

## B. PUBLIC POLICY

This section evaluates the consistency of the proposed project with applicable land use planning and regulatory documents. Documents reviewed include several elements from the City of Oakland's General Plan: the Land Use and Transportation Element; the Housing Element; the Pedestrian Master Plan; the Bicycle Master Plan; the Open Space, Conservation, and Recreation Element; and the Historic Preservation Element. In addition, the City of Oakland Planning Code, the Broadway/MacArthur/San Pablo Redevelopment Plan, the Sustainable Community Development Initiative, and the City of Oakland "Transit First" Policy are also discussed.

Policy conflicts in and of themselves, in the absence of adverse physical impacts, are not considered to have significant effects on the environment and are differentiated from impacts identified in the other topical sections of this chapter. Pursuant to CEQA, the fact that a specific project does not meet all of the General Plan goals, policies and objectives does not inherently result in a significant effect on the environment. Physical impacts associated with policy conflicts are addressed in the appropriate technical sections of Chapter IV (e.g., noise, traffic). Additionally, local, regional and State plans and policies, such as those relating to air quality or water quality, are discussed in the applicable topic sections of this EIR.

### 1. Applicable Regulatory Documents and Policy Consistency

Applicable plans and major policies and regulations that pertain to the MacArthur Transit Village project are presented below, followed by a discussion of the project's overall consistency (or inconsistency) with each regulatory document.

As noted above, conflicts with a General Plan do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the CEQA Guidelines, "[e]ffects analyzed under CEQA must be related to a physical change." Section 15125(d) of the Guidelines states that EIRs shall discuss any inconsistencies between the proposed project and applicable General Plans in the Setting section of the document (not under Impacts).

Further, Appendix G of the Guidelines (Environmental Checklist Form) makes explicit the focus on *environmental* policies and plans, asking if the project would "conflict with any applicable land use plan, policy, or regulation . . . *adopted for the purpose of avoiding or mitigating an environmental effect*" (emphasis added). Even a response in the affirmative, however, does not necessarily indicate the project would have a significant effect, unless a physical change would occur. To the extent that physical impacts may result from such conflicts, such physical impacts are analyzed elsewhere in this EIR.

a. **City of Oakland General Plan.** The City of Oakland General Plan (General Plan) is a comprehensive plan for growth and development of the City. The General Plan includes policies related to: land use and transportation; housing; pedestrians; bikes; open space, conservation and recreation; historic resources; estuary policy; safety; scenic highways; and noise. These topics are addressed within individual elements of the General Plan.

Regarding a project's consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following:

"The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). (City Council Resolution No. 79312 C.M.S.; adopted June 2005)"

The MacArthur Transit Village project's consistency with each element of the General Plan is discussed.<sup>1</sup> Table IV.B-1 (at the end of this section) briefly describes the relationship of the proposed project and specific General Plan policies.

**(1) Land Use and Transportation Element.** The Land Use and Transportation Element<sup>2</sup> (LUTE) was adopted in March 1998 and addresses land use and transportation issues. In order to accomplish a more integrated planning process that incorporates City-wide infrastructure needs with demands for neighborhood decision-making, the LUTE includes general development policies for the City, in addition to district-specific policies. The LUTE is bound by a vision for the City that includes creating: "clean and attractive neighborhoods rich in character and diversity, each with its own distinctive identity, yet well-integrated into a cohesive urban fabric" in addition to "a diverse and vibrant downtown with around-the-clock activity."

The LUTE includes land use designations for all land within the City of Oakland. The land use designation for the project site is Neighborhood Center Mixed-Use, as shown in Figure

---

<sup>1</sup> The Estuary Policy Plan and the Scenic Highways Plan are not discussed in this section. The project is not located in the EPP Area (west of I-880 between Adeline and 66<sup>th</sup> Street) and the project is not located adjacent to a scenic highway (Scenic Highways in Alameda County include portions of I-680, I-580 and I-80). State Route 24 is not a scenic highway within the City of Oakland.

<sup>2</sup> City of Oakland Community and Economic Development Agency, 1998. *Land Use and Transportation Element*, March.

IV.B-1. The Neighborhood Center Mixed-Use designation is intended to identify, create, maintain and enhance mixed-use neighborhood commercial centers. According to the General Plan, the desired character and uses within this classification are commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial. The maximum floor area ratio (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 LUTE land use designations surrounding the project site include Neighborhood Center Mixed-Use, Mixed Housing Type Residential, Urban Residential, Urban Open Space, Community Commercial, and Institutional.

In addition to land use designations, the LUTE identifies eight Transit-Oriented Districts within the City and provides a policy framework specific to Transit-Oriented Development (TOD). The MacArthur BART Station is identified as a TOD. Goals in the LUTE TOD policy framework are as follows:

- *Capitalize on our Location:* Take full advantage of Oakland's position as a major West Coast transportation hub.
- *Integrate Land Use and Transportation Planning:* Integrate transportation and land use planning at the neighborhood, city and regional levels by development of transit-oriented development, where appropriate, at transit and commercial nodes.
- *Reduce Congestion:* Reduce congestion and improve traffic flow by developing an integrated road system and traffic demand management system that provides an appropriate mix of mobility and accessibility throughout the city.
- *Promote Alternative Transportation Options:* Reduce dependency on the automobile by providing facilities that support use of other transportation modes.
- *Find Funding:* Program and provide adequate funding for needed transportation facilities and services, and related investments.
- *Safety:* Provide safe streets.
- *Improve the Environment:* Improve air quality and reduce exposure to traffic noise.

The proposed project is consistent with the Neighborhood Center Mixed-Use designation, which encourages high density mixed-use development. The proposed project would provide for a variety of commercial and residential uses on the project site that would be pedestrian-oriented and be neighborhood-serving. The project would not exceed established density or FAR parameters established for the Neighborhood Center Mixed-Use designation. Based on conceptual plans (see Chapter 3, Project Description), the project's FAR is approximately 2.9 and the project's residential density is approximately 91 units per

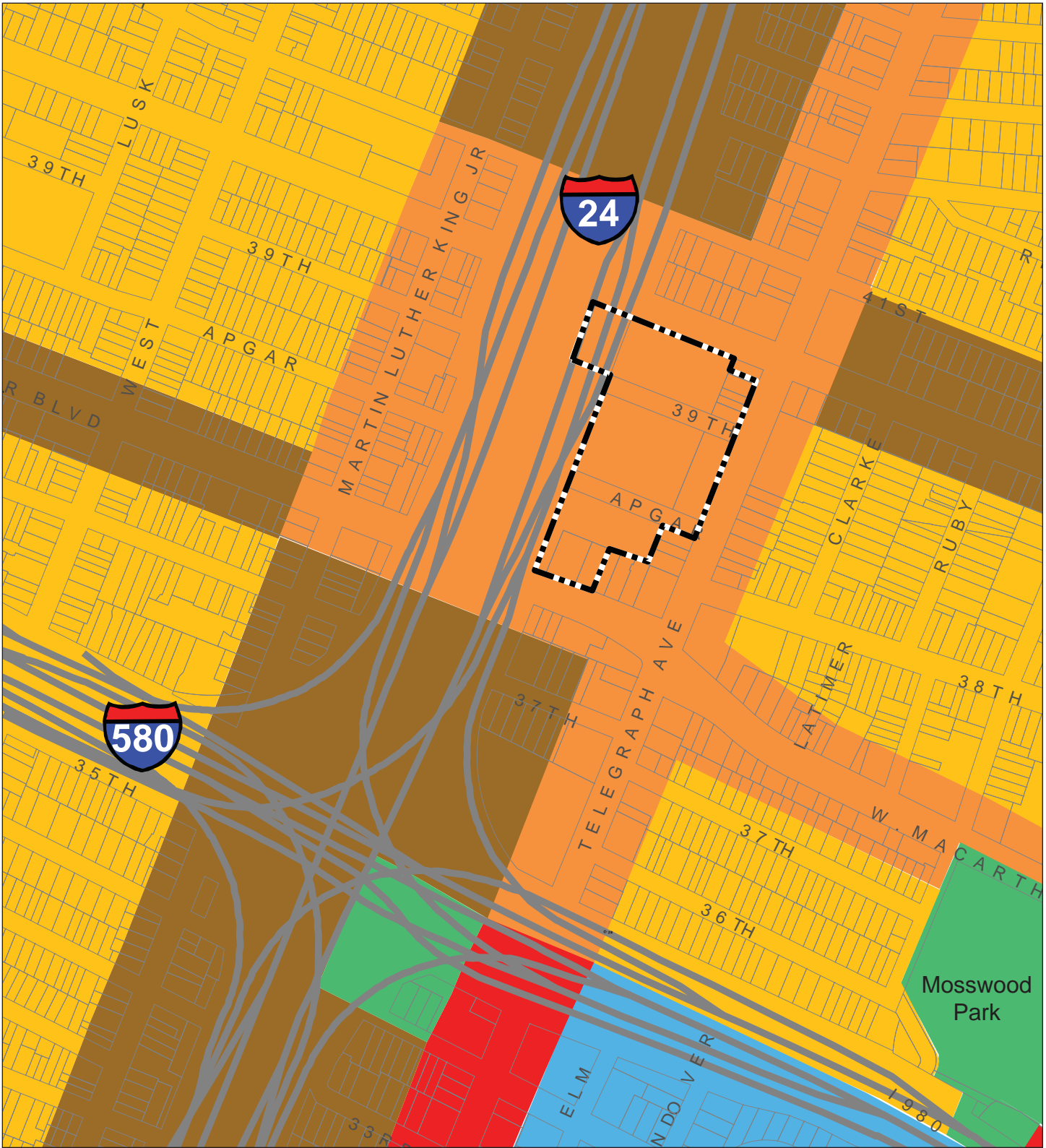
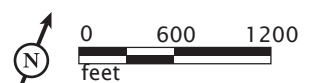


FIGURE IV.B-1

Legend

- Community Commercial
- Mixed Housing Type Residential
- Neighborhood Center Mixed Use
- Urban Residential
- Urban Open Space
- Institutional
- Project Site

**MacArthur Transit Village Project EIR  
General Plan Land Use Designation Map**



SOURCE: CITY OF OAKLAND, 2005.

I:\MGB0701 macarthur bart\figures\Fig\_IVB1.ai (8/2/07)

gross acre.<sup>3</sup> The project would also further the goals of TOD within the city by introducing new commercial and residential land uses to the MacArthur BART Station to capitalize on the proximity of the existing public transit system. Additionally, the proposed rezoning to S-15, Transit-Oriented Development, is consistent with the Neighborhood Center Mixed-Use designation. An analysis of key LUTE policies that are applicable to the project is provided in Table IV.B-1.

**(2) Housing Element.** The Housing Element<sup>4</sup> of the General Plan was adopted by the City Council on June 15, 2004. California law requires that each city and county adopt a housing element that includes: an assessment of housing needs; a statement of the community's goals, objectives and policies related to housing; and a five-year schedule of actions to implement the goals and objectives of the housing element.

The following goals are identified in the Housing Element:

- *Goal 1:* Provide adequate sites suitable for housing for all income groups.
- *Goal 2:* Promote the development of adequate housing for low and moderate-income households.
- *Goal 3:* Remove constraints to the availability and affordability of housing for all income groups.
- *Goal 4:* Conserve and improve older housing and neighborhoods.
- *Goal 5:* Preserve affordable rental housing.
- *Goal 6:* Promote equal housing opportunity.
- *Goal 7:* Promote sustainable development and smart growth.
- *Goal 8:* Increase public access to information through technology.

The proposed project is generally consistent with applicable Housing Element policies. The proposed project would include a total of 675 units (562 market-rate units and 113 affordable rental units) and would provide a variety of unit sizes. The proposed project would be a TOD providing a variety of transit options and would include both commercial and community space. The Housing Element anticipated development on the project site, as the site was included as an "Additional Housing Opportunity Site"; however, the development anticipated on the project site was not necessary to meet the City's "Fair Share" housing goals.<sup>5</sup> The City is currently preparing an update to the Housing Element, and it is anticipated that the proposed housing units will help the City meet its regional

---

<sup>3</sup> FAR and residential density are based on gross site area, excluding the BART Plaza.

<sup>4</sup> City of Oakland, 2004. *Housing Element, January 1, 1999 – June 30, 2006*, June 15.

<sup>5</sup> Oakland, City of. 2004. *Housing Element*, Chapter 1 page 2 and Appendix C page C-25.

housing unit allocations. An analysis of key Housing Element policies is provided in Table IV.B-1.

**(3) Pedestrian Master Plan.** The Pedestrian Master Plan<sup>6</sup> is intended to promote pedestrian safety and access to ensure that Oakland is a safe, convenient, and attractive place to walk. It establishes a Pedestrian Route Network which includes streets, walkways, and trails that connect to schools, libraries, parks, neighborhoods, and commercial districts throughout the City. The Pedestrian Master Plan is a part of the LUTE Element of the General Plan.

The goals of the Pedestrian Master Plan include the following:

- *Pedestrian Safety.* Create a street environment that strives to ensure pedestrian safety.
- *Pedestrian Access.* Develop an environment throughout the City – prioritizing routes to school and transit – that enables pedestrians to travel safely and freely.
- *Streetscaping and Land Use.* Provide pedestrian amenities and promote land uses that enhance public spaces and neighborhood commercial districts.
- *Education.* Educate citizens, community groups, business associations, and developers on the safety, health, and civic benefits of walkable communities.
- *Implementation.* Integrate pedestrian considerations based on federal guidelines into projects, policies, and the City’s planning process.

The Pedestrian Master Plan designates a Pedestrian Route Network that extends throughout Oakland, and identifies common walking routes to pedestrian destinations. Telegraph Avenue, adjacent to the project site, is within the Pedestrian Route Network.

The proposed project is generally consistent with the Pedestrian Master Plan as it incorporates features that enhance and facilitate pedestrian access to the project site. As part of the project, the applicant would install pedestrian enhancing features including sidewalks, benches, lighting, and public plazas. Additionally, new traffic signals proposed as part of the project would include pedestrian crossing signals facilitating pedestrian and bicycle access to the project site and to the MacArthur BART Station. An analysis of key Pedestrian Master Plan policies that are applicable to the project is provided in Table IV.B-1.

**(4) Bicycle Master Plan.** The Bicycle Master Plan<sup>7</sup> (BMP) is the official policy document addressing the development of facilities and programs to enhance the role of bicycling as a viable transportation choice in Oakland. The BMP is part of the LUTE Element

---

<sup>6</sup> City of Oakland, 2002. *Pedestrian Master Plan*, November.

<sup>7</sup> City of Oakland, 2007. *Bicycle Master Plan*, December.

of the General Plan. The BMP defines City policies and recommends actions that would encourage and support bicycle travel improvements. The project's consistency with the goals of the BMP is discussed below.

To develop Oakland as a bicycle-friendly community, the BMP identifies the following goals:

- *Infrastructure*: Develop the physical accommodations, including a network of bikeways and support facilities, to provide for safe and convenient access by bicycle.
- *Education*: Improve the safety of bicyclists and promote bicycling skills through education, encouragement, and community outreach.
- *Coordination*: Provide a policy framework and implementation plan for the routine.
- *Accommodation*: Accommodation of bicyclists in Oakland's projects and programs.

The proposed project is generally consistent with the goals of the BMP. The project incorporates pathways that facilitate bicycle access within the project site and to the MacArthur BART Station. The BMP states that the MacArthur BART Station is the most likely candidate for the next bike parking station.<sup>8</sup> Bicycle parking facilities, such as bike lockers, would be incorporated into the BART Plaza improvements (potentially an electronic key-card station) and within new mixed-use buildings associated with the proposed project, the BART parking garage and on-street within the proposed development. An analysis of key BMP policies (from both the existing plan and draft plan) that are applicable to the project site is provided in Table IV.B-1.

**(5) Open Space, Conservation and Recreation Element.** The Open Space, Conservation, and Recreation Element<sup>9</sup> (OSCAR) addresses the management of open land, natural resources and parks in Oakland. This element is divided into four major chapters that discuss Open Space, Conservation, Recreation, and Area Plans.

The OSCAR, which was adopted in June, 1996, addresses the management of the City's open land, natural resources, and parks. The City-wide park acreage goal set by the OSCAR is 10 acres of parkland per 1,000 residents. The City's park ratio at the time the OSCAR was completed (1996) was approximately 7.5 acres of parkland per 1,000 residents. The North Oakland Planning Area (in which the project is located) is one of the most heavily urbanized parts of Oakland, and with a few exceptions, lacks undeveloped natural areas. The North Oakland Planning Area is landlocked; however because of its proximity to the hillside open spaces, it is perceived to have greater open space accessibility. Policies contained in the OSCAR that are relevant to land use within the project site are listed in Table IV.B-1 and discussed in Section IV.I, Public Services.

---

<sup>8</sup> Ibid.

<sup>9</sup> City of Oakland, 1996. *Open Space, Conservation, and Recreation (OSCAR) Element*, June.

**(6) Historic Preservation Element.** The Historic Preservation Element<sup>10</sup> (HPE) defines goals, objectives, policies and actions that encourage preservation and enhancement of Oakland's older buildings, districts and other physical environmental features having special historic, cultural, educational, architectural or aesthetic interest or value. HPE policies that apply to the project site include:

- **Policy 1.2: Potential Designated Historic Properties:** The City considers any property receiving an existing or contingency rating from the Reconnaissance or Intensive Surveys of "A" (highest importance), "B" (major importance), or "C" (secondary importance) and all properties determined by the Surveys to contribute or potentially contribute to an Area of Primary or Secondary Importance to warrant consideration for possible preservation. Unless already designated as Landmarks, Preservation Districts, or Heritage properties pursuant to Policy 1.3, such properties will be called "Potential Designated Historic Properties."
- **Policy 1.3: Designated Historic Properties:** The City will designate significant older properties which definitively warrant preservation as Landmarks, Preservation Districts or Heritage Properties. The designations will be based on a combination of Historical and Architectural Inventory Ratings, National Register of Historical Places criteria, and special criteria for Landmarks and Preservation District eligibility. Landmarks, properties which contribute or potentially contribute to Preservation Districts, and Heritage Properties will be called "Designated Historic Properties."
- **Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions.** The City will make all reasonable efforts to avoid or minimize effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.
- **Policy 3.3: Designated Historic Property Status for Certain City-Assisted Properties.** To the extent consistent with other General Plan Goals, Policies and Objectives, as a condition for providing financial assistance to projects involving existing or Potential Designated Historic Properties, the City will require that complete application be made for such properties to receive the highest local designation for which they are eligible prior to issuance of a building permit for the project or transfer (for city-owned or controlled properties), whichever comes first. However, Landmark or Preservation District applications will not be required for projects which are small-scale or do not change exterior appearance.

---

<sup>10</sup> City of Oakland, 1994. *City of Oakland Historic Preservation, an Element of the Oakland General Plan*, March 8.

- Policy 4.1: Archeological Resource: To protect significant archeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archeologically sensitive areas.

Based on archival research conducted for this EIR analysis, no historic resources are located within the project site. A discussion of HPE policies related to the project is provided in Table IV.B-1 and specific details on the historic resources is provided in Section IV.K, Cultural and Paleontological Resources.

**(7) Noise Element.** The City's General Plan Noise Element is required to "analyze and quantify, to the extent practical, current and projected noise levels from the following noise sources: major traffic thoroughfares, passenger and freight railroad operations, commercial and general aviation operations, industrial plants, and other ground stationary noise sources contributing to the community noise environment".<sup>11</sup> These noise levels are depicted on noise contour maps that are used to guide land use decisions to reduce noise impacts, especially on sensitive receptors. According to the Noise Element, sensitive receptors include "residences, schools, churches, hospitals, elderly-care facilities, hotels and libraries and certain types of passive recreational open space." The Noise Element also includes a land use-noise compatibility matrix that illustrates the degree of acceptability of exposing various sensitive land uses to noise.

Noise-related policies are included in the LUTE and OSCAR, as well as in the Noise Element. The project site is located immediately adjacent to elevated portions State Route 24, the MacArthur BART Station including an elevated BART platform and tracks, and is also located south of 40<sup>th</sup> Street, north of West MacArthur Boulevard and West of Telegraph Avenue, all of which are major arterial streets. The project is not expected to generate new noise sources that would significantly increase noise within the project area. Additionally, the proposed project would be subject to Standard Conditions of Approval and Mitigation Measures to minimize long and short-term noise impacts. A discussion of the project's relationship with Noise Element policies is provided in Table IV.B-1.

**(8) Oakland Safety Element.** Adopted in November, 2004, the City of Oakland's Safety Element, Protect Oakland, is intended to "reduce the potential risk of death, injuries, property damage and economic and social dislocation resulting from large-scale hazards".<sup>12</sup> This Element addresses public safety, geologic hazards, fire hazards, hazardous materials, and flooding hazards. Given the topics that are addressed in the Safety Element, most of its policies generally apply citywide.

---

<sup>11</sup> City of Oakland, 2005. *General Plan, Noise Element*, June.

<sup>12</sup> City of Oakland, 2004. *General Plan, Safety Element*, November.

The proposed project is generally consistent with the Safety Element. The project would be required to conform to all applicable safety regulations and requirements regarding seismic safety, and activities to remediate all contamination at the project site. A discussion of the project's relationship with relevant Safety Element policies is included in Table IV.B-1.

**b. City of Oakland Planning Code.** The City of Oakland Planning Code (Planning Code) implements the policies of the General Plan and other City plans, policies, and ordinances. The Planning Code divides the City into zones, each of which is assigned different land use and development regulations. These regulations direct the construction, nature, and extent of building use. The zoning districts within the project site are High Density (R-70)/Mediated Residential Design (S-18) and Commercial Shopping District (C-28)/Mediated Residential Design (S-18). Figure IV.B-2 shows the existing Planning Code zoning designations within and around the project site.

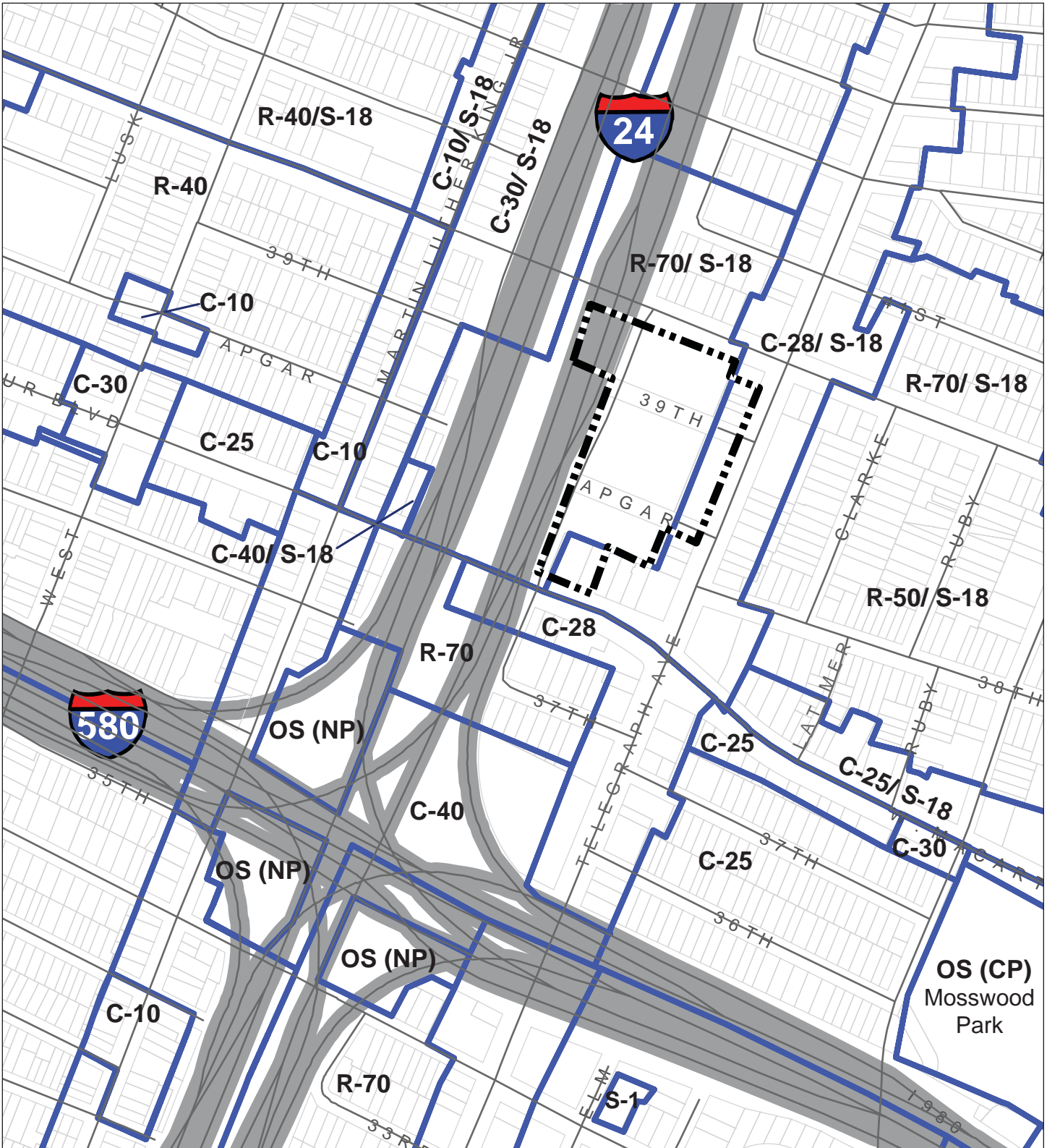
The project applicant is requesting a rezone of the project site to Transit-Oriented Development (S-15). A description of both the existing and proposed zoning for the project site is found below.

**(1) Existing Zoning.** The project's relationship with existing zoning designations is discussed below.



**High Density (R-70).** 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 maximum allowable density within this zoning designation is 96 units/acre and the maximum height is 40 feet.

**Commercial Shopping District (C-28).** The intent of the C-28 Zone is to create, preserve, and enhance major boulevards of medium-scale commercial establishments featuring some specified high density nodes in attractive settings oriented to pedestrian comparison shopping. This zone is also intended to encourage mixed-use and nonresidential developments. The maximum residential density in this zone is 96 units/acre and the maximum height is 55 feet.

**Mediated Residential Design Review Combining District (S-18).** This zone is intended to offer owners of properties in close proximity to projects that involve new construction of one or two units on a lot, an opportunity to resolve directly with the project applicant or the applicant's representatives, through mediation, any issues concerning the project design, and especially issues concerning the project's massing or bulk and any view, privacy and solar access impacts of the project on neighboring properties.



**Legend**

-  Project Site
-  Zoning District
- Commercial Zoning**
- C-10 Local Retail
- C-25 Office Commercial
- C-28 Commercial Shopping District
- C-30 District Shopping
- C-40 Community Thoroughfare
- Open Space Zoning**
- OS (NP) Neighborhood Park
- Residential Zoning**
- R-40 Garden Apartment
- R-70 High Density
- Special Zoning**
- S-1 Medical Center
- S-18 Mediated Residential Design

**MacArthur Transit Village Project EIR  
Zoning Designations Map**

FIGURE IV.B-2

SOURCE: CITY OF OAKLAND, 2005.

I:\MGB0701 macarthur bart\figures\Fig\_IVB2.ai (7/30/07)



(2) **Proposed Zoning.** The project's relationship with proposed zoning is discussed below.

**Transit-Oriented Development (S-15).** The intent of this 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. Additionally, this zone is intended to encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial and light industrial activities appropriate around transit centers such as Bay Area Rapid Transit District (BART) stations. The maximum residential density is 96 units/acre, and the maximum permitted height is 45 feet.

The project includes a request to rezone of the project site to the S-15 TOD Zone. The S-15 District is an appropriate designation for the project area because it is a "best-fit" Zoning Designation for the Neighborhood Center Mixed-Use General Plan land use designation; the General Plan designates the area around the MacArthur BART Station as one of the City's eight Transit-Oriented Districts; the site is immediately adjacent to the MacArthur BART Station and several transit providers have service lines around the project area; and lastly because the proposed project is a TOD that would meet the intent of the S-15 Zone by developing a high-density, mixed-use development with residential, neighborhood commercial and a community serving use.

The proposed project is consistent with the development standards of the S-15 District, with the exception of maximum building height and minimum open space requirements. As described in Chapter III, the City may consider a text amendment to the Transit-Oriented Development (S-15) Zone for this site to amend the maximum permitted height (from 55 feet to 85 feet) and allow a reduction in the open space requirement. City Staff believes that the current open space requirements and height limits may not be appropriate for this site due to its location adjacent to BART and State Route 24 and that they could compromise achieving other City policies related to Transit Oriented Development.

The S-15 zone requires a Conditional Use Permit (CUP) or a Planned Unit Development Permit (PUD) for mixed-use developments that include BART stations on sites with more than 1 acre of land area. The proposed project includes a request for a PUD to establish a mixed-use development at the MacArthur BART station.

c. **Broadway/MacArthur/San Pablo Redevelopment Plan.** The Redevelopment Plan for the Broadway/MacArthur/San Pablo Redevelopment Project<sup>13</sup> (Redevelopment Plan) provides the Redevelopment Agency with powers, duties, and obligations towards the redevelopment, rehabilitation and revitalization of the Broadway/MacArthur/San Pablo Redevelopment Project Area. The Redevelopment Plan does not present a precise plan or establish specific projects; instead, the Redevelopment Plan presents a process and basic framework within which specific plans will be presented, specific projects will be established and specific solutions will be proposed. The MacArthur BART Transit Village project site falls within this Redevelopment Plan area.

In addition to the Redevelopment Plan, the Redevelopment Agency adopted the Broadway/MacArthur/San Pablo Redevelopment Project Five-Year Implementation Plan (2004-2009). Goals included in the Implementation Plan are included in the list below.

The major goals of the Redevelopment Plan are to:

- Stimulate in-fill development and land assembly opportunities on obsolete, underutilized and vacant properties in the project area.
- Stimulate opportunities for adaptive re-use and preservation of existing building stock in the project area.
- Attract new businesses and retain existing businesses in the project area, providing job training and employment opportunities for area residents.
- Improve transportation, public facilities and infrastructure throughout the project area.
- Stimulate home ownership opportunities in the project area.
- Improve the quality of the residential environment by assisting in new construction, rehabilitation and conservation of living units in the project area.
- Revitalize neighborhood commercial areas.

The proposed project would be compatible with the major goals of the Redevelopment Plan and 5-Year Implementation Plan. The project would be an in-fill development project on an underutilized site. The project would provide space for new residential and commercial uses within the MacArthur neighborhood and would result in improved access to and around the project site. The project would allow for home ownership opportunities within the neighborhood and would provide approximately 113 affordable housing units. Overall, the project would result in a revitalization of the area surrounding the MacArthur BART Station.

---

<sup>13</sup> City of Oakland Redevelopment Agency, 2007. *Redevelopment Plan for the Broadway/MacArthur/San Pablo Redevelopment Project*, Adopted July 25, 2000, Amended March 6, 2007.

**d. Sustainable Community Development Initiative.** The Oakland City Council adopted a Sustainable Community Development Initiative (Initiative) in 1998. The Initiative is a program that seeks to enhance the environmental sustainability of City operations and private development within the City. The major objectives of the Initiative include the following: economic development; employment training and continuing education; encouragement of in-fill housing, mixed-use development, and sustainable (“green”) building; making City operations and services a model of sustainable practices; and increasing community involvement. The Sustainable Development Initiative comprises voluntary guidelines intended to preserve environmental health and increase economic development, and private developers are not required to incorporate them into projects. The following activities listed as part of the Initiative relate to the proposed project:

- In-fill housing.
- Green building guidelines.
- Promote mixed-use development.
- Establish transit villages.
- Improve quality of existing housing.

The proposed project would be compatible with the Sustainable Community Development Initiative. This project would be a TOD and would be accessible to multiple modes of transportation. The project site would be located on an underutilized site within a dense urban neighborhood in North Oakland and would incorporate a mix of uses, including residential, commercial and community-serving uses. Additionally, the project is part of the LEED Neighborhood Development (ND) Pilot Program. LEED certification provides independent, third-party verification that a development's location and design meet accepted high standards for environmentally responsible, sustainable, development. Unlike other U.S. Green Building Council (USGBC) LEED programs, LEED ND places significant emphasis on the urban design and urban planning 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.

**e. City of Oakland “Transit First” Policy.** The City of Oakland adopted a “Transit-First” Resolution in October 1996 which states the City’s support for public transit and other alternatives to the single-occupant vehicle. This policy focused on resolving conflicts between public transit and single occupant vehicles on City streets in favor of the transit mode that has the potential to provide the greatest mobility for people rather than vehicles.

The project site is immediately adjacent to the MacArthur BART Station and the site is served by major AC Transit lines and multiple shuttle operators. The proposed circulation

and building configuration is designed to improve public transit, pedestrian and bicycle access to the site; overall the project would encourage the use of transit and support the City's Transit First Policy because of the project's internal circulation and location near public transit.

**f. BART Strategic Plan.** The BART District Board of Directors adopted the BART Strategic Plan in 1999 to help guide BART into the 21st century.<sup>14</sup> In 2003 the Board adopted an updated, fine-tuned BART Strategic Plan, which includes a new focus on implementation. BART Policies offer guidance in important areas of long-term concern to the agency. Each policy has been adopted by the Board of Directors, and provides overall guidance for decision making on complex or controversial issues. The Strategic Plan focuses on seven key areas and identifies goals for each. Key goals and strategic initiatives of the 2003 BART Strategic Plan that are applicable to the project site include:

- Maximize regional transit access, convenience, and ease of use through effective coordination among transit providers.
- Encourage and facilitate improved access to, and from, our stations by all modes.
- Enhance multi-modal access to the BART system.
- Increase ridership by enhancing access to the BART system.
- Enhance the use of resource-efficient and environmentally-friendly access modes (e.g. bikes, walking, etc.), and other sustainable features at BART's new and existing stations.
- Promote sustainable, TOD in the communities BART serves to maximize the use of BART as the primary mode of transportation.
- Integrate sustainability principles and practices including multimodal access into the planning, design, and construction of new BART stations and related facilities.
- In partnership with the communities it serves, BART properties will be used in ways that first maximize transit ridership and then balance TOD goals with community desires.
- In partnership with the communities BART serves, we will promote transit ridership and enhance the quality of life by encouraging and supporting TOD within walking distance of BART stations.
- Demonstrate a commitment to transit-supportive growth and development.
- Develop projects in partnership with communities that will be served.
- Assure that all projects address the needs of the District's residents.
- Create access programs in partnership with communities.

---

<sup>14</sup> San Francisco Bay Area Rapid Transit District, 2003. BART Strategic Plan, adopted 1999; updated 2003

- Manage access programs and parking assets in an efficient, productive, environmentally sensitive, and equitable manner.
- Foster compact transit-oriented and transit-serving mixed-use development of BART properties, maximize transit ridership, and balance development goals with community desires.
- Promote transit ridership and enhance quality of life by encouraging and supporting TOD within walking distance of BART stations and along transit corridors that serve BART stations.
- BART will encourage and consider public input as integral to sound, balanced policy development and decision-making, and make deliberate, disciplined decisions in the best interests of the people it serves.

The proposed project is generally consistent with the 2003 BART Specific Plan because the project is a TOD that would (a) implement strategies from the MacArthur BART Access Plan to improve multi-modal access by allowing adequate space for shuttle, taxi and bus services; (b) improve bicycle and pedestrian access to the BART Station by including/improving sidewalks and bikeways within and around the project site; (c) include a 300-space parking garage designated for BART patrons; (d) address the needs of area residents by improving the site with new residential land uses and neighborhood-serving commercial uses; and (e) increase ridership.

**g. BART Transit-Oriented Development Policy.** The BART District Board of Directors adopted a TOD Policy in July, 2005. The BART TOD Policy includes the following Vision statement and four policy goals:

“The San Francisco Bay Area Rapid Transit District (BART) is the steward of a large-scale public investment, which includes important real property assets essential to BART’s operation. These assets also contribute to the ongoing financial viability of the transit system. Recent system extensions and federal, state and regional policy direction to concentrate growth around transit further enhances the value of these assets. By promoting high quality, more intensive development on and near BART-owned properties, the District can increase ridership, support long-term system capacity and generate new revenues for transit. Also, such development creates attractive investment opportunities for the private sector and facilitates local economic development goals.”

TOD Policy goals:

- Increase transit ridership and enhance quality of life at and around BART stations by encouraging and supporting high quality TOD within walking distance of BART stations.

- Increase TOD projects on and off BART property through creative planning and development partnerships with local communities.
- Enhance the stability of BART's financial base through the value capture strategies of TOD.
- Reduce the access mode share of the automobile by enhancing multi-modal access to and from BART stations in partnership with communities and access providers.

The proposed project is consistent with the goals of the BART TOD policy because the project would redevelop an existing surface parking lot and a few adjacent parcels with up to 675 residential uses and up to 44,000 square feet of commercial uses immediately east of the MacArthur BART Station. The project would include adequate access for multi-modal facilities (consistent with applicable recommendations from the MacArthur BART Access Plan), and would replace only one-half of the existing parking spaces in an effort to reduce the automobile mode share access to the station.

## 2. Impacts and Mitigation Measures

As discussed throughout this section, the project is generally consistent with relevant City of Oakland and BART land use policies. A detailed discussion of impacts and mitigation measures is not included in this section as inconsistencies with planning policies in and of themselves, does not constitute a significant environmental impact.

Regarding a project's consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following:

“The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). (City Council Resolution No. 79312 C.M.S.; adopted June 2005)”

Conflicts between a project and applicable policies do not constitute significant physical environmental impacts in and of themselves. A policy inconsistency is considered to be a significant adverse environmental impact only when it is related to a policy adopted for the purpose of avoiding or mitigating an environmental effect and it is anticipated that the inconsistency would result in a significant adverse physical impact based on the established significance criteria. Such impacts, if any, are identified and discussed in the applicable topic sections. For example, policies related to transportation level of service are considered in the transportation significance criteria and analyzed in the transportation impacts.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
<b>City of Oakland General Plan, Land Use and Transportation Element</b>		
<b>Industry and Commerce Policies</b>		
Policy I/C1.4	<b>Investing in Economically Distressed Areas of Oakland.</b> Economic investment, consistent with the City’s overall economic strategy, should be encouraged, and, where feasible, should promote viable investment in economically distressed areas of the City.	The proposed project would redevelop an underutilized site within the Broadway/MacArthur/San Pablo Redevelopment Plan area and provide market-rate housing, affordable housing, commercial and community space.
Policy I/C3.1	<b>Locating Commercial Business.</b> Commercial uses, which serve long term retail needs of regional consumers and which primarily offer durable goods, should be located in areas adjacent to the I-880 freeway or at locations visible or amendable to high volumes of vehicular traffic, and accessible by multiple modes of transportation.	Although the commercial square footage provided as part of the proposed project would be neighborhood serving, given that it would be located immediately adjacent to the MacArthur BART Station, it would be accessible by multiple modes of transportation, including cars, buses, BART trains, bicycles and pedestrians.
Policy I/C3.3	<b>Clustering Activity in “Nodes”.</b> Retail uses should be focused in “nodes” of activity, characterized by geographic clusters of concentrated commercial activity, along corridors that can be accessed through many modes of transportation.	The proposed project, located immediately adjacent to the MacArthur BART Station and Telegraph Avenue, would include 44,000 square feet of commercial space.
Policy I/C3.4	<b>Strengthening Vitality.</b> The vitality of existing neighborhood mixed-use and community commercial areas should be strengthened and preserved.	The proposed project would provide additional commercial and housing opportunities for the MacArthur BART station neighborhood.
Policy I/C4.2	<b>Minimizing Nuisances.</b> The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls.	The project includes residential construction in close proximity to BART and State Route 24. Special attention to the design of residential units, including window and door placement, was considered by the project architect in siting of new buildings. New buildings in the project would be subject to compliance with the City’s Noise Ordinance and Section IV.E includes applicable Standard Conditions of Approval and Mitigation Measures to ensure compliance with the City’s noise standards.
<b>Transportation and Transit-Oriented Development Policies</b>		
Policy T2.1	<b>Encouraging Transit-Oriented Development.</b> 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.	The proposed project would be considered TOD, and would include a mixture of uses at a site immediately adjacent to the MacArthur BART station, which is served by a variety of transit modes.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy T2.2	<b>Guiding Transit-Oriented Development.</b> Transit-oriented developments 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.	The proposed project would include a mix of residential and commercial uses. Sidewalks and street lighting would be incorporated into the project design, and commercial uses would be neighborhood serving. While the buildings proposed as part of the project would be taller than surrounding structures, the top floors of most structures along Telegraph Avenue, West MacArthur Boulevard, and 40 <sup>th</sup> Street would be set back from the lower floors to be compatible with adjacent structures.
Policy T2.3	<b>Promoting Neighborhood Services.</b> Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.	The proposed project would include 44,000 square feet of commercial space which would be neighborhood serving and the Frontage Road connecting 40 <sup>th</sup> Street and W. MacArthur Boulevard has been re-designed to expedite shuttle service.
Policy T3.5	<b>Including Bikeways and Pedestrian Walks.</b> The City should include bikeways and pedestrian walks in the planning of new, reconstructed, or realized streets, wherever possible.	The proposed project would include paths and sidewalks to facilitate bicycle and pedestrian access within the site and to the MacArthur BART Station.
Policy T3.6	<b>Encouraging Transit.</b> The City should encourage and promote use of public transit in Oakland by expediting the movement and access to transit vehicles on designated "transit streets" as shown on the Transportation Plan. (Policies T3.6 and T3.7 are based on the City Council's passage of "Transit First" policy in October 1996.)	Telegraph Avenue, immediately adjacent to the project site, is designated as a "transit street." The proposed project would incorporate internal streets to facilitate transit and improve access within the project site by bus and shuttle operators. Additionally, the proposed project would increase residential development adjacent to a BART station and ultimately result in increased ridership.
Policy T3.11	<b>Prioritize Parking.</b> Parking in residential areas should give priority to adjacent residents.	As part of the project, the project applicant has proposed the creation of a Residential Parking Permit program for the neighborhood adjacent to the MacArthur BART Station. In Oakland, residents must petition to create a residential parking permit area. This program would impose parking time limits for non-residents within the neighborhood adjacent to the MacArthur station.
Policy T4.1	<b>Incorporating Design Features for Alternative Travel.</b> The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling, and walking.	The proposed project incorporates design features, such as internal streets, sidewalks, and bike paths, to encourage bicycling and walking.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy T6.2	<b>Improve Streetscapes.</b> The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented and include lighting, directional signs, trees, benches, and other support facilities.	The proposed project would include pedestrian amenities, including lighting, trees, benches, and other improvements.
<b>Neighborhood Policies</b>		
Policy N1.1	<b>Concentrating Commercial Development.</b> Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.	The project includes approximately 44,000 square feet of commercial space which would be geared towards neighborhood serving uses. Commercial uses would be located on the ground floor of the buildings, and would be concentrated along Telegraph Avenue, Village Drive and across from the BART fare gate frontages to facilitate pedestrian access.
Policy N1.2	<b>Placing Public Transit Stops.</b> The majority of commercial development should be accessible by public transit. Public transit stops should be placed at strategic locations in the Neighborhood Activity Centers and Transit-Oriented Districts to promote browsing and shopping by transit users.	The proposed project would be immediately adjacent to the MacArthur BART Station and would be accessible by BART trains, buses, shuttles, bicycles, and pedestrians.
Policy N1.5	<b>Design Commercial Development.</b> Commercial development should be designed in a manner that is sensitive to surrounding residential uses.	Commercial uses on the project site would be incorporated into the mixed-use buildings, which would be consistent in scale to existing ground floor commercial in the area. While the buildings proposed as part of the project would be taller than surrounding structures, the top floors of most structures along Telegraph Avenue, West MacArthur Boulevard, and 40 <sup>th</sup> Street would step back to create the impression of shorter structures and be similar in scale with the surrounding development.
Policy N1.8	<b>Making Compatible Development.</b> The height and bulk of commercial development in "Neighborhood Mixed-Use Center" and "Community Commercial" areas should be compatible with that which is allowed for residential development.	The buildings proposed as part of the project would be taller than surrounding structures; however, the top floors of most structures along Telegraph Avenue, West MacArthur Boulevard, and 40 <sup>th</sup> Street would step down to create the impression of shorter structures and to be similar in scale with the surrounding development.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy N3.2	<b>Encouraging Infill Development.</b> 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.	The proposed project would be considered infill development and would develop an underutilized parcel in an urban neighborhood in North Oakland. The proposed project would be consistent with the General Plan.
Policy N3.9	<b>Orienting Residential Development.</b> Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighborhood buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.	The proposed project would orient residential units towards the street. Buildings B, C and D would incorporate front entryways and/or stoops into the design, and would create a sense of “eyes on the street.” Additionally, all buildings would incorporate center courtyards to provide more unit access to light and air.
Policy N3.10	<b>Guiding the Development of Parking.</b> Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.	Off-street parking for residential buildings would be provided within below-grade and at-grade parking garages for each of the proposed residential buildings with only the entrance to the garage would be visible from the streets and sidewalks within the project. However, the garage for Building B is visible from Frontage Road. The proposed amount of parking would meet (and exceed) the S-15 residential parking requirement of ½ parking space per dwelling unit and spaces for the dwelling units will be conveniently located in garages underneath the residential buildings.
Policy N4.2	<b>Advocating for Affordable Housing.</b> The City encourages local non-profit organizations, affordable housing proponents, the business community, the real estate industry, and other local policy makers to join in efforts to advocate for the provision of affordable housing in communities throughout the Bay Area region.	The proposed project would include affordable units at a rate of 17 percent of the market-rate units. These would be studios, 1, 2, and 3 bedroom units.
Policy N6.1	<b>Mixing Housing Types.</b> The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.	While all housing units would be condominium/apartment multi-family housing, a mixture of studios, 1, 2, and 3 bedroom apartments would be available.
Policy N6.2	<b>Increased Home Ownership.</b> Housing developments that increase home ownership opportunities for households of all incomes are desirable.	Affordable housing units would be incorporated into the project; most for-sale units would be sold at market rates.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy N7.1	<b>Ensuring Compatible Development.</b> New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.	Commercial uses on the project site would be incorporated into the mixed-use buildings. While the buildings proposed as part of the project would be taller than surrounding structures, the top floors of most structures along Telegraph Avenue, West MacArthur Boulevard, and 40 <sup>th</sup> Street would step back to create the impression of shorter structures to blend in with the surrounding development. The proposed project would be compatible with the General Plan designation for the project site.
Policy N7.2	<b>Defining Compatibility.</b> Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing lot size, predominant development type and height, scenic values, distance from public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining “compatibility.” These factors should be balanced with the citywide need for additional housing.	Commercial uses on the project site would be incorporated into the mixed-use buildings. While the buildings proposed as part of the project would be taller than surrounding structures, the top floors of the structures along Telegraph Avenue, West MacArthur Boulevard, and 40 <sup>th</sup> Street would step back to create the impression of shorter structures that blend in better with the surrounding development. The proposed project would be compatible with the General Plan designations for the project site.
Policy N7.4	<b>Designing Local Streets.</b> Local streets should be designed to create an intimate neighborhood environment and not support high speed nor large volumes of traffic. Providing on-site parking for cars and bicycles, planting and maintaining street trees, and landscaping, minimizing the width of driveway curb cuts, maintaining streets, bike routes, and sidewalks, and orienting residential buildings toward the street all contribute to the desired environment.	The internal streets proposed as part of the project would be designed for slower speeds and would include on-street parking, bicycle access, landscaping and sidewalks. Conceptual elevations (see Chapter 3 for elevation figures) indicate that all new residential and mixed-use buildings within the project would be designed toward the internal streets, as well as, articulated elevation facing outward toward the perimeter streets around the project site.
Policy N8.1	<b>Developing Transit Villages.</b> “Transit Village” areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transit facilities, such as light rail, train, ferry stations, or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment. (See discussion of Transit-Oriented Districts in the Transportation section in this chapter.)	The proposed project would be considered a Transit Village as it proposes multi-story mixed-use buildings immediately adjacent to the BART Station. Uses proposed as part of the project include residential (both market-rate units and affordable units), commercial uses, parking, and community uses.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy N8.2	<b>Making Compatible Interfaces Between Densities.</b> The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.	While there are residential uses immediately adjacent to the project site, these residential uses are multi-family structures. The closest single-family residential units are located immediately south of the project along West MacArthur Boulevard and across 40 <sup>th</sup> Street, north of the project site. The height of proposed buildings along 40 <sup>th</sup> Street would step down at the corner of Telegraph Avenue to relate to the existing building at the southwest corner of Telegraph Avenue and 40 <sup>th</sup> Street.
Policy N10.1	<b>Identifying Neighborhood “Activity Centers.”</b> Neighborhood Activity Centers should become identifiable commercial, activity and communication centers for the surrounding neighborhood. The physical design of neighborhood activity centers should support social interaction and attract persons to the area. Some of the attributes that may facilitate this interaction include plazas, pocket parks, outdoor seating on public and private property, ample sidewalk width, street amenities such as trash cans and benches, and attractive landscaping.	The project site would be considered a Neighborhood Activity Center and would incorporate a variety of uses and would include amenities that support social interaction, including a public plaza (across from the BART fare gates) sidewalks outdoor seating, and street amenities including trash cans, benches, and landscaping. Please see Chapter 3, Project Description, for the Conceptual Landscape Plan.
Policy N11.6	<b>Suggested Proactive Developer and Community Relations.</b> Prior to submitting required permit application(s), project sponsors of medium and large scale housing developments should be encouraged to meet with established neighborhood groups, adjacent neighbors, and other interested local community members, hear their concerns regarding the proposed project, and take those concerns into consideration. It is suggested that the relationship established between the developer and the community continue throughout the construction process to minimize the impacts of construction activity on the surrounding area.	Since the project sponsor was selected as the project developer in 2004, the applicant has conducted several public meetings with the Citizen’s Planning Committee (CPC). The CPC works on neighborhood issues related to the MacArthur BART Transit Village project. CPC meeting dates at which the project sponsor presented the project include: September 19, 2007, October 5, 2006, February 22, 2006, November 9, 2005, November 15, 2004, May 18, 2005, June 16, 2004 and April 21, 2004.
Policy N.12.1	The development of public facilities and staffing of safety-related services, such as fire stations, should be sequenced and timed to provide a balance between land use and population growth, and public services at all times.	The proposed project would increase the population in North Oakland by approximately 1,845 persons, which would in turn increase the demand for safety-services in the project area. Although the demand for safety services would increase, the City’s Police and Fire Departments and BART Police are staffed adequately to service the increased demand.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy N.12.2	Adequate public school capacity should be available to meet the needs of Oakland's growing community. The City and the Oakland Unified School District (OUSD) should work together to establish a continuing procedure for coordinating residential and commercial development and exploring the imposition of mutually agreed upon reasonable and feasible strategies to provide for adequate school capacity. The City and OUSD should jointly consider where feasible and appropriate, funding mechanisms such as assessment districts, redevelopment Agency funding (AB 1290), use of surplus, City-owned land, bond issues, and adjacent or shared use of land or school facilities with recreation, libraries, child care and other public uses.	Based on Oakland Unified School District projections, a total increased of 137 elementary, middle, and high school students would be generated by the proposed project.  The existing neighborhood schools within the project area are currently operating well below capacity and are anticipated to have available capacity for future students. Should these schools reach capacity at the time of project build out, students would be diverted to other schools of their choice within the OUSD. The OUSD would be able to accommodate additional students generated by the proposed project and no new facilities would need to be constructed.
Policy N.12.4	Electrical, telephone, and related distribution lines should be undergrounded in commercial and residential areas, except where special local conditions such as limited visibility of the poles and wires make this unneeded. They should also be underground in appropriate institutional, industrial, and other areas, and generally along freeways, scenic routes, and heavily traveled streets. Programs should lead systematically toward the eventual undergrounding of all existing lines in such places. Where significant utility extensions are taking place in these areas, such as in new subdivisions, utilities should be installed underground at the start.	New electrical, telephone and related distribution lines in connection with the proposed project would be underground lines.
<b>Housing Element</b>		
Policy 2.1	<b>Affordable Housing Development Programs.</b> Provide financing for the development of affordable housing for low- and moderate-income households. The City's financing programs will promote a mix of housing types, including homeownership, multifamily rental housing, and housing for seniors and persons with special needs.	The proposed project would include affordable housing with the number of affordable housing units equal to approximately 17 percent of total units (20 percent of market-rate units). Most affordable units would be rental units. The Developer is seeking additional funding from the following sources to facilitate the development of affordable housing: tax credit financing, Affordable Housing Set-Aside funds, Home Program funds, and redevelopment funds.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy 2.4	<b>Inclusion of Affordable Units in Market Rate Projects.</b> Seek voluntary agreements with private developers of market rate housing to include units affordable to lower-income households, especially those projects involving Redevelopment Agency support or requiring major planning approvals.	The proposed project would include affordable housing with the number of affordable housing units equal to approximately 17 percent of the market-rate units (20 percent of the market-rate units).
Policy 2.7	<b>Large Families.</b> Encourage the development of affordable rental and ownership housing units that can accommodate large families.	The affordable housing units would include a mixture of studios, 1, 2, and 3 bedroom units.
Policy 4.3	<b>Commercial District Revitalization.</b> Continue to implement programs to revitalize commercial districts in low income neighborhoods. Commercial revitalization will serve as a catalyst for investment in conserving and improving the housing stock in surrounding areas.	The proposed project would include approximately 44,000 square feet of commercial development.
Policy 7.1	<b>Sustainable Residential Development Programs.</b> Develop and promote programs to foster the incorporation of sustainable design principles, energy efficiency and Smart Growth principles into residential developments. Offer education and technical assistance regarding sustainable development to project applicants.	The proposed project is part of the LEED ND pilot program, and would incorporate energy efficient and green building measures. The project would adhere to the energy efficiency regulations outlined in Title 24. The project would also be considered a TOD, resulting in a higher rate of use of alternative forms of transportation, thus reducing energy consumption associated with single occupancy vehicles.
Policy 7.2	<b>Energy Conservation.</b> Encourage the incorporation of energy conservation design features in existing and future residential development.	The proposed project would incorporate energy conservation design features by designing buildings with orientation to maximize natural light and air and incorporating energy efficient appliances within new residential buildings. Such design features are components of the LEED ND pilot project, of which the project is a part.
Policy 7.3	<b>Infill Development.</b> Continue to direct development toward existing communities and encourage infill development at densities consistent with the surrounding communities.	The proposed project would be considered infill development on an underutilized site. While the density of the proposed project would be higher than the buildings surrounding the project site, the density would be consistent with the General Plan designation of the project site.
Policy 7.5	<b>Mixed-Use Development.</b> Encourage a mix of land uses in the same zoning district or on the same site in certain zoning districts.	The proposed project would incorporate a mixture of uses, including residential, commercial, community and parking.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
<b>Pedestrian Master Plan</b>		
PMP Policy 1.1	<b>Crossing Safety.</b> Improve pedestrian crossings in areas of high pedestrian activity where safety is an issue.	The proposed project proposes to install new traffic signals on West MacArthur Boulevard and Telegraph Avenue. Pedestrian crosswalks would be incorporated into the project at these points. In addition, pedestrian crossings would be included at various points on all internal streets proposed as part of the project.
PMP Policy 1.2	<b>Traffic Signals.</b> Use traffic signals and their associated features to improve pedestrian safety at dangerous intersections.	The proposed project proposes to install new traffic signals on West MacArthur Boulevard and Telegraph Avenue. Pedestrian crosswalks would be incorporated into the project at these points.
PMP Policy 2.1	<b>Route Network.</b> Create and maintain a pedestrian route network that provides direct connections between activity centers.	The proposed project will create an activity center. Features to facilitate pedestrian access, including crosswalks and sidewalks, are incorporated into the proposed project.
PMP Policy 2.3	<b>Safe Routes to Transit.</b> Implement pedestrian improvements along major AC Transit lines and at BART stations to strengthen connections to transit.	The proposed project is located along AC Transit lines and is immediately adjacent to a BART station. The proposed project would be designed to improve pedestrian access and would include crosswalks, crosswalk signals, sidewalks, benches, lighting, and other features.
PMP Policy 3.1	<b>Streetscaping.</b> Encourage the inclusion of street furniture, landscaping, and art in pedestrian improvement projects.	The proposed project would incorporate benches, trash cans, lighting, and landscaping into the project design. Public art is being considered within the project area (including the BART Plaza).
<b>Bicycle Master Plan</b>		
BMP Policy 1A	Bikeway Network: Develop and improve Oakland's bikeway network	The proposed project includes bicycle connections to the BART station by providing bike lanes on Frontage Road, and bike access along Village Drive and internal streets. A bicycle pathway is also proposed into the project site off of West MacArthur Boulevard.
BMP Policy 1C	Safe Routes to Transit: Improve bicycle access to transit, bicycle parking at transit facilities and bicycle access on transit vehicles.	The proposed project would improve the bicycle routes to the MacArthur BART Station, and incorporate bicycle parking in the improvements to the MacArthur BART Plaza. Additionally, bicycle parking areas would also be provided within the mixed-use buildings and the BART parking garage.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
BMP Policy 3B	Project Development: Prioritize and design bike projects in cooperation with key stakeholders.	The project sponsor, BART and the City have been working together to ensure that safe bicycle access and parking areas are provided within and around the project site.
<b>Open Space, Conservation and Recreation Element</b>		
Policy OS-4.1	<b>Provision of Useable Open Space.</b> Continue to require new multi-family development to provide useable outdoor open space for its residents.	The proposed project would incorporate courtyards within the proposed mixed-use/residential buildings and would construct an open plaza next to Building A.
Policy OS-12.1	<b>Street Tree Selection.</b> Incorporate a broad and varied range of tree species which is reflected on a city-maintained list of approved trees. Street tree selection should respond to the general environmental conditions at the planting site, including climate and micro-climate, soil types, topography, existing tree planting, maintenance of adequate distance between street trees and other features, the character of existing development, and the size and context of the tree planting area.	The trees planted in association with development of the project would be on the City's list of approved trees.
Policy OS-12.3	<b>Street Tree Removal.</b> Remove street trees only if they are hazardous, severely and incurably infested with insects or blight, or are severely and irreversibly damaged and deformed. Provide replacement trees in all cases where the site is suitable for street trees.	All street trees removed as part of the project would require a Tree Removal Permit and would be replaced with trees approved by the City.
Policy CO-1.1	<b>Soil Loss in New Development.</b> Regulate development in a manner which protects soil from degradation and misuse or other activities which significantly reduce its ability to support plant and animal life. Design all construction to ensure that soil is well secured so that unnecessary erosion, siltation of streams, and sedimentation of water bodies does not occur.	All appropriate City of Oakland Standard Conditions of Approval regarding filled soils, subsidence, and seismic hazards would be incorporated into the proposed project.
Policy CO-1.2	<b>Soil Contamination Hazards.</b> Minimize hazards associated with soil contamination through the appropriate storage and disposal of toxic substances, monitoring of dredging activities, and clean-up of contaminated sites. In this regard, require soil testing for development of any site (or dedication of any parkland or community garden) where contamination is suspected due to prior activities on the site.	The proposed project would incorporate remediation of any hazards identified on the project site. Please see Section IV.H, Public Health and Hazards, for a discussion of the Standard Conditions of Approval that have been incorporated into the proposed project.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy CO-2.2	<b>Unstable Geologic Features.</b> Retain geologic features known to be unstable, including serpentine rock, areas of known landsliding, and fault lines, as open space. Where feasible, allow such lands to be used for low-intensity recreational activities.	All appropriate City of Oakland Standard Conditions of Approval regarding filled soils, subsidence, and seismic hazards would be incorporated into the proposed project.
Policy CO-2.3	<b>Development on Filled Soils.</b> Require development on filled soils to make special provisions to safeguard against subsidence and seismic hazards.	All appropriate City of Oakland Standard Conditions of Approval regarding filled soils, subsidence, and seismic hazards would be incorporated into the proposed project.
Policy CO-4.2	<b>Drought-Tolerant Landscaping.</b> Require use of drought-tolerant plants to the greatest extent possible and encourage the use of irrigation systems which minimize water consumption.	The proposed project would incorporate drought-tolerant plants and an irrigation system into the proposed project.
Policy CO-5.3	<b>Control of Urban Runoff.</b> Employ a broad range of strategies, compatible with the Alameda Countywide Clean Water Program, to: (a) reduce water pollution associated with stormwater runoff; (b) reduce water pollution associated with hazardous spills, runoff from hazardous materials areas, improper disposal of household hazardous wastes, illicit dumping, and marina "live-aboards;" and (c) improve water quality in Lake Merritt to enhance the lake's aesthetic, recreational, and ecological functions.	Incorporation of the City's Standard Conditions of Approval related to storm water runoff would reduce the project's potential impacts to water quality.
Policy CO - 7.4	<b>Tree Removal.</b> Discourage the removal of large trees on already development sites unless removal is required for biological, public safety, or public works requirements.	All trees currently on the project site would be removed as part of the project. Please see Figure III-11 which shows the proposed landscape plan. Additionally, a tree survey of existing trees on-site is available for review at the Community and Economic Development Agency.
Policy CO-12.1	<b>Land Use Patterns Which Promote Air Quality.</b> Promote land use patterns and densities which help improve regional air quality conditions by: (a) minimizing dependence on single passenger autos; (b) promoting projects which minimize quick auto starts and stops, such as live-work development, mixed-use floor retail space; (c) separating land uses which are sensitive to pollution from the sources of air pollution; and (d) supporting telecommuting, flexible work hours, and behavioral changes which reduce the percentage of people in Oakland who must drive to work on a daily basis.	The proposed project would be developed as a transit village and would encourage alternative modes of transportation other than single-occupancy vehicle. The project would include a mix of uses that would be neighborhood serving, thus reducing potential auto trips to other locations.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy CO-12.4	<b>Design of Development to Minimize Air Quality Impacts.</b> Require that development projects be designed in a manner which reduces potential adverse air quality impacts. This may include: (a) the use of vegetation and landscaping to absorb carbon monoxide and to buffer sensitive receptors; (b) the use of low-polluting energy sources and energy conservation measures; (c) designs which encourage transit use and facilitate bicycle and pedestrian travel.	The proposed project is part of the LEED ND pilot project, and would incorporate energy efficient and green building components into the design. The project applicant would implement the City's Standard Conditions of Approval related to construction and grading to minimize air quality impacts. The proposed project is located immediately adjacent to the MacArthur BART station, which would facilitate the use of transit, bicycle and pedestrian travel.
Policy CO-12.6	<b>Control of Dust Emissions.</b> Require construction, demolition and grading practices which minimize dust emissions.	The project applicant would implement the City's Standard Conditions of Approval related to construction and grading to minimize air quality impacts.
Policy CO-13.3	<b>Construction Methods and Materials.</b> Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency.	The proposed project is a LEED ND pilot project, and would incorporate energy efficient and green building components into the design and construction.
<b>Noise Element</b>		
Policy 1	Ensure the compatibility of existing and, especially, of proposed development projects not only with neighboring land uses but also with their surrounding noise environment.	As discussed in detail in Section IV.E, Noise, the proposed project will not create a significant increase in noise in the project area given the implementation of Standard Conditions of Approval.
Policy 2	Protect the noise environment by controlling the generation of noise by both stationary and mobile noise sources.	As discussed in detail in Section IV.E, Noise, the proposed project will not create a significant increase in noise in the project area given the implementation of Standard Conditions of Approval.
Policy 3	Reduce the community's exposure to noise by minimizing the noise levels that are <i>received</i> by Oakland residents and others in the City. (This policy addresses the <i>reception</i> of noise whereas Policy 2 addresses the <i>generation</i> of noise.)	Standard Conditions of Approval and Mitigation Measures included in Section IV. E, Noise, would minimize the exposure to noise levels that are received by residents of the project (i.e., noise from vehicles on adjacent street and State Route 24, and the BART Station). The Standard Conditions and Mitigation Measure would also minimize project construction related noise.
<b>Safety Element</b>		
Policy FI-1	Maintain and enhance the City's capacity for emergency response, fire prevention and fire fighting. Action FI-1.2: Strive to meet a goal of responding to fires and other emergencies within seven minutes of notification 90 percent of the time.	The first and second responders to the project site (Fire Stations 8 and 5, respectively) are within less than 1.5 miles of the site, which the OFD considers an acceptable distance to maintain the standard response time.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy GE-1	Develop and continue to enforce and carry out regulations and programs to reduce seismic hazards and hazards from seismically triggered phenomena.	The project will comply with all applicable building codes and all recommendations in the site-specific geotechnical investigations prepared for the site.
Policy GE-2	Continue to enforce ordinances and implement programs that seek specifically to reduce the landslide and erosion hazards.	The potential for erosion as a result of project demolition and construction is addressed in Section IV.F, Hydrology and Water Quality. Compliance with City of Oakland Standard Conditions of Approval and Grading Permit requirements would reduce erosion impacts.
Policy HM-1	Minimize the potential risks to human and environmental health and safety associated with past and present use, handling, storage and disposal of hazardous materials.	The proposed project would incorporate remediation of any hazards identified on the project site. Please see Section IV.H, Public Health and Hazards, for a discussion of the Standard Conditions of Approval and the mitigation measures that have been incorporated into the proposed project.
Policy HM-2	Reduce the public's exposure to toxic air contaminants through appropriate land use and transportation strategies.	The proposed project is located immediately adjacent to the MacArthur BART station, which would facilitate the use of transit, bicycle and pedestrian travel and thus reduce public exposure to toxic air contaminants. The project applicant would implement the City's Standard Conditions of Approval related to construction and grading to minimize air quality impacts.
Policy HM-3	Seek to prevent industrial and transportation accidents involving hazardous materials and enhance the city's capabilities to respond to such incidents.	The proposed project seeks to develop residential and commercial space and will not involve the industrial use or transportation of hazardous materials. The proposed project would incorporate remediation of any hazards identified on the project site. Please see Section IV.H, Public Health and Hazards, for a discussion of the Standard Conditions of Approval and the mitigation measures that have been incorporated into the proposed project.
Policy PS-1	Maintain and enhance the city's capacity to prepare for, mitigate, respond to, and recover from disasters and emergencies.	The proposed project is located on underutilized property in an urbanized area. The project would not interfere with City's ability to respond to or recover from emergencies.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
<b>Historic Preservation Element</b>		
Policy 3.8	For the purposes of environmental review under CEQA, the following properties will constitute the City of Oakland’s Local Register: <ul style="list-style-type: none"> <li>• All “Designated Historic Properties,” i.e., those properties that are City Landmarks, which contribute to or potentially contribute to Preservation Districts, and Heritage Properties;</li> <li>• Those “Potential Designated Historic Properties” that have an existing rating of “A” or “B” or are located within an “Area of Primary Importance;”</li> <li>• Until complete implementation of Action 2.1.2 (Redesignation), the “Local Register” will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.</li> </ul>	There are no “Designated Historic Properties” or “Potentially Historic Designated” properties on the project site. Additionally, none of the properties on-site are included in the “Local Register” meaning Oakland Landmarks, S-7 zoned properties, or properties on the Preservation Study List. A discussion of historic relevancy of properties immediately adjacent to the project is provided in Section IV.K, Cultural Resources.
Policy 3.1	<b>Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions.</b> The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary actions.	There are no “Designated Historic Properties” or “Potentially Historic Designated” properties on the project site. Additionally, none of the properties on-site are included in the “Local Register” meaning Oakland Landmarks, S-7 zoned properties, or properties on the Preservation Study List. A discussion of historic relevancy of properties immediately adjacent to the project is provided in Section IV.K, Cultural Resources. Compliance with Standard Conditions of Approval would ensure that the project complies with the HPE.
Policy 3.4	<b>City Acquisition of Historic Preservation Where Necessary.</b> Where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or Potential Designated Historic Properties, or portions thereof, in order to preserve them. Such acquisition may be in fee, as conservation easements, or a combination thereof.	There are no “Designated Historic Properties” or “Potentially Historic Designated” properties on the project site. Additionally, none of the properties on-site are included in the “Local Register” meaning Oakland Landmarks, S-7 zoned properties, or properties on the Preservation Study List.

**Table IV.B-1 Relationship of Project to Relevant Plans and Policies**

Policy #	Policy	Relationship
Policy 3.5	<b>Historic Preservation and Discretionary Permit Approvals.</b> For any project involving the complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: 1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or 2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or 3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.	There are no “Designated Historic Properties” or “Potentially Historic Designated” properties on the project site. Additionally, none of the properties on-site are included in the “Local Register” meaning Oakland Landmarks, S-7 zoned properties, or properties on the Preservation Study List.
Policy 3.7	<b>Property Relocation Rather than Demolition.</b> As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.	There are no “Designated Historic Properties” or “Potentially Historic Designated” properties on the project site. Additionally, none of the properties on-site are included in the “Local Register” meaning Oakland Landmarks, S-7 zoned properties, or properties on the Preservation Study List.
Policy 4.1	<b>Archaeological Resources.</b> To protect significant archaeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas. This policy entails that mitigation measures are typically incorporated into the project as part of the environmental review process, which can include a surface reconnaissance by an archaeologist to identify archaeological deposits; monitoring of ground disturbance during construction to identify archaeological resources and stopping work if necessary to provide recommendations for the treatment of uncovered archaeological materials; and performing limited pre-construction archaeological excavations to determine whether archaeological materials are present.	The project area has the potential to contain significant subsurface historical archaeological deposits associated with former buildings on the project site. Compliance with Mitigation Measures and Standard Conditions of Approval provided in Section IV.K, Cultural and Paleontological Resources.