

Case file PUDF08-R01 (Macarthur Transit Village Parcels A and C1; APNs 012-1025-010-00 and 012-1025-013-00) was originally scheduled for the October 19, 2016, Planning Commission agenda. The item was continued at the request of the applicant to the November 2, 2016, Planning Commission agenda. The staff report is attached herewith.

**Case File Number: PUDF08-R01**

**October 19, 2016**

<b>Location:</b>	MacArthur Transit Village Parcels A and C1 (APNs 012 102501000 and 012 102501300) (see map)
<b>Assessors Parcel Numbers:</b>	012 102501000 and 012 102501300)
<b>Proposal:</b>	Revise Parcels A and C1 FDP to reduce ground-floor retail and allow live-work units in lieu thereof.
<b>Applicant:</b>	BRIDGE Housing
<b>Contact Person:</b>	Marie Debor (949) 229-7075
<b>Owner:</b>	BART, MacArthur Transit Community Partners, LLC
<b>Case File Number:</b>	PUD06058, PUDF08-R01
<b>Planning Permits Required:</b>	Revision to FDP.
<b>General Plan:</b>	Neighborhood Center Mixed Use
<b>Zoning:</b>	S-15 Transit-Oriented Development Zone
<b>Environmental Determination:</b>	An Environmental Impact Report (EIR) was certified in June 2008.
<b>Historic Status:</b>	There are no Potential Designated Historic Properties located on the project site.
<b>Service Delivery District:</b>	Service District 2
<b>City Council District:</b>	1
<b>Date Filed:</b>	September 27, 2016
<b>Status:</b>	Request recommendation from Planning Commission; Final Decision by City Council at a later date.
<b>Action to be Taken:</b>	Consider FDP revision application and make CEQA determination.
<b>Staff Recommendation:</b>	Take public testimony; provide recommendation to City Council.
<b>Finality of Decision:</b>	No decision will be made on the project at this time.
<b>For Further Information:</b>	Contact the case planner Catherine Payne at (510) 238-6168 or <a href="mailto:cpayne@oaklandnet.com">cpayne@oaklandnet.com</a>

**SUMMARY**

The purpose of this report is to consider a proposed revision to the MacArthur Transit Village Parcels A and C1 Final Development Permits (FDP) to substitute live/work units and community space for ground-floor retail space, reduce parking, and add a project driveway on Telegraph Avenue.

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PUDF08 / ER01  
(Parcels A & C I MacArthur Transit Village)

Applicant: Boston Properties

Address: 532 Turquoise St

Zone: S15

## PROJECT SITE AND SURROUNDING AREA

The MacArthur Station project site encompasses 8.2 acres and is located in North Oakland, within the area bounded by 40th Street, Telegraph Avenue, West Macarthur Boulevard, and State Route 24. There are a variety of land uses surrounding the site including residential, civic, and commercial uses, as well as State Route 24, and the BART tracks to the west. See the site map on page 2 of this report for precise locations of the affected parcels within larger project site.

## PROJECT BACKGROUND

The Macarthur Station Project Preliminary Development Plan (PDP) for the Planned Unit Development (PUD) was approved in July 2008 in association with several other approvals as listed below. The PUD/PDP approval authorizes the development on the entire 8.2 acre site of up to 675 residential units, 49,000 square feet of commercial space, 5,000 square feet of community space, a parking structure for BART patrons, and various infrastructure improvements. The PUD/PDP and Development Agreement establish the approved land uses, density, bulk, massing, and design guidelines for the site.

The approved PDP for the MacArthur Station Project includes the demolition of BART surface parking lots and all existing buildings on the project site to allow for the construction of a new mixed-use, transit village development project. The phased project includes five new blocks that would accommodate a total of up to 675 residential units (including 108 affordable units), 49,000 square feet of neighborhood-serving retail and commercial uses, 5,000 square feet of community space, and a 480-space parking garage for BART patrons. Parking for residential units will be provided within each individual building, and approximately 30 commercial parking spaces would be provided in Building A. The MacArthur Station Project also includes creation of two new streets, which were approved as part of the VTTM and Stage 1 FDP: 39<sup>th</sup> Street will provide an east/west connection between Telegraph Avenue and Frontage Road, and Turquoise Street will provide a north/south connection from 39<sup>th</sup> Street to the southern edge of the project. Frontage Road will be reconfigured to allow continued access by shuttle operators. New sidewalks, bicycle paths, and streetscape improvements will also be constructed.

The project includes five stages of development, each of which is subject to a Final Development Permit (FDP). At this time, FDPs have been approved for four of the five stages of development.

Increased and enhanced access to the BART station is a key component of the approved PUD. 39<sup>th</sup> Street, the main pedestrian and vehicular access to the project, is envisioned as a lively pedestrian street with shops and service uses that include outdoor displays and seating areas. The existing BART plaza will be renovated and a new public plaza will be provided immediately east of the BART plaza and fare gates. The transit village plaza will include outdoor seating, public art, landscaping, and other activity to provide a sense of arrival to the project, especially for BART patrons as they enter and exit the station.

*Original Land Use Entitlements*

The original land use entitlements include:

- 1) **EIR:** The City certified an EIR for the MacArthur Station Project (SCH No. 2006022075) on July 1, 2008.
- 2) **S-15 Text Amendment and Rezoning:** The City approved Ordinance No. 12883 C.M.S. amending Section 17.97.170 of the Oakland Planning Code related to the minimum usable open space requirements in the S-15 zone and rezoning the MacArthur Station Project site to S-15 Transit-Oriented Development Zone on July 1, 2008.
- 3) **PUD/PDP:** The City approved a PUD/PDP permit on July 1, 2008 that guides development of the site in five stages.
- 4) **Major Conditional Use Permit:** The City approved a major conditional use permit to allow the S-15 parking requirements to be exceeded and to allow off-street parking for non-residential uses on July 1, 2008.
- 5) **Design Review:** The City approved preliminary design review for the PUD/PDP on July 1, 2008.
- 6) **Development Agreement:** The City approved Ordinance No. 12959 C.M.S on July 21, 2009 enacting a Development Agreement.

*Project Delivery*

Consistent with the requirements of the PUD, Final Development Permits (FDPs) have been sought (and approved) for each stage of development, as follows:

- 1) **Stage 1 BART Garage and Infrastructure Improvements:** On April 5, 2011, the City approved the Parcel E Parking Structure/Stage 1 FDP to construct the new BART parking structure and all horizontal infrastructure improvements (including streets and sidewalks) and the Vesting Tentative Tract Map (VTTM). This approval allowed an increase in the garage footprint to accommodate additional parking as required by the MS Project Conditions of Approval (COA) and adjustments to the plans for Turquoise Street and 39th Street (previously called Village Drive), and modified the PUD/PDP Illustrative Plan. The City relied on the 2008 certified EIR for the MS Project and determined that no new information or changes in the project or project circumstances required subsequent or supplemental environmental review. Construction of the garage was completed in 2014.
- 2) **Stage 2 Mural Apartments:** On May 17, 2011, the City approved the Stage 2 FDP for the development of Parcel D with 90 residential units and 90 parking spaces. The City relied on the 2008 certified EIR for the MS Project and determined that no new information or changes in the project or project circumstances required subsequent or

supplemental environmental review. Construction of Mural Apartments was completed earlier in 2016.

- 3) **Stage 3 and 4:** On May 19, 2015, the Oakland City Council approved the Stages 3 and 4 FDP for development of Parcels A and C1. The Stages 3 and 4 FDP entails the construction of two 6-story mixed-use buildings on Blocks A and C1. Block A would include 286 residential units (eight of which would be affordable), 22,287 square feet of ground-floor commercial and building amenity space, and 254 parking spaces. Block A is one structure although it is designed to look like two separate buildings separated by a landscaped mews. The mews would include landscaping, lighting, lounge seating, and café seating. The Block A west portion of the building includes 92 units and the Block A east portion of the building includes 194 units. Block C1 would include 93 residential units (four of which would be affordable), 2,235 square feet of ground-floor commercial space, and 63 parking spaces. Construction of Stages 3 and 4 is expected to commence before the end of 2017.

#### *Current Proposal (Stage 5 –Parcel B Project)*

As noted above, the City most recently approved a FDP for Parcels A and C1. Currently, and the subject of this report, the applicant is requesting a revision to the FDP, as described below. It should be noted that the City is also currently processing a proposed revision to the PUD and a new FDP for another parcel in MacArthur Transit Village, specifically Parcel B. As of this writing, that application is currently under design review and has not yet been scheduled for decision-making public hearing meetings.

## **PROJECT DESCRIPTION**

In May 2015, the City of Oakland approved a FDP for two buildings, one on each of two parcels included in the MacArthur Transit Village Project, Parcels A and C1. The FDP allows for up to 383 residential units, 23,489 square feet of ground-floor retail space and 323 on-site parking spaces.

The proposed project is a revision to the MacArthur BART Village Parcels A and C1 FDP. The revision would allow for the eventual, possible substitution of live/work for retail uses and would reduce on-site parking. In addition, the proposed project includes a new driveway on Telegraph Avenue.

At this time, the master developer for the larger PUD wishes to transfer vertical development rights to a site developer (this is a common practice for larger, multi-parcel and multi-phase projects such as MacArthur Transit Village). The anticipated site developer proposes changes to the approved FDP based on their experience and knowledge regarding construction methods, leasing and financing, and also in response to the loss of the Surgery Center site as project parcel. As a result, the applicant is requesting an option to reduce the amount of retail space based on market viability, and is seeking to reduce and consolidate square footage dedicated to parking by

eliminating parking spaces and rearranging access to the lower parking level (which consolidates parking spaces in a smaller area while remaining in compliance with City of Oakland parking regulations and PUD requirements).

Under the terms of a proposed amendment to the project Owner Participation Agreement (OPA), the potential site developer has to market the convertible retail space in Building A1 and Building A2 along 40th Street as retail space during the entire 24-month construction period and for 9 months after the completed building on Parcel A has received a temporary certificate of occupancy from the Office of Planning and Building. In the event the site developer is unable to lease all or any portion of this retail space during the retail leasing period, then such unleased space may be converted to live/work units, subject to the written determination by the City Administrator that the site developer has presented sufficient evidence demonstrating its inability to lease such retail space to suitable retail tenants on commercially reasonable terms during the leasing period. In addition, the site developer shall market the approximately 2,200 square feet of convertible retail space located in the interior of Building A2 along the mews as retail space for a period of 18 months, starting at the commencement of construction of Building A2. The proposed amendment to the OPA also stipulates that the site developer will design and construct the convertible retail space in Building A1 in accordance with the following design criteria: all space will have retail-friendly storefronts inviting to pedestrian traffic (e.g., glass/window exteriors maintain at least 50 percent ground-floor transparency at all times, pedestrian scale facades, ventilation, plumbing and gas and electrical power suitable for retail uses, including restaurant use).

Specifically, the proposal includes the following modifications:

**Description of Design Changes**

<b>Change</b>	<b>Approved FDP (2015)</b>	<b>Proposed Revision (2016)</b>	<b>Notes</b>
Façade	Includes shade elements on south and west elevations of parcel C1.	Shade elements on exterior façade on south and west elevations of parcel C1 were deleted. Balconies were added to two units on parcel A (building A1).	Applicant is concerned about performance and maintenance of perforated metal sun screens.
Retail	23,489 SF of Retail	Possible reduction to 7,040 sf ground floor retail (reduction of 16,449 sf);	Ground floor retail space could be converted to live/work space after a specific term and evidence to City Administrator that adequate retail marketing has been undertaken
Parking	323 underground	273 underground and	Greater than .5 pkg space per

	and surface garage parking spaces	surface garage parking spaces	unit (192 spaces) so meets zoning regulations
Site Layout	Entrance to below grade parking was located off 39 <sup>th</sup> Street.	Entrance to below grade parking has been relocated to Telegraph Avenue.	Relocation of ramp allows for consolidation of area dedicated to parking uses
Community Space	5,000 SF	3,886 SF of community space was added on corner of Telegraph & 39 <sup>th</sup> Street.	Replaces ground floor retail on corner of Telegraph Ave. and 39 <sup>th</sup> Street
Maximum Building Height	50 – 78.5 feet (up to 85 feet for iconic corner)	52 – 79 feet (up to 82 feet for iconic corner)	Within allowed height
Site Amenities	No Pool	Added pool on podium deck of parcel A (building A2)	NA

**GENERAL PLAN ANALYSIS**

The Parcels A and C1 sites are located in the Neighborhood Center Mixed Use (NCMU) land use designation of the Oakland General Plan, and are designated as a "Transit-Oriented Development District," as well. The intent of the NCMU designation is to "identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and small-scale educational, cultural or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial" (Page 149, Land Use and Transportation Element of the General Plan). The maximum allowable NCMU residential density is 125 dwelling units per gross acre, and the maximum commercial Floor Area Ratio (FAR) is 4.0. The PDP/PUD and Phases 1, 2, 3 and 4 were found to be consistent with the General Plan in that they each helped the City achieve the intent of the site’s General Plan designation as the development will increase the amount of mixed-use neighborhood commercial with the proposed commercial and residential development and will provide and/or support smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space adjacent to the MacArthur BART Station on a site which was previously all surface parking. The current proposal for Parcels A and C1 continues to have commercial uses on the ground floor, consistent with the General Plan, although retail commercial use is being substituted by live/work commercial use. There are no increases in land use density or intensity that would affect compliance with the General Plan.



## ZONING ANALYSIS

The PUD, adopted in June 2008, included a rezone of the entire site to the S-15 Transit Oriented Development Zone (S- 15 Zone), and the adoption of design guidelines specific to the PUD. The intent of the S-15 Zone is to "create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial and mixed-use development to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as BART stations, AC Transit centers and other transportation nodes" (Planning Code Sec. 17.100.010). The approved Parcels A and C1 FDP was found to be in compliance with the PUD and the underlying zoning regulations, where applicable. The current proposal for Parcels A and C1 continues to have commercial uses on the ground floor, consistent with the PUD and zoning regulations, although retail commercial use is being substituted by live/work commercial use. Live/work is an approved commercial use in the PUD and therefore does not conflict with the regulatory framework for the project. There are no changes to land uses or to density, intensity or height that would result in conflicts with the regulatory framework for the project. Regarding on-site parking, the proposed revision to the FDP would reduce on-site parking by 50 spaces to 273 parking spaces. This proposed change would be in compliance with the current City of Oakland and PUD parking regulations requiring a minimum of .5 space per residential unit (or 192 spaces).

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

On July 1, 2008, the City Council certified an Environmental Impact Report (EIR) for the MacArthur Station Project (SCH No. 2006022075). The City Council also approved an addendum to the 2008 EIR when it approved the Final Development Plan in May 2015. In addition, the Bureau of Planning has prepared a 2016 Addendum to the 2008 EIR to review the currently proposed revision to the FDP (see Attachment B for EIR and Attachment C for 2016 CEQA memo).

With regard to the reduction of the size of the retail component and the change of the size of the retail component for each parcel, under CEQA Guidelines Sections 15162-15164, no subsequent or supplemental environmental review is required unless there are new or substantially more severe significant impacts resulting from (1) substantial changes to the project; (2) the circumstances surrounding the project; or (3) new information not known and which could not reasonably have been known at the time of the prior EIR.

In reviewing the currently proposed Action, staff has determined that none of the circumstances necessitating further environmental review are present. Specifically, (1) the Action does not affect the physical development previously reviewed in the EIR and 2015 Addendum and is not a

change in the project that involves any new significant effects or a substantial increase in the severity of previously identified significant effects; (2) circumstances under which the project is undertaken have not occurred that will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) no new information has come to light that would involve new or substantially more severe effects or feasible alternatives or mitigation measures. Accordingly, no further environmental review is required for this project at this time. The 2008 EIR and 2015 Addendum identify impacts and require mitigation measures, and the Project will continue to be required to incorporate the mitigation measures.

The 2008 EIR, previous addenda, and current 2016 Addendum were previously distributed to the City Council, and are available for review at 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612 during normal business hours and can also be found on the City's website at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008406>.

## ZONING AND RELATED ISSUES

### *Reduction in Groundfloor Retail Uses*

The proposed revision to the FDP includes possible reduction in desired groundfloor retail space. Substitution with live/work units, which is a type of commercial use, is allowed under the PUD. However, live/work is not the highest and best use of groundfloor space adjacent to an urban BART station and in a growing retail neighborhood (Temescal). The project would retain the 6,000 square feet of retail uses at the corner of 39<sup>th</sup> Street and Walter Miles Way. Overall, staff believes that the proposed change is a compromise from the approved project.

### *Reduction in On-Site Parking*

The proposed revision to the FDP would reduce on-site parking by 50 spaces to 273 parking spaces. However, this proposed change would be in compliance with the current City of Oakland and PUD parking regulations requiring a minimum of .5 space per residential unit (or 192 spaces). Staff supports reducing the amount of on-site parking at this transit-rich location.

### *Driveway from Telegraph Avenue*

The proposed revision to the FDP includes a new project driveway on Telegraph Avenue. Reducing the parking and relocating the driveway and ramp to the lower parking level would consolidate square footage dedicated to parking and related uses. However, Telegraph Avenue is a major arterial street and bike route. New driveways on Telegraph Avenue are discouraged. Staff believes that the proposed change is a compromise from the approved project.

*Project Delivery*

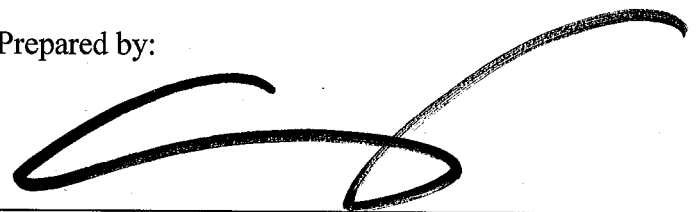
Reduction of parking is allowable under the existing zoning regulations, and is consistent with the City's current interest in generally reducing parking and better accommodating mass transit. Locating a driveway on Telegraph Avenue and the proposed reduction in retail uses are not ideal. Accommodating and planning for robust retail uses has been a key City objective for this project since its inception. Live/work and community space are permitted uses in the approved PUD; however, these are not the first choice uses for the primary street frontages. That said, the applicant has indicated that to deliver the much-needed residential units (and any commercial uses) in this market cycle, the developer needs flexibility to reduce the retail in order to ensure continuous occupancies and rents. Staff believes this may be an appropriate compromise in order to continue build-out of a project that will bring much-needed residential units and result in community-building at a major transit node in Oakland.

**RECOMMENDATION AND CONCLUSION**

Staff requests that the Planning Commission consider the following:

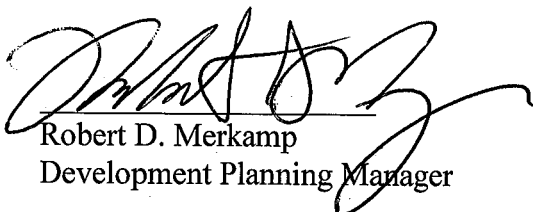
- Pursuant to CEQA Guidelines Section 15162-15164, and based on the attached findings and analysis contained in the 2016 CEQA memo/addendum, rely on the MacArthur Transit Village Project EIR as adequate under CEQA for analysis of the revision to the MacArthur BART Parcels A and C1 FDP; and
- Based on the attached findings, recommend approval of the revision to the MacArthur BART Parcels A and C1 FDP (case file PUDF08-R01).

Prepared by:



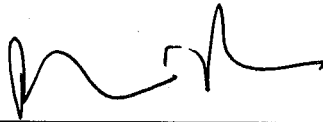
CATHERINE PAYNE  
Planner IV

Approved by:



Robert D. Merkamp  
Development Planning Manager

Approved for forwarding to the Planning Commission



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Darin Ranelletti, Interim Director  
Bureau of Planning

Attachments:

- A. Proposed Revision to FDP Plans
- B. MacArthur Transit Village Project EIR (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours, and at [http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/DO\\_WD008406](http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/DO_WD008406))
- C. 2016 CEQA Memo/Addendum

FINDINGS FOR APPROVAL

The MacArthur BART Transit Village Parcels A and C1 revision to the FDP meets the required findings for compliance with:

- California Environmental Quality Act; and
- Oakland Planning Code Sections:
  - 17.140.040 (Final Development Plan Criteria)
  - 17.136.050 (Regular Design Review Criteria).

Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report, the CEQA Analysis Document, and elsewhere in the record.

## CEQA FINDINGS

On July 1, 2008, the City Council certified an Environmental Impact Report (EIR) for the MacArthur Station Project (SCH No. 2006022075). The City Council also approved an addendum to the 2008 EIR when it approved the Final Development Plan in May 2015. In addition, the Bureau of Planning has prepared a 2016 Addendum to the 2008 EIR to review the currently proposed revision to the FDP (see Attachment B for EIR and Attachment C for 2016 CEQA memo).

With regard to the reduction of the size of the retail component and the change of the size of the retail component for each parcel, under CEQA Guidelines Sections 15162-15164, no subsequent or supplemental environmental review is required unless there are new or substantially more severe significant impacts resulting from (1) substantial changes to the project; (2) the circumstances surrounding the project; or (3) new information not known and which could not reasonably have been known at the time of the prior EIR.

In reviewing the currently proposed Action, staff has determined that none of the circumstances necessitating further environmental review are present. Specifically, (1) the Action does not affect the physical development previously reviewed in the EIR and 2015 Addendum and is not a change in the project that involves any new significant effects or a substantial increase in the severity of previously identified significant effects; (2) circumstances under which the project is undertaken have not occurred that will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) no new information has come to light that would involve new or substantially more severe effects or feasible alternatives or mitigation measures. Accordingly, no further environmental review is required for this project at this time. The 2008 EIR and 2015 Addendum identify impacts and require mitigation measures, and the Project will continue to be required to incorporate the mitigation measures.

The 2008 EIR, previous addenda, and current 2016 Addendum were previously distributed to the City Council, and are available for review at 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612 during normal business hours and can also be found on the City's website at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008406>.

## **Planned Unit Development Findings**

### **Section 17.140.040 Final Development Plan Finding**

**The final plan shall conform in all major respects with the approved preliminary development plan.**

The revision to the FDP conforms in all respects to the preliminary development plan. The proposed live/work units and community space are consistent with the approved commercial land uses for the site, and the building redesign is within the allowable development envelope with respect to height, build-out envelope and square footage.

### Regular Design Review

#### 17.136.050--Regular design review criteria.

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

A. For Residential Facilities.

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

**The revision to the FDP does not significantly alter the scale, size or exterior treatment of any building compared to the approved project. The design continues to comply with the DA, the PUD and the design guidelines for the MacArthur Transit Village and supports the moderately dense, mixed-use scale and character of the development and surrounding neighborhood.**

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

**The revision to the FDP does not significantly alter the scale size or exterior treatment of any building compared to the approved project. The design continues to comply with the DA, the PUD and the design guidelines for the MacArthur Transit Village and supports the moderately dense, mixed-use scale and character of the development and surrounding neighborhood.**

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

**The revision to the FDP does not significantly alter the scale size or exterior treatment of any building compared to the approved project. The design continues to comply with the DA, the PUD and the design guidelines for the MacArthur Transit Village and supports the moderately dense, mixed-use scale and character of the development and surrounding neighborhood.**

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

NA

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



**The revision to the FDP does not significantly alter the scale size or exterior treatment of any building compared to the approved project. The design continues to comply with the DA, the PUD and the design guidelines for the MacArthur Transit Village and supports the moderately dense, mixed-use scale and character of the development and surrounding neighborhood.**

B. For Nonresidential Facilities and Signs.

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

NA

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

NA

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

NA

C. For Local Register Properties that are not Landmarks or located in the S-7 or S-20 Zone:

1. That for additions or alterations, the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, materials, texture, lighting, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.

NA

D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or

2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or

3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

NA

E. For Retaining Walls:

1. That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas;

NA

2. That the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces;

NA

3. That the retaining wall respects the natural topography, avoiding obvious scars on the land;

NA

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

NA