

## II. SUMMARY

### A. PROJECT UNDER REVIEW

This EIR has been prepared to evaluate the potential environmental effects of the Creekside Mixed-Use Development project. The project seeks to redevelop an underutilized site with a pedestrian oriented mixed-use development that contributes to the vitality of the Temescal neighborhood.

The 32,139 square feet project site is located in the Temescal neighborhood of North Oakland at 5132 Telegraph Avenue within the block bounded by Telegraph Avenue, Claremont Avenue, 51<sup>st</sup> Street and Clarke Street, as depicted in Figure III-1. The project would include the demolition of an existing two-story commercial building and surface parking and the construction of up to 120 residential units, approximately 7,700 square feet of ground-floor commercial space, 120 enclosed parking spaces, and approximately 5,000 square feet of courtyard open space. The proposed project is described in detail in Chapter III, Project Description.

### B. SUMMARY OF IMPACTS, STANDARD CONDITIONS OF APPROVAL AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapter IV, Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures. CEQA requires a summary to include discussion of: (1) potential areas of controversy; (2) significant impacts; (3) cumulative impacts; (4) significant irreversible and unavoidable impacts; and (5) alternatives to the proposed project. Each of these topics are summarized below.

#### 1. Potential Areas of Controversy

Letters and verbal comments received on the Notice of Preparation (NOP) raised a number of topics that the commentors wanted addressed in the EIR, including transportation (traffic, transit, parking, and pedestrian safety), visual quality, light and shadow, building noise, and creek daylighting. In addition, some of the comments offered in the NOP comment letters addressed the merits of the project itself and not the potential adverse environmental impacts that are the subject of this EIR. A copy of the NOP can be found in Appendix B of this EIR. Copies of the written NOP comment letters are included in Appendix C of this EIR.

#### 2. Significant, Unavoidable Impacts

Under CEQA, a significant impact on the environment is defined as “. . . substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic

significance.”<sup>1</sup> Implementation of the proposed project has the potential to result in adverse environmental impacts related to transportation. Transportation impacts would be significant without the implementation of Standard Conditions of Approval and mitigation measures, but, with the exception of two intersections (Claremont Avenue & SR 24 EB off-ramp/Clifton Street and Telegraph/51<sup>st</sup> Street), would be reduced to a less-than-significant level if the Standard Conditions of Approval and mitigation measures noted in this report are implemented. Impacts are anticipated to be less than significant for all other environmental topics.

### 3. Alternatives to the Proposed Project

Chapter V includes the detailed analysis of three alternatives to the proposed project to meet the requirements of CEQA to analyze a range of reasonable alternatives to the project that would feasibly attain most of the project’s basic objectives and avoid or substantially lessen any of the significant effects of the project. The three project CEQA alternatives analyzed in detail in Chapter V include:

- **Alternative 1:** The **No Project Alternative** assumes the continuation of the existing conditions within the project site. The land would remain available for future development in accordance with current or future zoning regulations.
- **Alternative 2:** The **No Significant Impact Alternative** assumes redevelopment of the existing project site with a two-story 11,000 sq. ft. commercial building. The alternative would result in no significant environmental impacts.
- **Alternative 3:** The **Existing Zoning/ Creek Daylighting Alternative** assumes demolition of the existing commercial building and the development of 35 residential units in two structures that range in height from two to three stories, or 20 to 40 feet in height. Five percent of the units would be set aside for very-low income families. The alternative would comply with the height and density limitations of the existing zoning and would contain approximately 2,600 square feet of commercial space and a 5-foot wide greenway. The project would be set back from Telegraph Avenue and Claremont Avenue to allow for future daylighting of Temescal Creek.

Four alternatives were considered, but were not analyzed in detail for various reasons outlined in Chapter V. These alternatives include:

- **Alternative 4:** The **All-Park/ Creek Daylighting Alternative** would involve demolition of the existing commercial building on site, removal of the existing surface parking lot, and grading and landscaping of a park covering the entire 32,139 square foot site. The Temescal creek culvert on site would be opened to daylight.
- **Alternative 5:** The **Off-Site Alternative** would consist of a project similar in size and use to the proposed project but located on another site.
- **Alternative 6:** The **Temescal Gateway Plan Alternative** was produced by a group of community members during a design workshop in 2001 (called the “Temescal Gateway Design Workshop”)

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<sup>1</sup> CEQA Guidelines, Section 15382.

that focused on creating a plan for the Civiq site adjacent to the project site. The resulting plans were presented to the City but no drawings were presented that addressed the project site.

- Alternative 7: The **Proposed Temescal Zoning Alternative** would consist of a project that complies with updated zoning regulations the City has proposed for the Temescal neighborhood of Oakland.

One additional planning alternative to the project is also considered in detail in this EIR. This alternative may not lessen or avoid any of the significant, adverse environmental effects of the project as they are evaluated primarily to consider variants to the project that may be desirable to the project developer, the City and/or members of the community. The planning alternative analyzed in Chapter V is summarized as follows:

- Alternative 8: The **Reduced Density/ Creek Daylighting Alternative** assumes demolition of the existing commercial building and surface parking lot on site and construction of a 93-unit building comprised of six residential floors above a parking podium containing 93 parking spaces. The proposed 75-foot tall building would be set back from Telegraph and Claremont Avenues by a distance of approximately half the depth of the site. The undeveloped portion of the property between Telegraph and Claremont Avenues and the proposed building would contain all but a small portion of the Temescal Creek culvert. This opportunity would provide the City an opportunity to daylight the Temescal Creek culvert as has been requested by the community while allowing the developer to obtain the density prescribed for the site in the General Plan.

#### 4. Cumulative Impacts

As discussed at the end of each topical section in Chapter IV, Setting, Impacts and Mitigation Measures, the project would not significantly contribute to any significant cumulative impacts for any topics other than transportation. The project would significantly contribute to cumulative impacts at the following intersections:

- Shattuck Avenue / 52<sup>nd</sup> Street (Years 2015 and 2030)
- Telegraph Avenue / 51<sup>st</sup> Street (Years 2015 and 2030)
- Telegraph Avenue / 52<sup>nd</sup> Street and Claremont Avenue (Year 2030)
- Claremont Avenue & S.R. 24 E.B. off-ramp / Clifton Street (Year 2030)

The project's contribution to the cumulative impact at each of the above intersections can be mitigated to a less-than-significant level except at the Telegraph Avenue / 51<sup>st</sup> Street intersection where the impact would remain significant and unavoidable. The project's contribution to the cumulative impact at the Claremont Avenue & S.R. 24 E.B. off-ramp / Clifton Street intersection can be mitigated to a less-than-significant level except that the identified mitigation requires approval from Caltrans. Therefore, the impact to the Claremont Avenue & S.R. 24 E.B. off-ramp / Clifton Street intersection is conservatively considered significant and unavoidable.

### **C. SUMMARY TABLE**

Information in Table II-1, Summary of Impacts, City Standard Conditions of Approval and Mitigation Measures, has been organized to correspond with environmental issues discussed in Chapter IV. The table is arranged in four columns (1) impacts; (2) level of significance prior to mitigation (when mitigation is necessary); (3) required Standard Conditions of Approval and /or recommended mitigation measures; and (4) level of significant after implementation of Standard Conditions of Approval and / or mitigation. Levels of significance are categorized as follows: LTS = Less Than Significant; S = Significant; and SU = Significant and Unavoidable. A series of mitigation measures is noted where more than one mitigation measure is required to achieve a less-than-significant impact, and alternative mitigation measures are identified when available. For a complete description of potential impacts and recommended mitigation measures, please refer to the specific discussions in Chapter IV.

Table II-2 lists recommended improvements identified in the document to address project issues not considered significant environmental impacts under CEQA. The recommendations should be considered by the City during the review of the project's merits, independent of the CEQA impacts and mitigation measures. The failure to adopt such recommendations, however, would not result in any new impacts or the increase in severity of previously identified impacts.

**Table II-1  
 Summary of Impacts, Standard Conditions of Approval (COA) and Mitigation Measures (MM)**

Impact	Level of Significance Without MM	Standard COA / MM	Level of Significance With MM / COA
<p>A. Transportation, Circulation and Parking  <u>TRANS-1</u>: The addition of project traffic would cause the intersection of Shattuck Avenue &amp; 52<sup>nd</sup> Street to continue to operate at LOS F during the A.M. and P.M. peak hour. The addition of project traffic would cause an increase in intersection average delay of 2 or more seconds during the A.M. and P.M. peak hour. There would also be an increase in delay of 4 or more seconds at one or more critical movements during the A.M. and P.M. peak hours.</p>	<p>S</p>	<p><u>TRANS-1</u>: The intersection would require a signal split timing modification for the eastbound left turn and westbound through approaches. During the A.M. peak hour, a shift in green-time of 2.0 seconds from the eastbound left-turn to westbound through approach would be needed. During the P.M. peak hour, a shift in green-time of 1.0 second from the eastbound left-turn to westbound through approach would be needed.</p>	<p>LTS</p>
<p><u>TRANS-2 (2015)</u>: The addition of project trips would cause the intersection of Shattuck Avenue &amp; 52<sup>nd</sup> Street to continue to operate at LOS F during the A.M. peak hour and LOS E during the P.M. peak hour. The addition of project traffic would cause and increase in intersection average delay of 2 or more seconds during the A.M. and increase in delay of 4 or more seconds at one or more critical movements during the A.M. peak hour.</p>	<p>S</p>	<p><u>TRANS-2</u>: The intersection would require a signal split timing modification for the eastbound left turn and westbound through approach. During the A.M. peak hour, a shift in green time of 2.5 seconds from the eastbound left-turn to westbound through approach would be needed. During the P.M. peak hour, a shift in green time of 1.0 seconds from the eastbound left-turn to westbound through approach would be needed.</p>	<p>LTS</p>

<p><u>TRANS-3 (2015)</u>: The addition of project trips would cause the intersection of Telegraph Avenue and 51st Street to continue to operate at LOS E during the A.M. and P.M. peak hour. The addition of project traffic would cause an increase in delay of 6 seconds or more at one or more critical movements during the A.M. peak hour. During the P.M. peak hour, the project would cause an increase in average delay of 4 or more seconds and an increase in delay of 6 seconds or more at one or more of the critical movements.</p>	<p>S</p>	<p><u>TRANS-3</u>: The intersection would require a signal split timing modification of the eastbound left turn and westbound through approaches. During the A.M. peak hour, a shift of 0.5 seconds from the northbound through to the eastbound through approach. An additional 1.0 second from the eastbound left turn plus 0.5 seconds of the southbound through approach (total 1.5 seconds) to be added to the westbound through approach. During the P.M. peak hour, a shift of 1.0 seconds from the eastbound through approach to add 0.5 seconds to the westbound left and 0.5 seconds to the northbound through approach. In addition, shift 1.5 seconds from the eastbound left approach to add 1.0 seconds to the westbound through and 0.5 seconds to add the southbound through approach.</p>	<p>LTS</p>
<p><u>TRANS-4 (2030)</u>: The addition of project trips would cause the intersection of Shattuck Avenue &amp; 52nd Street to continue to operate at LOS F during the A.M. and P.M. peak hour. The addition of project traffic would cause and increase in intersection average delay of 2 or more seconds during the A.M. and increase in delay of 4 or more seconds at one or more critical movements during the A.M. and P.M. peak hour.</p>	<p>S</p>	<p><u>TRANS-4</u>: The intersection would require a signal split timing modification of the eastbound left turn and westbound through approaches. During the A.M. peak hour, a shift of 2.5 seconds from the eastbound left-turn to westbound through approach would be needed. During the P.M. peak hour, a shift of 1.0 seconds from the eastbound left-turn to westbound through approach would also be needed.</p>	<p>LTS</p>
<p><u>TRANS-5 (2030)</u>: The addition of project trips in the Cumulative Year 2030 scenario would cause the intersection of Claremont Avenue &amp; SR 24 EB off-ramp – Clifton Street to continue to operate at LOS F during the A.M. peak hour. The addition of project traffic would result in a potentially significant impact at this intersection. The addition of project traffic would cause and increase in intersection average delay of 2 or more seconds during the A.M. and increase in delay of 4 or more seconds at one or more critical movements during the A.M. peak hour.</p>	<p>S</p>	<p><u>TRANS-5</u>: The intersection would require a signal split timing modification of the northbound and southbound approach. During the A.M. peak hour, a shift of 1.0 seconds from the westbound through to add 1.0 second to the northbound/southbound approach. This mitigation would require Caltrans approval.</p>	<p>SU (LTS if approved by Caltrans)</p>

<p><u>TRANS-6 (2030)</u>: The addition of project trips would cause the intersection of Telegraph Avenue &amp; 52nd Street - Claremont Avenue to continue to operate at LOS F during the A.M. peak hour and LOS E during the P.M. peak hour. The addition of project traffic would cause and increase in intersection average delay of 2 or more seconds during the A.M. peak hour, an increase in delay of 4 or more seconds at one or more critical movements and a v/c ratio of greater than 3%. During the P.M. peak hour, the project would cause and increase in average delay of 4 or more seconds and an increase in delay of 6 seconds or more at one or more of the critical movements.</p>	<p>S</p>	<p><u>TRANS-6</u>: The intersection would require a signal split timing modification of the eastbound approach, westbound approach, southbound left turn and southbound through approaches during the A.M. peak hour. A shift of 0.5 second from the eastbound approach to the southbound left turn and southbound through approaches, and a shift of 4.5 seconds from the eastbound approach to the westbound approach would be needed. During the P.M. peak hour, a signal timing split modification would be required for the eastbound approach, northbound through and southbound through approaches. A shift of 4.0 seconds from the eastbound approach to the northbound through and southbound through approaches would be needed.</p>	<p>LTS</p>
<p><u>TRANS-7</u>: The addition of project traffic in the Cumulative Year 2030 scenario, the intersection of Telegraph Avenue &amp; 51st Street would continue to operate at LOS F during the A.M. and P.M. peak hours. The addition of project traffic would cause and increase in intersection average delay of 2 or more seconds during the A.M. and P.M. peak hour and increase in delay of 4 or more seconds at one or more critical movements during the A.M. and P.M. peak hour</p>	<p>S</p>	<p><u>TRANS-7</u>: The intersection would require:</p> <ul style="list-style-type: none"> <li>▪ During the A.M. peak hour, a signal timing split modification would be required for the westbound left turn, westbound through, eastbound left turn and eastbound through approaches. A shift of 1.0 second from the westbound left turn to the eastbound through movement, and a shift of 0.7 second from the eastbound left turn to westbound through approach would be needed.</li> <li>▪ During the P.M. peak hour, the intersection would require a widening of the northbound and eastbound approach and a signal split timing adjustment to include one left-turn lane (10 feet), two through lanes (10 feet each) and one right-turn lane (12 feet to 14 feet) in the northbound direction and two left-turn lanes, two through lanes and one right-turn lane in the eastbound direction. This mitigation would require narrowing the sidewalk, removing on-street parking spaces, relocating utilities, removing a street tree, and acquiring private property, therefore, the mitigation is considered infeasible.</li> </ul>	<p>SU</p>
<p>B. Land Use and Density</p>			
<p><i>No significant land use impacts would occur.</i></p>			
<p>C. Visual Quality</p>			
<p><i>No significant visual quality impacts would occur with implementation of the City Standard Conditions of Approval listed in this table. (Note: These Conditions of Approval are listed and discussed in Section IV of the Initial Study (see Appendix A.)</i></p>	<p><u>COA BIO-1</u>: Tree Removal Permit. <i>Prior to issuance of a demolition, grading, or building permit</i></p>	<p>LTS</p>	

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

COA BIO-2: Tree Protection During Construction. *Prior to issuance of a demolition, grading, or building permit*

LTS

Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

a) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

b) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

c) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reveiwer. Wires, ropes, or other devices shall not be attached to any protected tree, excepted as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

	<p>d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p>	
<p>D. Light and Shadow</p>		
<p><i>No significant lighting impacts would occur with implementation of the City Standard Condition of Approval listed in this table.</i></p>	<p><u>COA AES-1</u>: Lighting Plan. <i>Prior to the issuance of an electrical or building permit</i></p> <p>The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.</p>	<p>LTS</p>

**Table II-2**  
**Summary of Recommended Improvements**

**Improvement Measure 1:** The project sponsor shall submit a pedestrian safety improvement plan for Clarke Street between Claremont Avenue and 51<sup>st</sup> Street to the City for review and approval. Pedestrian crossing safety measures could include flashing beacons and warning signage, enhanced street lighting for nighttime visibility, and speed control devices such as raised speed table(s) or speed humps. The location of pedestrian safety devices must be carefully considered so that potential vehicular conflicts and emergency response times are not adversely altered. The project sponsor shall fund the cost of preparing and implementing the approved plan.

