

Location:	MacArthur BART Station (also includes properties on Telegraph from Apgar to 40th Street, excluding the corner parcel at 40th and Telegraph) See map on the reverse.
Proposal:	MacArthur Transit Village -- Scoping Session to receive comments for a Draft Environmental Impact Report (DEIR) regarding the proposal to construct a transit village on the 6.84 acre site, including 800-units of housing and 30,000 square feet of commercial space.
Applicant:	Deborah Castles, MacArthur Transit Community Partners, LLC. / (510) 273-2002
Owner:	San Francisco Bay Area Rapid Transit
Case File Number:	ER060004, Pud06058, Rz06059
General Plan:	Neighborhood Center Mixed Use
Zoning:	R-70 (High Density Residential); C-28 (Commercial Shopping District); S-18 (Mediated Residential Design Review Combined Zone)
Environmental Determination:	Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. A Notice of Preparation to prepare the EIR was published on February 15, 2006. The comment period for the NOP ends on March 16, 2006.
Service Delivery District:	2 – North Oakland
City Council District:	1
Staff Recommendation:	Receive public and Commission comments about what information and analysis should be included in the EIR.
For further information:	Contact Kathy Kleinbaum at (510) 238-7185 or by e-mail at kkleinbaum@oaklandnet.com

SUMMARY

MacArthur Transit Community Partners, LLC. (MTCP) has filed an environmental review application to begin review and consideration of the MacArthur Transit Village project. The project site is approximately 6.84 acres, the majority of which is currently occupied by the MacArthur BART station parking lot, a surface parking lot with approximately 600 parking spaces. The project site also includes 4 one-story commercial parcels that front on Telegraph Avenue between Apgar Street and 40th Street.

The MacArthur Transit Village project proposes the construction of approximately 800 units of high-density multi-family housing, 30,000 square feet of ground-floor neighborhood serving retail and community space, and 1330 off-street parking spaces, including 300 spaces designated solely for BART patron use. The proposed project also includes several public infrastructure upgrades, including a new public street through the site off of Telegraph Avenue, the renovation of the existing BART entry plaza, intermodal improvements, and a new public plaza adjacent to the retail space. As part of the project, the applicant has requested that the project be Rezoned and a Preliminary Development Plan be considered by the City.

(Contains map showing the project site and general vicinity)

The City will be the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and the land use and project approvals. As such, the City has the responsibility to prepare an Environmental Impact Report (EIR) for the project. The Notice of Preparation (NOP) was published on February 15, 2006 (see Attachment A). This scoping session is being held to solicit public and Commission comments on what information and analysis should be contained in the EIR. In addition to these oral comments, written comments will be accepted until March 16, 2006. Written comments are encouraged in order to provide an accurate record of public comments.

PROJECT DESCRIPTION AND BACKGROUND

Project Background

The City has been working jointly with BART and community in a planning process for the development of the MacArthur Transit Village since 1993. The MacArthur BART Station is located in the Broadway/MacArthur/San Pablo Redevelopment Project Area. The Redevelopment Agency and BART selected a development team for this project in April 2004 through a competitive Request for Proposals process. The development team, MacArthur Transit Community Partners, LLC (MTCP), is a limited liability company that consists of a partnership between Aegis Equity Partners, Shea Properties, and BUILD (BRIDGE Urban Infill Land Development, LLC). However, it is only recently (February 5, 2006) that applications for rezoning, preliminary development plan approval, and environmental review were submitted and the environmental review process initiated.

Existing Land Uses

The 6.84 acre project site includes the surface BART parking lot and 4 one-story commercial parcels, currently in private ownership, that front the parking lot on Telegraph Avenue between Apgar Street and 40th Street. The 3-story residential building located at the corner of 40th Street and Telegraph is not included within the project site. The BART parking lot is currently sunken approximately 1.5 levels below street level.

Proposed Project

MTCP's proposal for the MacArthur Transit Village project includes six buildings with approximately 800 units of high-density multi-family housing and 30,000 square feet of ground-floor neighborhood-serving retail and community space. Approximately 20 percent of the units would be below market rate, with the remainder of the units being for-sale condominiums. The residential buildings along Telegraph Avenue and 40th Street would be five stories tall, and would include four stories of housing above ground-floor retail. Set back against the freeway in the rear of the BART parking lot are two residential towers, one 20-story and one 22-story in height.

The project includes approximately 1,030 parking spaces for the residential, retail, and community use. Additionally, the project includes the replacement of 300 of the 600 existing BART parking spaces on site. As part of the proposed project, a Residential Parking Permit Program, covering a ¼ mile radius around the project site, would be implemented to alleviate spillover parking impacts on the surrounding neighborhood. The proposed project also includes

several public infrastructure upgrades, including a new public street through the site off of Telegraph Avenue, the renovation of the existing BART entry plaza, intermodal improvements, and a new public plaza adjacent to the retail space.

Land Ownership

Approximately 5.9 acres of the project site is owned by BART. BART entered into a three-party Exclusive Negotiating Agreement with MTCP and the Redevelopment Agency to explore the disposition of their property to the development team for the purpose of developing the MacArthur Transit Village project. The remaining 0.95 acres of the property are privately held commercial properties.

Project Phasing

MTCP proposes to develop the project in several phases over a four-year period between 2008 and 2012. The development will begin with the construction of a parking podium for the replacement BART parking and the parking for the residential and retail components of the project and the project infrastructure. The housing and retail construction will begin after the podium is complete.

Project Review Process and Entitlements

The project sponsor is requesting a rezoning to a Transit Village Zoning District, approval of Preliminary and Final Development Plans, subdivision approval, design review approval, and other permits that may be necessary. In addition, approvals or permits may also be required from other agencies for activities such as demolition of structures, site remediation, tree removal permits, and possible other activities.

Environmental Review Process

The environmental impact report will address potential environmental impacts associated with construction and operation of the proposed project including construction of the project and obtainment of all necessary zoning, grading and building permits, and any other discretionary actions required by the City of Oakland and other governmental agencies.

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 EIR. 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.

KEY ENVIRONMENTAL AND PROJECT ISSUES IDENTIFIED TO DATE

Staff has identified the following preliminary list of environmental and project issues that the City will evaluate in the EIR and during the review of the project:

AESTHETICS:

- Relationship of site development to surrounding neighborhoods
- Mass and bulk of proposed buildings
- Height of proposed structures
- Light and glare impacts
- Shadow impacts on public spaces
- Potential wind impacts

AIR QUALITY:

- Potential dust impacts from demolition and construction activities
- Potential air quality impacts due to future increase in vehicular activity
- Exposure of sensitive receptors to toxic air contaminants

BIOLOGICAL RESOURCES

- Tree Removal

CULTURAL/HISTORIC RESOURCES:

- Potential impacts of grading activities on cultural or historical resources
- Potential impacts to paleontological resources

GEOLOGY AND SOILS:

- Soil stability and adequacy for safe development of the site
- Potential effects of earthquakes on site development

HAZARDS AND HAZARDOUS MATERIALS:

- Historic use of the project site
- Contaminated soils on project site
- Emergency response and evacuation

HYDROLOGY/WATER QUALITY:

- Capacity of stormwater drainage system
- Water quality both on and off-site due to the project
- Adequacy of on-site drainage improvements to serve the site

LAND USE AND PLANNING:

- Conformance with General Plan
- Conformance with City ordinances, including the Zoning Ordinance

NOISE:

- Potential noise impacts from demolition and construction activities
- Impacts of future residential development and proximity to BART tracks

- Impacts of future residential development and proximity to the freeway
- Impacts of project-related noise on the surrounding area

POPULATION/HOUSING:

- New residential population in this location

PUBLIC SERVICES:

- Adequacy of fire protection services, police protection services, and other public facilities
- Sufficient school capacity for children who live in the project

RECREATION:

- Park land, open space, and recreational facilities

TRANSPORTATION AND TRAFFIC:

- Existing congestion and other operations problems at the intersections in and surrounding the project area
- Congestion and operational problems on streets in and near the project area
- Congestion and operations problems on regional freeway facilities
- Impacts on pedestrian access and safety in nearby areas resulting from project-generated traffic
- Pedestrian circulation to and through the project site
- Potential vehicular and pedestrian conflicts
- Truck traffic from the site preparation and grading activities
- Multi-modal transportation links (public transportation access)
- Bike Access

UTILITIES AND SERVICE SYSTEMS:

- Adequacy of sewer infrastructure, water capacity, and energy to serve the mixed use development

GENERAL PLAN AND ZONING CONSISTENCY

General Plan Conformity

The General Plan land use classification for the project site is Neighborhood Center Mixed Use. This 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.” The maximum allowable FAR for this classification is 4.0. The maximum residential density is 125 units per gross acre. Vertical integration of uses, including residential units above street-level commercial space, is encouraged. The project proposal conforms with the existing General Plan Designation.

The MacArthur Transit Village project proposal is supportive of several of the Transportation and Neighborhood Objectives of the LUTE including, but not limited to, the following major objectives and policies:

Objective T2 Provide mixed use, transit-oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes.

Policy T2.1 Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city commuter rail.

Policy T2.2 Transit-oriented development should be pedestrian-oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

Policy T2.3 Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.

Objective N3 Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.

Policy N3.1 Facilitating the construction of housing units should be considered the highest priority for the City of Oakland.

Policy N.2 In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 High-quality design standards should be required of all new residential construction.

Zoning Amendment

The project applicant is proposing rezoning the project site to a zone that better represents the density allowed in the General Plan classification for the area. The project site is currently zoned High Density Residential (R-70), Commercial Shopping District (C-28), and Mediated Residential Design Review Combined Zone (S-18). Approval of rezoning would require action by the Planning commission with final action by the City Council.

Broadway/MacArthur/San Pablo Redevelopment Plan

This project is located in the Broadway/MacArthur/San Pablo Redevelopment Area. The proposed project is included in the Redevelopment Plan and was included in the analysis of the Environmental Impact Report for the adoption of the Redevelopment Plan which was certified on June 7, 2000.

COMMUNITY OUTREACH

The MacArthur BART Citizen's Planning Committee (CPC) is a community group that has been meeting since 1993 to plan for the development of a transit village at the MacArthur BART Station. The development team has held several meetings with the CPC since they were selected by the Agency and BART in order to define project goals and to report on project process. A community meeting with the CPC was held on November 9, 2005 at the Mosswood Recreation Center to discuss the project proposal.

Over 600 notices announcing the release of the Notice of Preparation and the Planning Commission public hearing were sent out on February 15, 2006. A community meeting with the CPC, explaining the environmental review process, was held on February 22, 2006 at the Mosswood Recreation Center. Additionally, staff held a scoping session for interested and responsible public agencies on February 28, 2006. Staff will present a verbal summary of the Agency scoping session at the Planning Commission scoping session.

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 EIR.

Respectfully submitted:

Claudia Cappio
Development Director

Prepared by:

Kathy Kleinbaum, UEA III
Redevelopment Agency

Attachments:

- A. Notice of Preparation (NOP)
- B. Project Site Plans and Elevations