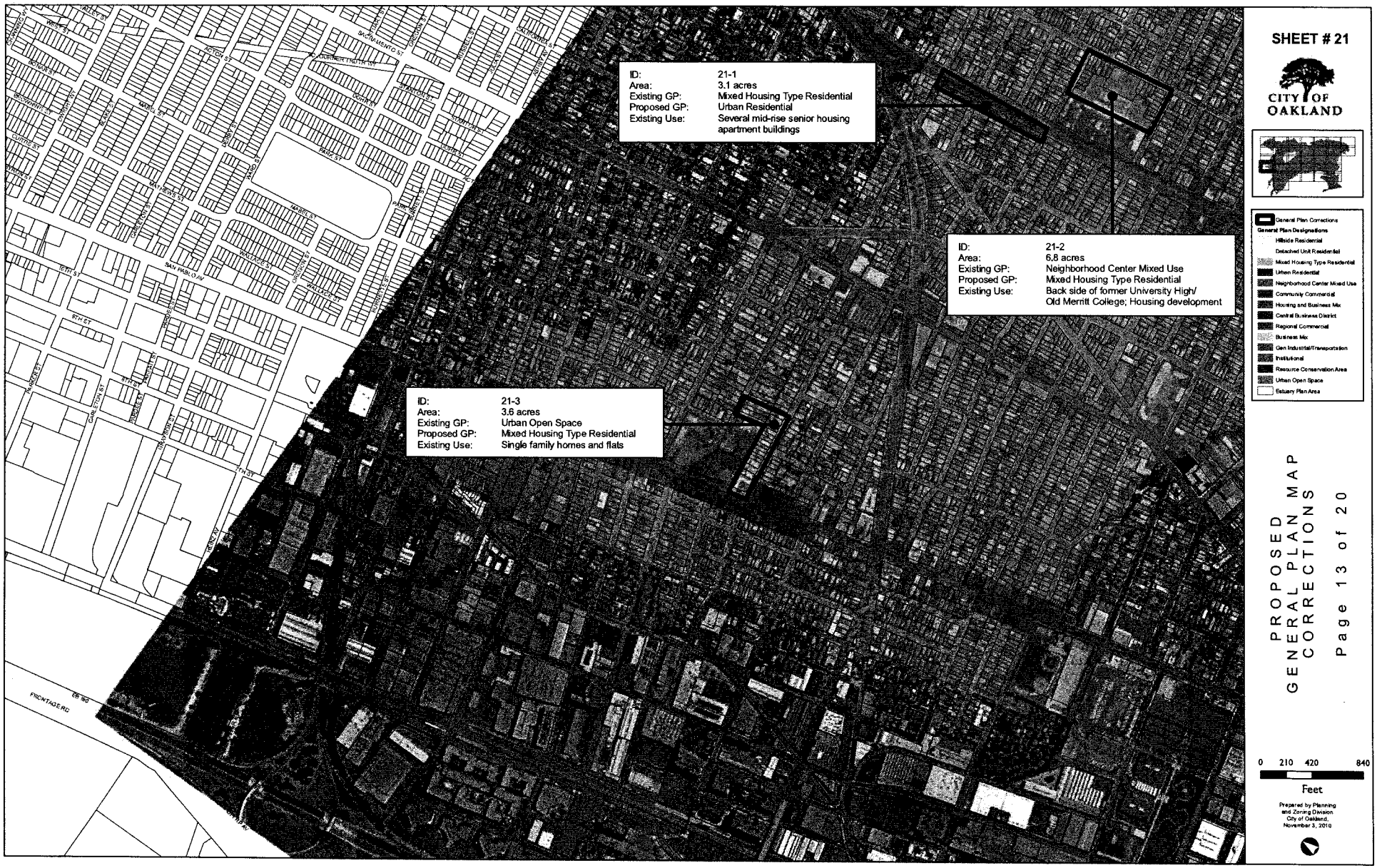
Attachment A
Item #6 - General Plan Map Corrections

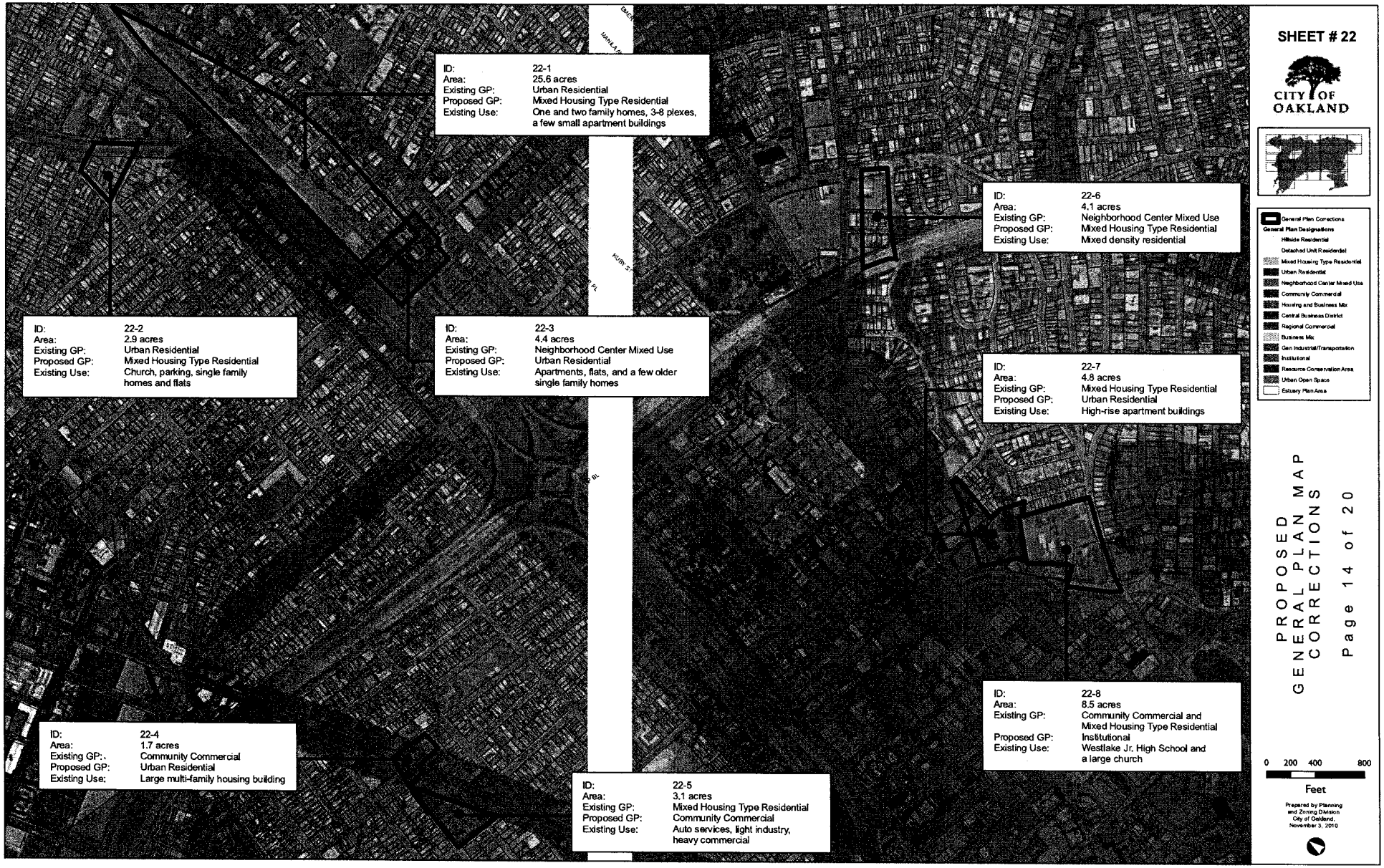
Planning Commission Meeting
November 3, 2010



Attachment A
Item #6 - General Plan Map Corrections

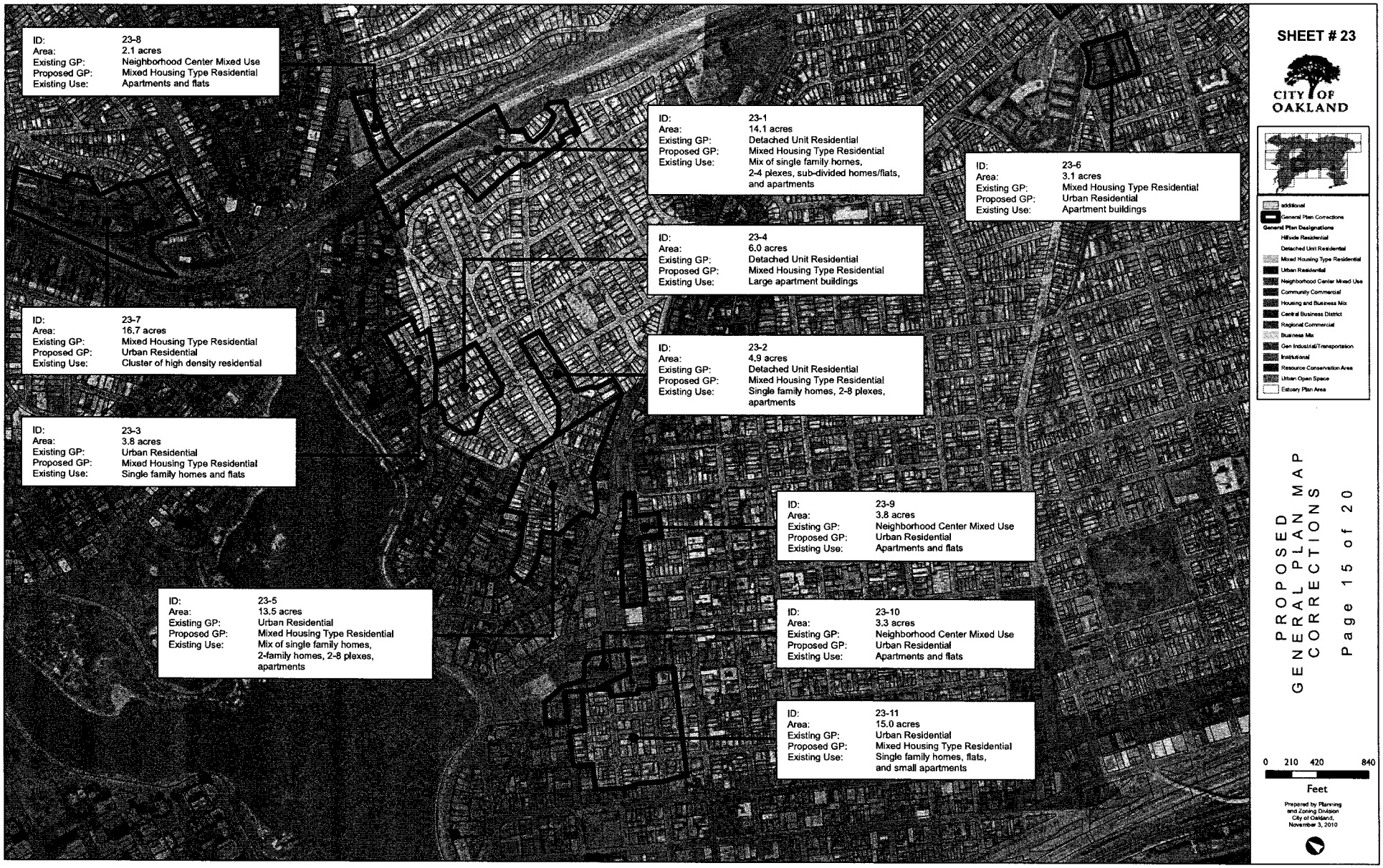
Planning Commission Meeting
November 3, 2010




ID: 22-1
Area: 25.6 acres
Existing GP: Urban Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: One and two family homes, 3-8 plexes, a few small apartment buildings
ID: 22-2
Area: 2.9 acres
Existing GP: Urban Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Church, parking, single family homes and flats
ID: 22-3
Area: 4.4 acres
Existing GP: Neighborhood Center Mixed Use
Proposed GP: Urban Residential
Existing Use: Apartments, flats, and a few older single family homes
ID: 22-4
Area: 1.7 acres
Existing GP: Community Commercial
Proposed GP: Urban Residential
Existing Use: Large multi-family housing building
ID: 22-5
Area: 3.1 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Community Commercial
Existing Use: Auto services, light industry, heavy commercial
ID: 22-6
Area: 4.1 acres
Existing GP: Neighborhood Center Mixed Use
Proposed GP: Mixed Housing Type Residential
Existing Use: Mixed density residential
ID: 22-7
Area: 4.8 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Urban Residential
Existing Use: High-rise apartment buildings
ID: 22-8
Area: 8.5 acres
Existing GP: Community Commercial and Mixed Housing Type Residential
Proposed GP: Institutional
Existing Use: Westlake Jr. High School and a large church
SHEET # 22
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 14 of 20
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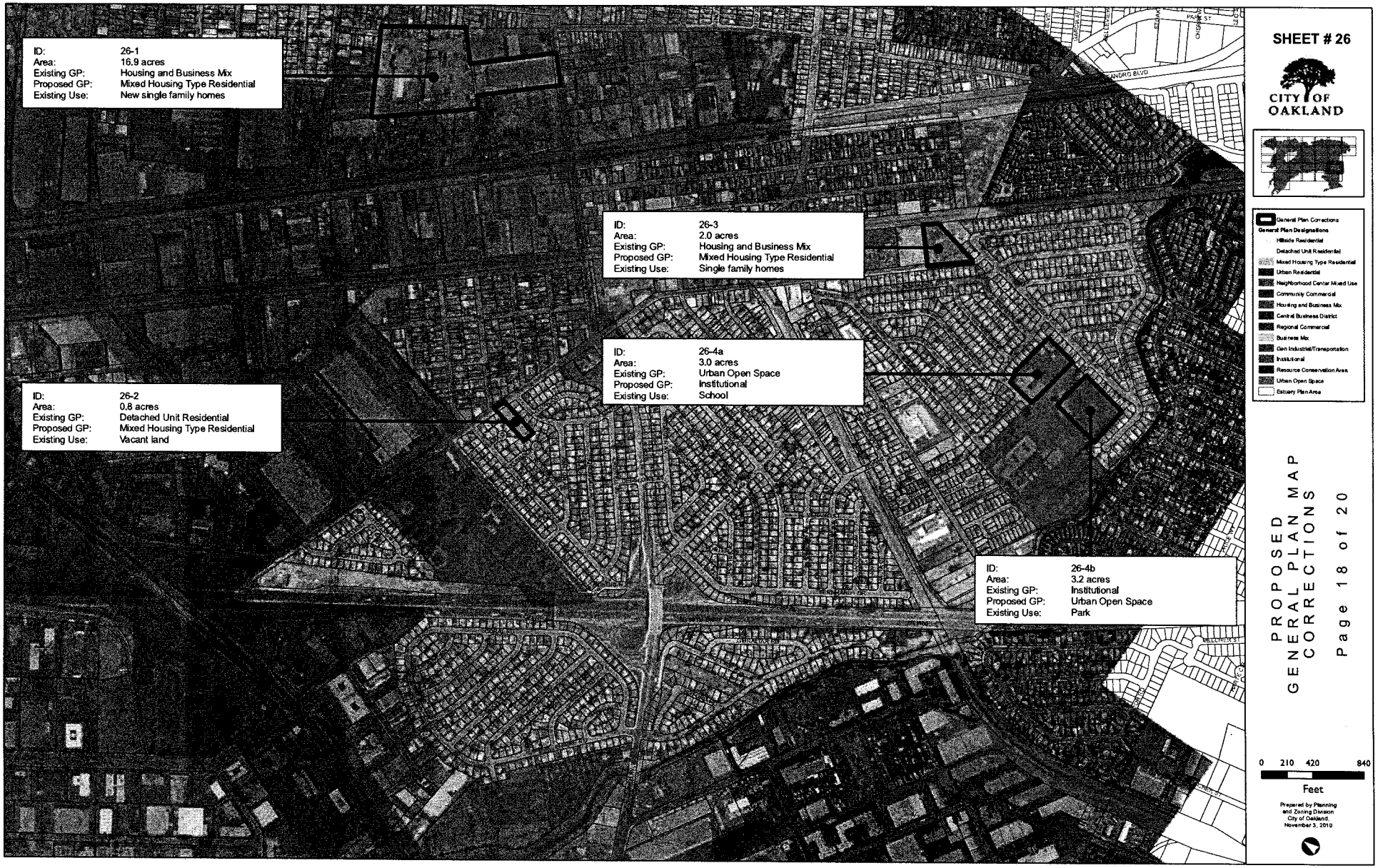
Attachment A
Item #6 - General Plan Map Corrections

Planning Commission Meeting
November 3, 2010

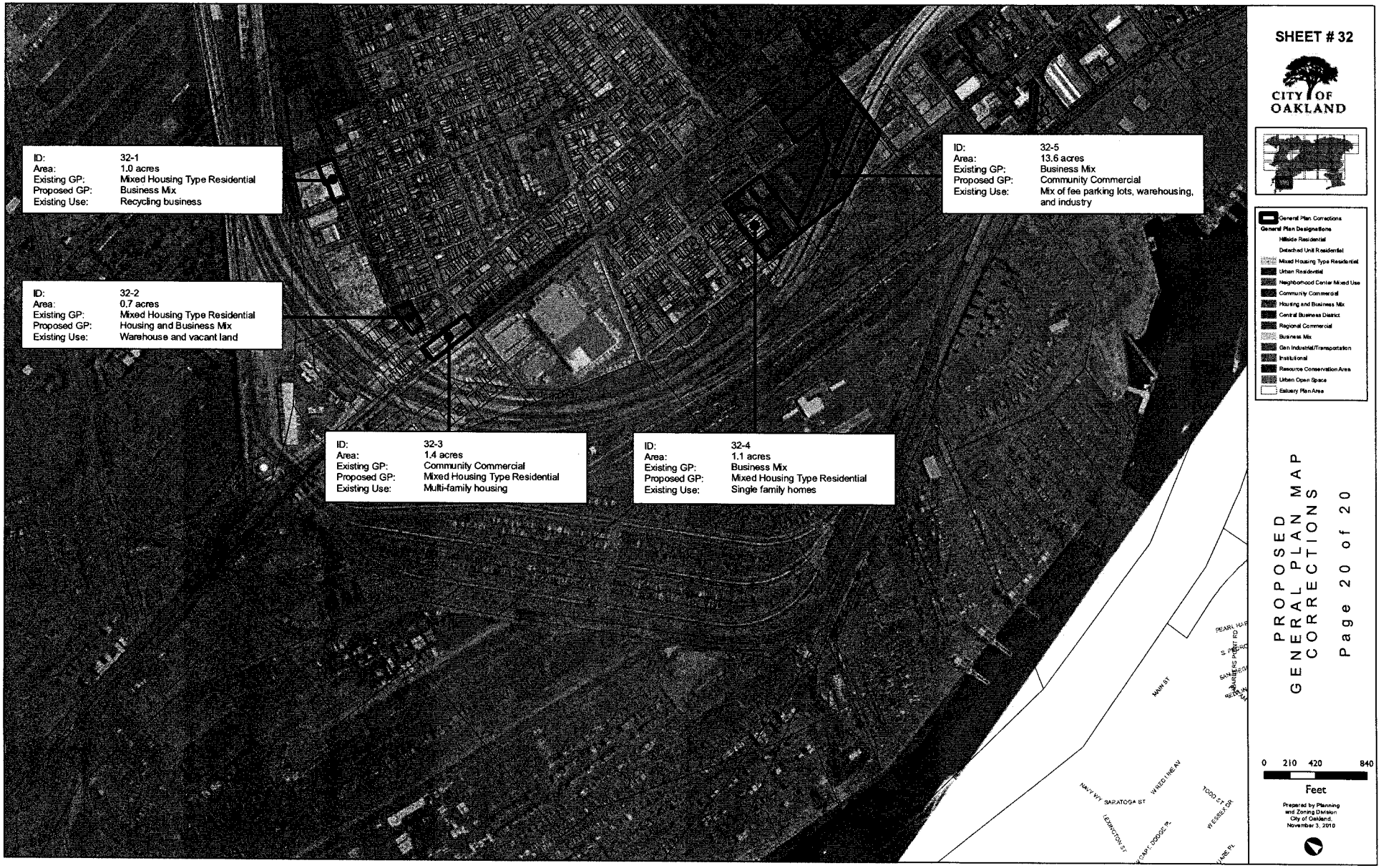



SHEET # 24
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
ID: 24-1
Area: 18.2 acres
Existing GP: Regional Commercial
Proposed GP: Community Commercial
Existing Use: Fruitvale station shopping center
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 16 of 20
0 210 420 840
Feet
Prepared by Planning and Zoning Division City of Oakland, November 3, 2010


ID: 25-1
Area: 11.5 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Mixed density housing
ID: 25-2
Area: 12.3 acres
Existing GP: General Industrial
Proposed GP: Business Mix
Existing Use: Mixed industrial uses
SHEET # 25
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 17 of 20
0 210 420 840
Feet
Prepared by Planning and Zoning Division City of Oakland, November 3, 2010

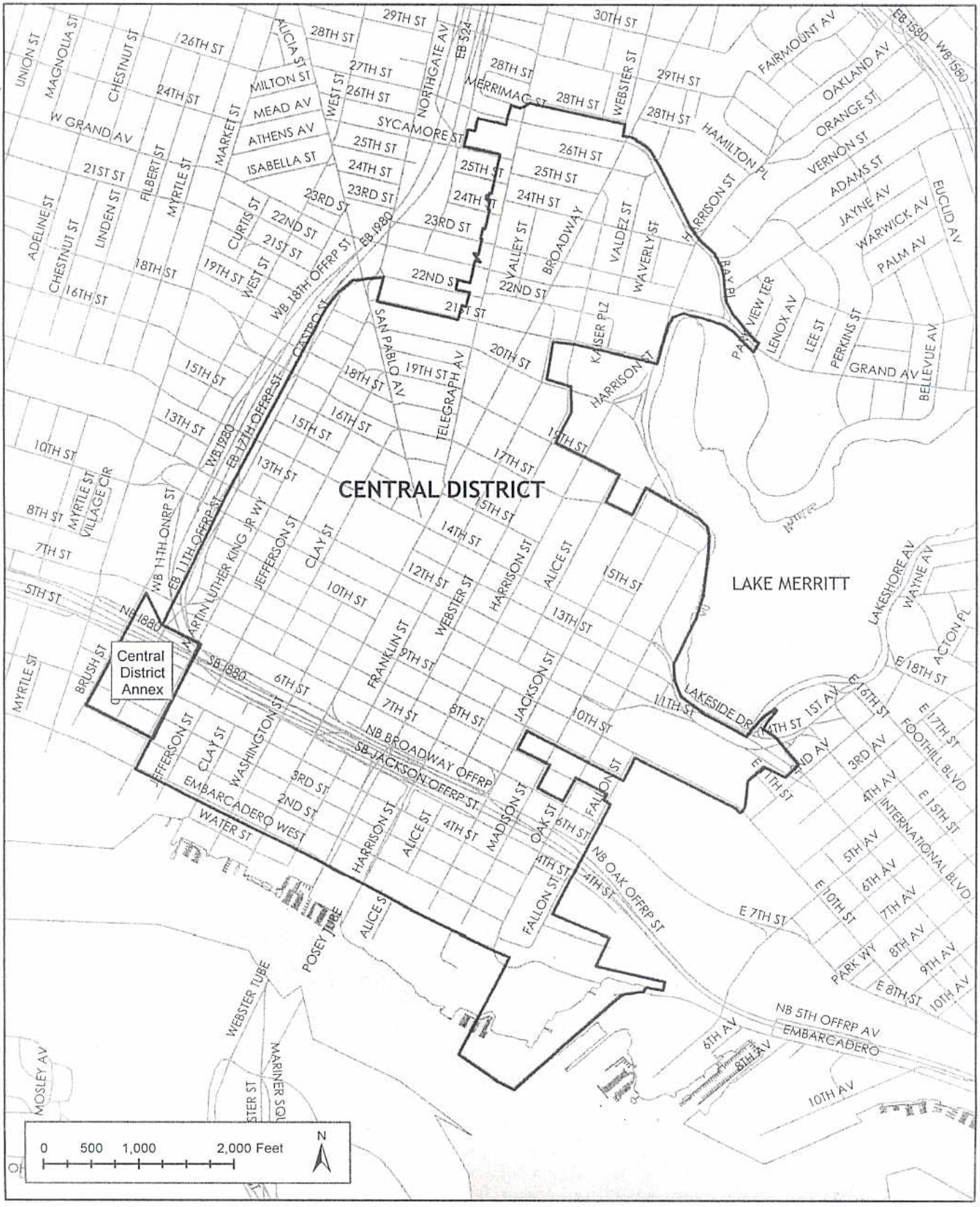

ID: 26-1
Area: 16.9 acres
Existing GP: Housing and Business Mix
Proposed GP: Mixed Housing Type Residential
Existing Use: New single family homes
ID: 26-3
Area: 2.0 acres
Existing GP: Housing and Business Mix
Proposed GP: Mixed Housing Type Residential
Existing Use: Single family homes
ID: 26-4a
Area: 3.0 acres
Existing GP: Urban Open Space
Proposed GP: Institutional
Existing Use: School
ID: 26-2
Area: 0.8 acres
Existing GP: Detached Unit Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Vacant land
ID: 26-4b
Area: 3.2 acres
Existing GP: Institutional
Proposed GP: Urban Open Space
Existing Use: Park
SHEET # 26
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 18 of 20
0 210 420 840
Feet
Prepared by Planning and Zoning Division City of Oakland, November 3, 2010


ID: 27-3
Area: 0.4 acres
Existing GP: Business Mix
Proposed GP: Mixed Housing Type Residential
Existing Use: Single family homes, church and business
ID: 27-4
Area: 5.2 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Urban Residential
Existing Use: High-rise apartments
ID: 27-1
Area: 3.6 acres
Existing GP: Business Mix
Proposed GP: Housing and Business Mix
Existing Use: Live/work lofts
ID: 27-5
Area: 6.0 acres
Existing GP: Business Mix
Proposed GP: Institutional
Existing Use: Ralph Bunche School and West Oakland Library
ID: 27-6
Area: 1.7 acres
Existing GP: Urban Residential
Proposed GP: Mixed Housing Type Residential
Existing Use: Single family homes
ID: 27-2
Area: 2.2 acres
Existing GP: Business Mix
Proposed GP: Community Commercial
Existing Use: Freeway right of way
SHEET # 27
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 19 of 20
0 210 420 840
Feet
Prepared by Planning and Zoning Division City of Oakland November 3, 2010


ID: 32-1
Area: 1.0 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Business Mix
Existing Use: Recycling business
ID: 32-2
Area: 0.7 acres
Existing GP: Mixed Housing Type Residential
Proposed GP: Housing and Business Mix
Existing Use: Warehouse and vacant land
ID: 32-3
Area: 1.4 acres
Existing GP: Community Commercial
Proposed GP: Mixed Housing Type Residential
Existing Use: Multi-family housing
ID: 32-4
Area: 1.1 acres
Existing GP: Business Mix
Proposed GP: Mixed Housing Type Residential
Existing Use: Single family homes
ID: 32-5
Area: 13.6 acres
Existing GP: Business Mix
Proposed GP: Community Commercial
Existing Use: Mix of fee parking lots, warehousing, and industry
SHEET # 32
CITY OF OAKLAND
General Plan Corrections
General Plan Designations
Hillside Residential
Detached Unit Residential
Mixed Housing Type Residential
Urban Residential
Neighborhood Center Mixed Use
Community Commercial
Housing and Business Mix
Central Business District
Regional Commercial
Business Mix
Gen Industrial/Transportation
Institutional
Resource Conservation Area
Urban Open Space
Estuary Plan Area
PROPOSED GENERAL PLAN MAP CORRECTIONS
Page 20 of 20
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SARATOGA ST
WHEELER AV
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Location:	**Central District Redevelopment Project Area, an approximately 828-acre area in downtown Oakland generally bounded by I-980, Lake Merritt, 27th Street, and the Embarcadero**
Proposal:	Scoping Session for a Draft Environmental Impact Report (DEIR) to receive comments on the contents of the forthcoming DEIR for proposed amendments to the Central District Redevelopment Area Plan.
Applicant:	City of Oakland Redevelopment Agency
Contact Person/Phone Number:	Blair Miller, Redevelopment Project Manager (510) 238-2055
Case File Number:	**ER10-0003**
Planning Permits Required:	To Be Determined
General Plan:	Central Business District, Urban Open Space District, Institutional District, Urban Residential District; **Estuary Plan:** Off-Price Retail District, Retail Dining Entertainment 1 and 2 Districts, Produce Market District, Mixed Use District, Waterfront Warehouse District, Planned Waterfront Development 1 District.
Zoning:	CBD-R, Central Business District-Residential Zone, CBD-P, Central Business District-Pedestrian Retail Commercial Zone, CBD-C, Central Business District-General Commercial Zone, CBD-X, Central Business District-Mixed Commercial Zone, S-2, Civic Center Zone, S-4, Design Review Combining Zone, S-7, Preservation Combining Zone, S-12, Residential Parking Combining Zone, S-19, Health and Safety Protection Overlay Zone, OS (SU), Open Space Special Use Park Zone , OS (NP), Open Space Neighborhood Park Zone, OS (RSP), Open Space Region-Serving Park Zone, OS (LP), Open Space Linear Park Zone, OS (RCA), Open Space Resource Conservation Area Zone, C-25, Office Commercial Zone, C-30, District Thoroughfare Commercial Zone, C-40, Community Thoroughfare Commercial Zone, C-45, Community Shopping Commercial Zone, C-55, Central Core Commercial Zone, C-60, City Service Commercial Zone, D-BR, Broadway Retail Frontage Interim Combining District Zone, R-90, Downtown Apartment Residential Zone, M-20, Light Industrial Zone, M-30, General Industrial Zone, CIX-1, Commercial Industrial Mix 1 Zone.
Environmental Determination:	An Environmental Impact Report (EIR) will be prepared for the proposed amendments.
Historic Status:	Redevelopment Project Area includes numerous buildings, districts, sites, and structures that are listed on or eligible for National, California, and Local Registers of Historic Resources and thus are considered CEQA Historic Resources
Service Delivery District:	1, 2, Metro
City Council District:	2, 3
Status:	The Notice of Preparation was published and distributed on October 15, 2010, with comments due no later than November 15, 2010.
Action to be Taken:	Receive public and Commission comments about what information and analysis should be included in the Draft Environmental Impact Report
For Further Information:	Contact case planner **Ulla-Britt Jonsson** at **(510) 238-3322** or by email at **ujonsson@oaklandnet.com**

- Central District Redevelopment Project Area -



SUMMARY

The Redevelopment Agency of the City of Oakland is contemplating the following amendment to the redevelopment plan for the Central District Project Area

- A 10-year extension of time for Plan effectiveness and receipt of tax increment revenue
- Extension of time limit on eminent domain authority
- Increase in tax increment ceiling

California Redevelopment Law (CRL) and California Environmental Quality Act (CEQA) guidelines require that the Agency prepare specific documentation including a blight study, a Preliminary Report and a programmatic Environmental Impact Report (EIR) prior to authorization of the proposed amendment to the redevelopment plan.

This scoping session is being held to solicit additional public and Commission comments on what information and analysis should be contained in the DEIR. Written comments are encouraged in order to provide an accurate record of public comments.

PROJECT AREA DESCRIPTION

The Project Area covers approximately 250 city blocks (828 acres) generally bounded by I-980, Lake Merritt, 27th Street and the Embarcadero [See attached Map on page 2]. Within the Project Area, there are four major redevelopment activity areas: City Center, Chinatown, Victorian Row/Old Oakland and the Uptown Retail area. The Project Area is a major economic and transportation hub in the San Francisco-Oakland Metropolitan Area and includes 24 Class A and 51 Class B office buildings with approximately 10.7 million square feet of office space. The Project Area is also at the center of the Bay Area Rapid Transit (BART) system, with three stations (12th Street Oakland City Center, 19th Street Oakland and Lake Merritt) located within its boundaries. More than forty AC Transit bus lines connect the Project Area with other parts of Oakland and nearby communities. The Project Area may include sites that are on the Cortese List or other lists of contaminated properties. A map of the Project Area is attached to this report.

BACKGROUND

The City of Oakland adopted the Central District Urban Renewal Plan ("Redevelopment Plan") on June 12, 1969. The Redevelopment Plan has subsequently been amended or supplemented several times with the most recent amendment occurring on July 18, 2006.

Under current time limits, the effectiveness of the Redevelopment Plan for the Central District will terminate on June 12, 2012, and the ability of the Agency to receive tax increment revenue will expire 10 years thereafter in 2022. The Agency is entitled to extend these time limits by one additional year pursuant to state legislation imposing Agency payments to the Supplemental Educational Revenue Augmentation Fund (SERAF), but the Agency is not moving forward with these extensions for the time being pending the outcome of litigation challenging the SERAF requirement.

The Agency wishes to extend the two time limits for an additional 10 years as allowed by Senate Bill 211 (codified at Health and Safety Code Section 33333.10, et seq.). Under California redevelopment law,

such an extension requires findings, among other things, that significant blight remains in the Project Area and that the blight cannot be eliminated without extending the effectiveness of the Plan and the receipt of property taxes. For this time extension, remaining areas of blight and "necessary and essential parcels" in the Central District must be mapped.

Additionally, the eminent domain authority for the Central District expired on June 12, 2009. The Agency wishes to renew this authority through an amendment of the redevelopment plan. Under redevelopment law, such an extension also requires findings based on substantial evidence that significant blight remains in the Project Area and that this blight cannot be eliminated without the use of eminent domain, if necessary.

Finally, the Central District Redevelopment Plan includes a cumulative cap on receipt of tax increment revenues, set at $1,348,862,000. The Agency is close to reaching its cap and will exceed it if the SB 211 time extension is adopted. A plan amendment is required to raise the cap, which also requires findings that significant blight remains in the Project Area and that this blight cannot be eliminated without increasing the cap, as well as an analysis of the cost of projects required to eradicate this blight and the relationship between this cost and the increase in the cap. The Agency has not determined what the new tax increment cap will be and will determine the new amount based on the analysis to be completed by Seifel Consulting, Inc.

PROJECT DESCRIPTION

The Redevelopment Agency is contemplating the following amendment to the redevelopment plan for the Central District Project Area:

- A 10-year extension of time for Plan effectiveness and receipt of tax increment revenue
- Extension of time limit on eminent domain authority
- Increase in tax increment ceiling

CEQA provides that all public and private undertakings pursuant to a redevelopment plan shall constitute a single project, and a programmatic EIR will be appropriate for purposes of the redevelopment plan amendment process.

Although the redevelopment projects and programs to be facilitated by the amendment would generally remain similar to those currently being implemented, the EIR will analyze the effects of changes in the environment resulting from implementation of additional 10 years of redevelopment activities and tax increment funding. The goals and objectives of the Redevelopment Agency for the Project Area include the following: strengthening the Project Area's existing role as an important office center for administrative, financial, business services, and governmental activities; revitalizing and strengthening the Central District's historical role as the major regional retail center of the Oakland area; establishing an important cultural and entertainment center; reestablishing residential areas for all economic levels within specific portions of the Project Area; providing employment and other economic benefits to disadvantaged persons living within or near the Project Area; restoring historically significant structures; and improving the general urban design of the Project Area.

Adoption and implementation of the proposed amendments would provide a series of multiple, coordinated actions (e.g., tools, programs, and funding) to eliminate blight and facilitate revitalization, growth and the creation of temporary and permanent jobs in the Project Area. These activities could include some or all of the following: assembly of blighted and underutilized properties into sites suitable

for new sustainable development; disposition of properties for rehabilitation or new construction, low-cost or market-rate loans grants, subsidies, and direct improvements to support rehabilitation of blighted structures or new construction on blighted properties; façade and tenant improvement programs as part of a retail attraction and assistance program; public art installations and infrastructure improvements, including streetscape improvements, installation of utilities, traffic capacity projects, mass-transit improvements, parking facilities, public parks and storm drainage improvements, among others. The redevelopment activities also would support the development of additional low- and moderate- income housing.

Implementation of actions defined in the Redevelopment Plan and amendment could result in the rehabilitation, reconstruction, or alteration of buildings, housing, public infrastructure, and other physical changes to the environment.

GENERAL PLAN ANALYSIS

The Redevelopment Plan Amendment will not include any proposed changes to the General Plan for this area.

PROBABLE ENVIRONMENTAL EFFECTS

The City is seeking feedback on the potential impacts of the amendments that should be studied in the DEIR. It is anticipated that the proposed project may have environmental impacts on the following, all of which will be addressed in the EIR: aesthetics, shadow and wind; air quality and greenhouse gases; biological resources; cultural and historic resources; geology, soils and seismicity; hazardous materials; hydrology, water quality and water supply; land use; noise; population and housing; public services and utilities; and traffic, transportation and circulation, among other topics.

The DEIR will also examine a reasonable range of alternatives to the project, including the CEQA-mandated No Project Alternative, and other alternatives that may be capable of reducing or avoiding potential environmental effects.

PURPOSE OF THIS SCOPING SESSION

The main purpose of this scoping session is to solicit comments from both the Commission and the public on what types of information and analysis should be considered in the DEIR. Comments about the issues that should be considered, the types of information that should be included, and the range of alternatives to the project that should be assessed are all appropriate comments. This scoping session is not a review or consideration of the merits of the project. There will be a full public process to consider the project itself; this process will be initiated within the next month to six weeks, as described in the previous section of the staff report.

CONCLUSION

Staff requests the public and the Planning Commission to provide comments and direction on what types of information and analysis should be considered in the DEIR.

Respectfully Submitted:

Ulla-Britt Jonsson, Planner II

Approved for forwarding to the
City Planning Commission:

Scott Mullen, for

Eric Angstadt
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