

III. PROJECT DESCRIPTION

This chapter describes the proposed Creekside Mixed-Use Development Project (project), which is evaluated in this Environmental Impact Report (EIR). The chapter includes a description of the project site, a detailed description of the project, the regional and planning context, objectives, and a discussion of the intended uses of the EIR and required project approvals and entitlements.

A. SITE LOCATION AND PROJECT CHARACTERISTICS

1. Location

The project site is located at 5132 Telegraph Avenue (Assessor's Parcel Number 014-1226-013) at the intersection of Telegraph and Claremont Avenues to the west and Clarke Street to the east in the City of Oakland, Alameda County, as shown in Figure III-1.



Figure III-1. Project Site. Source: Hauser Architects.

2. Site Characteristics

The site is approximately 32,139 square feet in area. The irregularly shaped lot has frontage on Claremont Avenue, Telegraph Avenue and Clarke Street. The topography of the site is relatively flat. A two-story commercial building (currently occupied by the Global Entertainment video store) is located on the site. The existing building would be demolished as part of the project.

The site is located on Telegraph Avenue at the intersection of Telegraph Avenue and Claremont Avenue in the Temescal neighborhood of North Oakland. The adjacent property to the south and east of the site is currently vacant and is the location of the approved "Civiq" project (5110 Telegraph Avenue). The adjacent property to the north of the site contains a four-story multi-family residential building (5160 Claremont Avenue).

The site is shown in Figure III-2. The existing two-story building is comprised of ground floor retail space (video rental store) and second floor office space (vacant). It was constructed for use as a bank building with a surface parking lot.

Running underneath the western portion of the project site is the Temescal Creek Culvert. It measures 160 feet in length and runs in a north/south direction. The culvert is owned and operated by the Alameda County Flood Control and Water Conservation District. The property contains an easement granted by a former owner of the property, American Savings and Loan Association, to the District, on March 6, 1974. The District's rights under the terms of the easement are limited to the construction, maintenance, use, repair, replacement, and renewal of structures within the easement. The District has no above ground rights in the easement. The easement also explicitly grants to the property owner the right to construct, maintain, use, repair, replace, and renew structures over and across the easement. The existing commercial building is located over and across the easement.

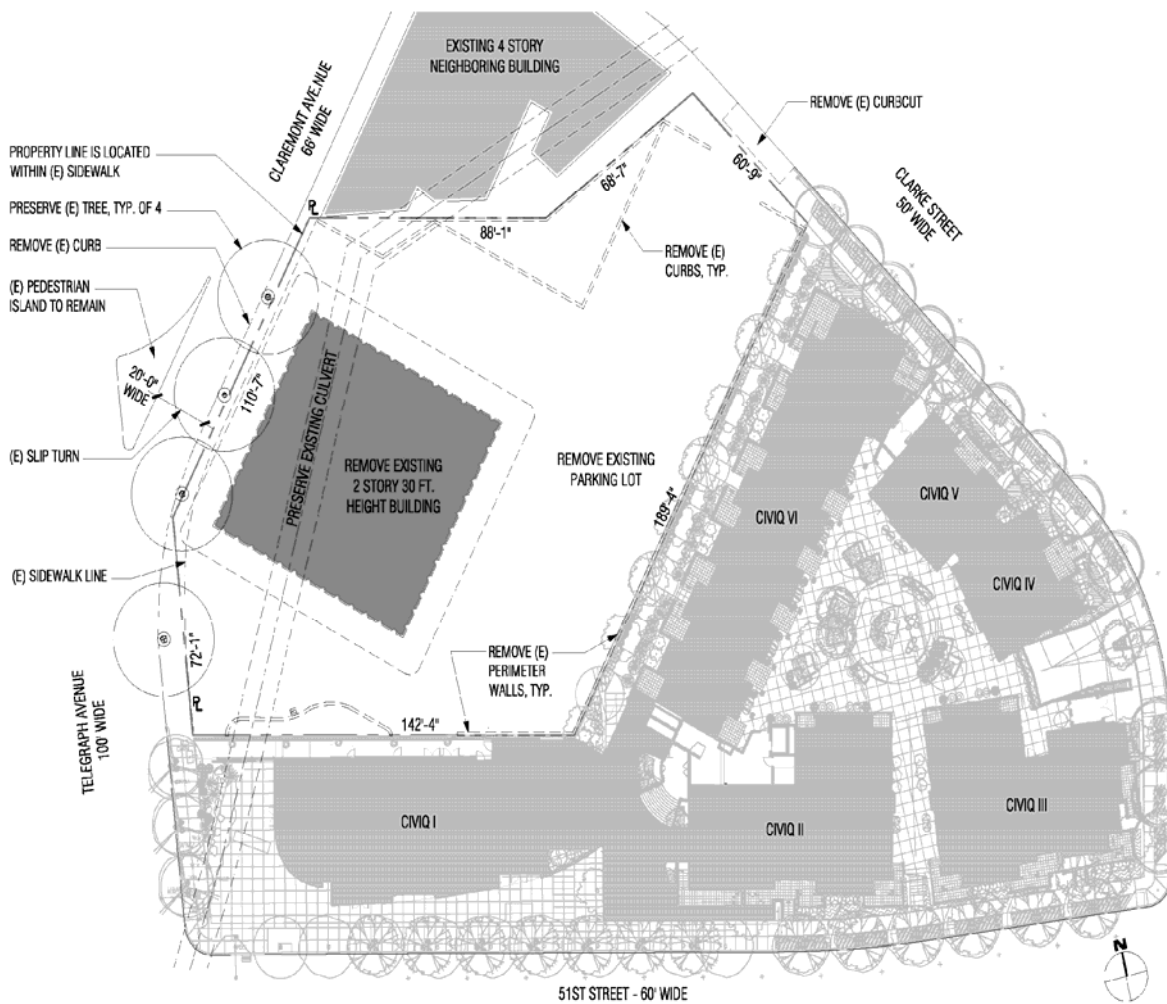


Figure III-2. Existing Project Site Plan. Source: Hauser Architects.

3. Surrounding Land Uses

The Temescal District of the City of Oakland is characterized by mixed-use and commercial uses along Telegraph Avenue and single and multi-family housing elsewhere. The site is bounded by Telegraph and Claremont Avenues to the west, a four-story multi-family residential building to the north, Clarke Street to the northeast and the approved CiviQ project, a multi-family residential project to the south and southeast. The project site is located across Telegraph Avenue to the east from the historic Oakland City Library Temescal Branch located on the northwest corner of 52nd Street and Telegraph Avenue (City of Oakland Historical Landmark # 43) and across Clarke Street to the south from the Redondo Playground of FROG Park. Additionally, Oakland Fire Station No. 8 is located south of the site at 463 51st St and a police substation is located at Temescal Plaza, just southwest of the site.

The visual character surrounding the site is eclectic. The buildings range in age and vary considerably in terms of size, scale, and architectural style. The commercial corridor along Telegraph and Claremont Avenues features buildings representing almost every decade back to 1907, including but not limited to, historic architectural and

cultural resources, two-story mixed-use buildings, three- and four-story apartment buildings, auto service stations, various office buildings, and newer retail developments with surface parking. Along Clarke Street and Redondo Avenue the buildings are exclusively residential, ranging in style and density from one-story bungalows to multi-unit apartment buildings.

A more detailed discussion of existing and planned land uses is provided in Chapter IV-B, Land Use and Density. Included in that chapter, Figure IV-24 illustrates the existing land uses in the project site area.

4. Proposed Project²

The proposed project would involve the demolition of the existing building and parking lot on the project site to allow for the construction of a new mixed-use development project. The project sponsor proposes to construct a ground-floor podium containing commercial and parking within and open space and residential buildings above. The residential buildings are 5120 Telegraph Avenue, located on the southwest portion of the site; 5140 Claremont Avenue on the west portion of the site and 5115 Clarke Street on the northeast portion of the site. 5120 Telegraph Avenue and 5140 Claremont Avenue would contain ground-floor neighborhood-oriented commercial space with continuous street frontage. 5115 Clarke Street would not contain commercial units and would step down in height towards Clarke Street from the other two buildings.

The portion of the project along Telegraph and Claremont Avenues would be comprised of residential and commercial uses thereby supporting the Temescal Commercial District and the portion of the project along Clarke Street would be reduced in height and scale and be purely residential. In summary the project includes the following elements:

- Demolition of existing structures;
- Up to 120 dwelling units (115 market-rate units and five very-low-income units);
- Approximately 7,700 square feet of commercial space;
- Approximately 120 parking spaces (structured);
- Approximately 1,300 square-foot public plaza along Telegraph Avenue;
- Approximately 5,000 square feet of usable open space on the podium level; and
- Landscaped greenway along the eastern edge of the site.

The following discussion provides a detailed description of the project based on information provided by the project sponsor.

a. Demolition

The existing structure on the project site would be demolished, including removal of the existing building and parking lot. In addition, nine existing trees along the northern edge of the project site would be removed.

² It is acknowledged that specific design details regarding the project description will likely evolve during the environmental and project review process. However, the potential environmental effects of the final proposal will be within the scope and analysis of this EIR.

b. Culvert

Construction of the proposed project would occur over and across the easement as is the case with the existing structure (Figures III-2 and III-3). A public plaza with an approximate area of 1,300 square feet would be located along Telegraph Avenue. This plaza would be situated at the southwest corner of the site and above a section of the culvert. This open area allows for future daylighting of a section of the Temescal Creek Culvert should the City of Oakland make the appropriate resources available at some future time.

c. Buildings and Uses

The proposed project would involve the construction of three buildings on the project site, including two mixed-use buildings with ground floor commercial spaces and residential units on upper floors, one entirely residential building and one parking garage. Figure III-3 shows a Conceptual Site Plan for the proposed project. Table III-1 and the text below provide a summary of the proposed buildings and uses within the project. Figures III-4 to III-10 show conceptual building floor plans and elevations of the proposed project.

(1) 5120 Telegraph Avenue. This building would contain five residential stories over the ground-floor podium (six stories total) and measure approximately 65 feet in height. It is a mixed-use building with approximately 4,500 square feet of commercial space and 55 residential units. Figure III-8 shows a conceptual elevation of the building at 5120 Telegraph Avenue. The commercial units would front onto Telegraph and Claremont Avenues. Though no specific uses are known at this time, the commercial uses are planned to be neighborhood-serving commercial uses, consistent with those allowed in the C-28 Zone (i.e., cafes and restaurants, commercial uses, personal services, and general retail sales). The building would be accessed from the parking garage by a lobby on the upper level of the parking garage.

(2) 5140 Claremont Avenue. The western portion of this building would contain four residential stories over the ground-floor podium (five stories total) and measure approximately 55 feet tall. The eastern portion of this building would contain five residential stories over the ground-floor podium (six stories total) and measure approximately 65 feet tall. This is a mixed-use building with 42 residential units and approximately 3,200 square feet of commercial space including continuous street frontage along Telegraph and Claremont Avenues. Figure III-8 shows a conceptual elevation of the building at 5140 Claremont Avenue.

(3) 5115 Clarke Avenue. This building would contain three residential stories over the ground-floor podium (four stories total) and measure approximately 46 feet tall (with portions of the façade measuring up to 36 feet tall). This is a residential building with 23 residential units. Figures III-9 and III-10 show conceptual elevations of the building at 5115 Clarke Avenue.

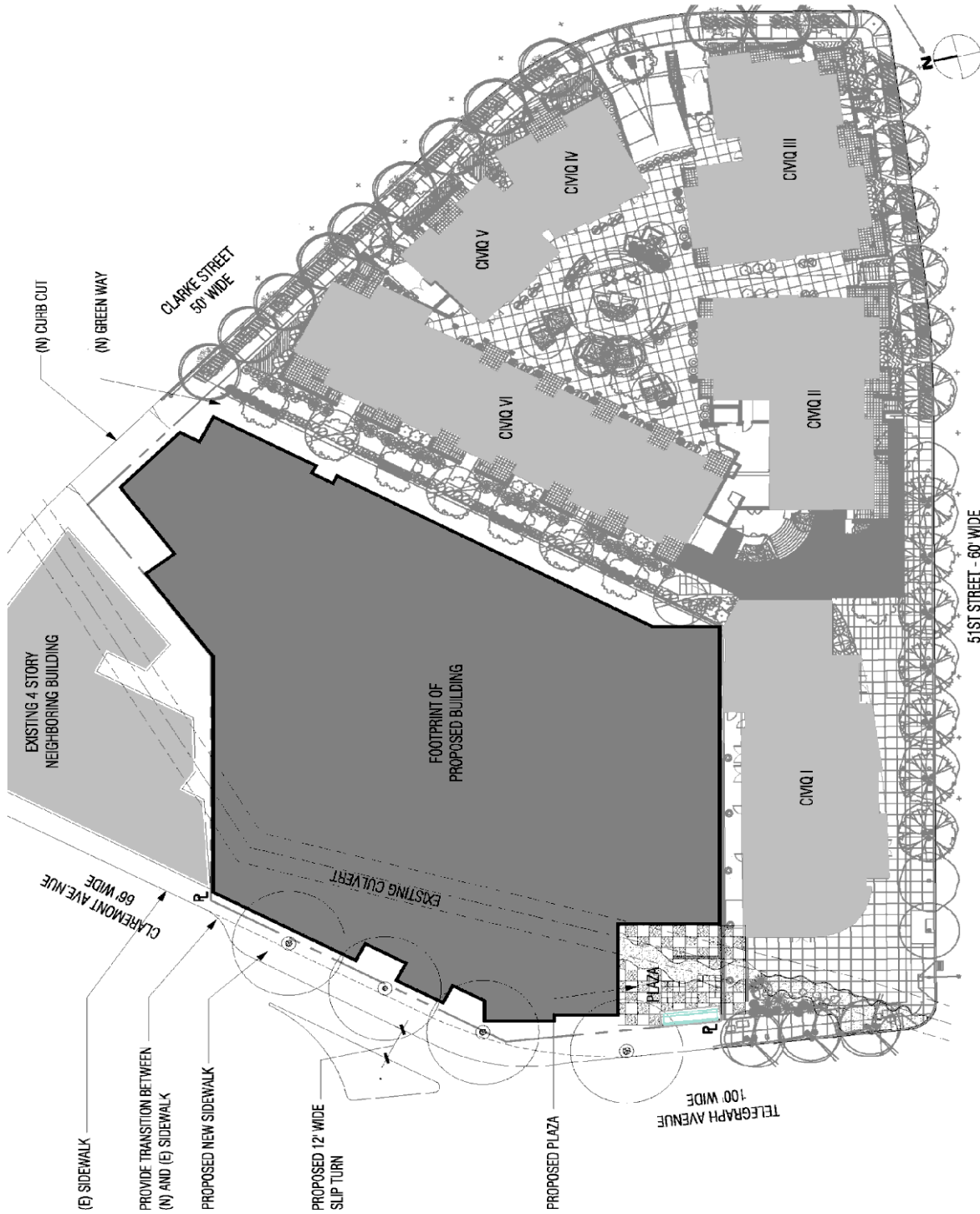


Figure III-3. Conceptual Site Plan. Source: Hauser Architects.

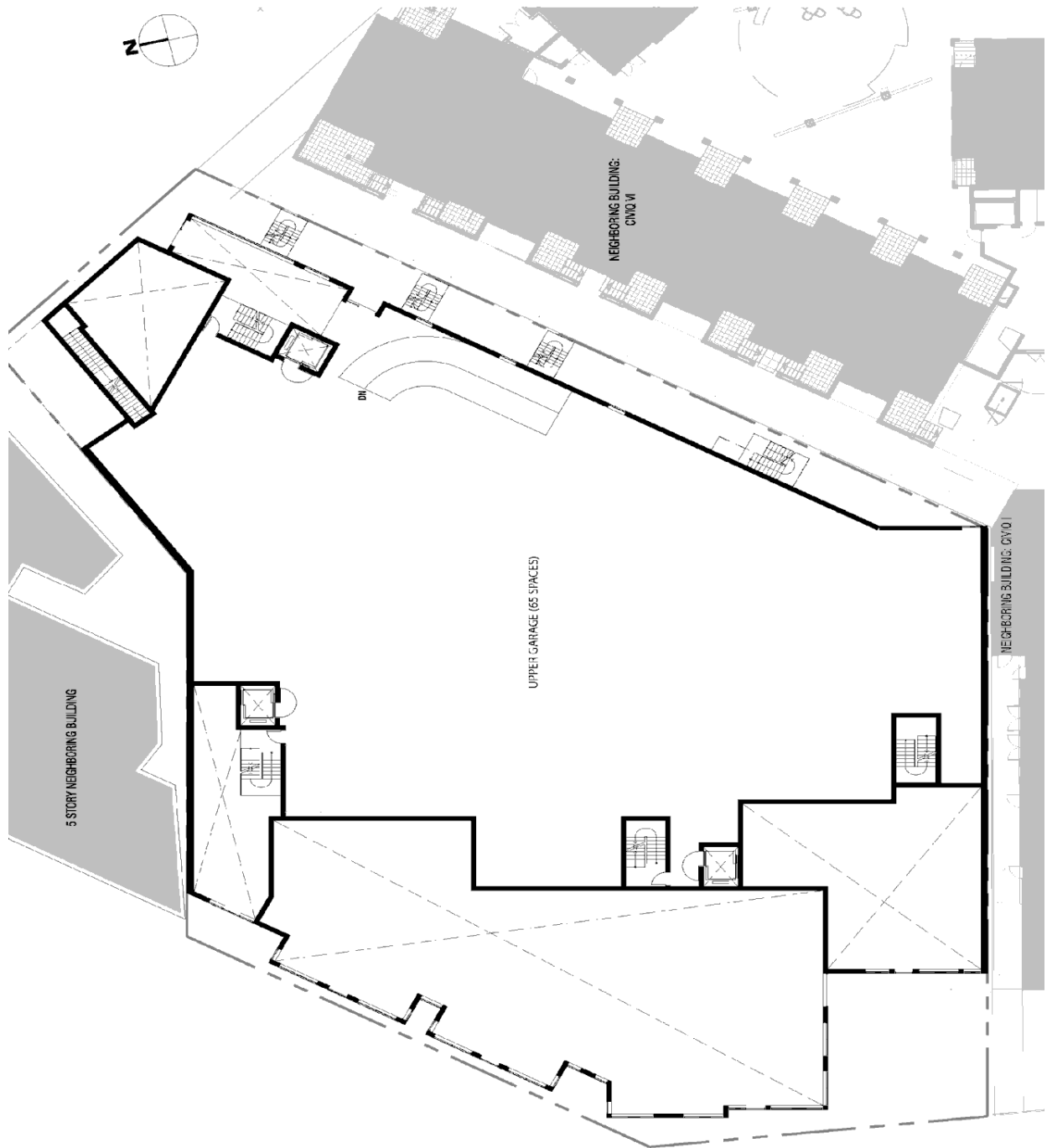


Figure III-4. Conceptual Upper Garage Plan. Source: Hauser Architects.

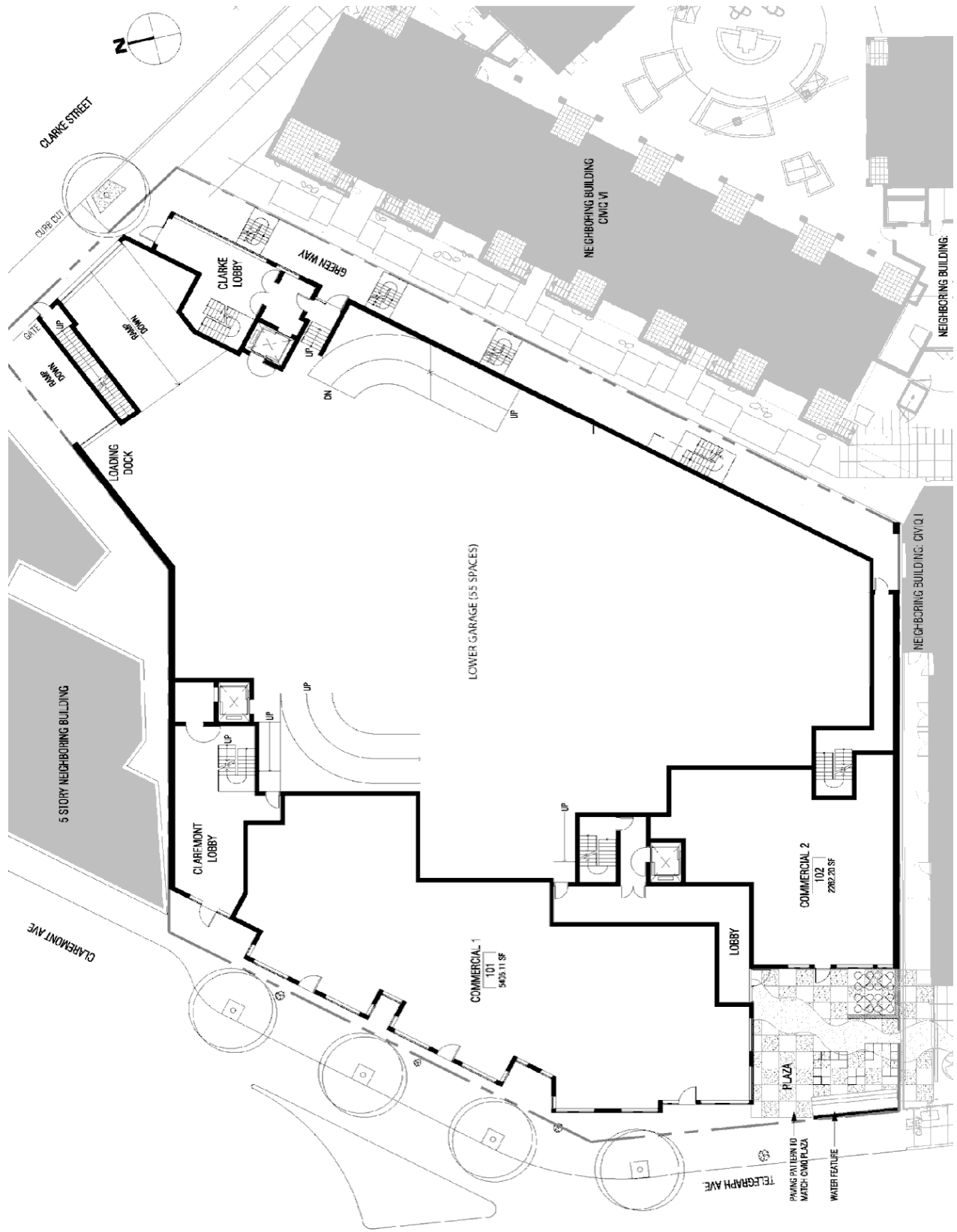


Figure III-5. First Level Floor Plan. Source: Hauser Architects.



Figure III-6. Second Level Floor Plan. Source: Hauser Architects.



Figure III-7. Roof Level Plan. Source: Hauser Architects.



Figure III-8. 5120 Telegraph Avenue and 5140 Claremont Avenue Elevation. Source: Hauser Architects.



Figure III-9. 5115 Clarke Street Southeast Elevation. Source: Hauser Architects.



Figure III-10. 5115 Clarke Street Northeast Elevation. Source: Hauser Architects.

Table III-1
 Summary of Proposed Development

Building	Square Footage	Number of Stories	Building Height (feet)	Residential Units	Commercial SF	Parking Spaces
5120 Telegraph Avenue		6 (5 residential over podium)	65	55	4500	
5140 Claremont Avenue		5 (4 residential over podium)*/6 (5 residential over podium)**	55*/65**	42	3200	
5115 Clarke Avenue		4 (3 residential over podium)	46/36	23	0	
TOTAL	31,239	--		120	7,700	120***

* For the western portion of the building on 5140 Claremont Avenue

** For the eastern portion of the building on 5140 Claremont Avenue

*** One common garage for all three buildings, so a specific number of spaces are not attributable to each building.

(4) Parking and Circulation. The project includes a total of approximately 120 spaces: 65 on the upper level garage and 55 on the lower level garage. The parking areas for all three buildings would be provided above-grade and at-grade at a ratio of one parking space per unit. The project sponsor proposes to implement a shared-parking program for residential and retail uses. 26 of the 120 spaces provided would be shared between commercial and residential users. The shared use of these spaces would be staggered such that commercial users would have access to the shared parking spaces from 9 a.m. to 6:00 p.m. on weekdays and residential users would have access to the shared parking spaces on weekends and from 6:00 p.m. to 9:00 a.m.

on weekdays. This staggered approach to shared parking would allow residential users access to the parking spaces outside of working hours and assumes that a portion of the building residents would drive to work in the weekday mornings. This approach also assumes that day-time users of the commercial stores on-site would be driving to the area during typical Monday through Friday 9 a.m. to 6:00 p.m. business hours. The proposed commercial space targets neighborhood-serving tenants. As such, the clientele that would likely frequent the commercial space during evening and weekend hours would originate from the immediate locale. This clientele would likely reside at the project, other approved residential developments in the area, or in the existing surrounding residential neighborhood and would arrive on foot rather than by automobile.

Internal pedestrian circulation between the three buildings would be achieved via an approximately 5,000 square-foot courtyard located above the podium.

(5) Landscaping Plazas and Streetscape. Landscaping would be incorporated along the eastern property line and the proposed project would remove the parking lot and commercial building and replace them with high-quality residential and commercial buildings and landscaping. The proposed project would include an approximately 1,300 square-foot plaza area along Telegraph Avenue that would allow for outdoor seating and social interaction. The project would also include a landscaped greenway on the eastern side of the project site to complement the proposed public greenway on the adjacent Civiq property. This would support social interaction and encourage community activity. The project would include useable outdoor open space for its residents in the form of private balconies, an approximately 5,000 square-foot common courtyard area located conveniently in the central portion of the site, and a roof deck on each of the buildings. Additional private balconies may be incorporated as the architectural design of the buildings evolves.

(6) Demolition and Construction Schedule. The project would be constructed over approximately two years (see Table III-2). Demolition of the existing structure and parking lot and the construction of the project would occur concurrently.

**Table III-2
 Construction Phase Schedule**

Action	Schedule
Site Demolition	Start spring/summer 2009
5120 Telegraph	Start spring/summer 2009
5140 Claremont Avenue	Start late 2009
5115 Clarke Avenue	Start early 2010
Project Completion	Spring/summer 2011

Remediation Activities. The proposed project would include remediation of any hazardous materials identified on the project site. The subject property contains a structure erected prior to 1978, which has painted surfaces that may meet the definition of lead-based paint (LBP). LBP is defined differently by different agencies. The Consumer Product Safety Commission prohibits the use of more than 600 parts per million (ppm) of lead in new paint for residential use. The United States Housing and Urban Development (HUD) uses a cutoff of 0.5% lead by weight or 1.0 milligram per square centimeter (mg/cm²). Lead paint waste disposal regulated by the California Environmental Protection Agency uses a definition of 350 ppm total lead by volume, and 5 milligram per liter soluble lead, though intact painted components are generally not regulated as hazardous waste. There are state and federal occupational safety and health (OSHA) regulations and HUD guidelines that are designed to protect residents and workers who disturb LBP. A lead based paint survey performed by a California Certified Lead Inspector is recommended if construction work is performed that disturbs the painted surfaces by such means as manual demolition, sanding, or scraping.

The Initial Study (see Appendix A of this EIR) found that the project would not have a significant effect on hazards and hazardous materials.

5. Existing General Plan and Zoning Designations

a. General Plan Information: Land Use and Transportation Element. A map of the existing General Plan land use designation for the site is provided in Figure IV-26. The General Plan land use designation, as specified by the Land Use and Transportation Element (LUTE), for the western portion of the site is NCMU (Neighborhood Center Mixed Use). According to the General Plan, the desired character of the NCMU designation is the following:

The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. 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.³

³ City of Oakland, 1998. *General Plan, Land Use and Transportation Element*, March, p. 149.

The eastern portion of the site towards Clarke Street is designated Mixed Housing Type Residential (MHTR) by the General Plan. According to the General Plan, the intent and desired character of the MHTR designation is the following:

The Mixed Housing Type Residential classification is intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with live-work types of developments, small commercial enterprises, schools, and other small scale, compatible civic uses possible in appropriate locations.⁴

The project site is located within a "Grow and Change" area as outlined in the General Plan Strategy Diagram. This designation is used where growth will be focused to help Oakland succeed in its economic, social, and environmental transition that will allow the City to successfully address housing, economic vitality and other challenges. According to the General Plan, Grow and Change areas should "emphasize significant changes in density, activity, or use, which are consistent with the Land Use Diagram, Transportation Diagram, and the Policy Framework and other Elements of the General Plan."⁵ The project is consistent with residential densities as specified in the NCMU and MHTR General Plan designations and would direct additional commercial and residential density and activities to the Temescal commercial corridor consistent with the Grow and Change designation.

b. Zoning Information. The site is located in two different zoning districts. A map showing the zoning designations for the site in relationship to the General Plan designations for the site is provided in Figure IV-28. The western portion of the site near Telegraph Avenue and Claremont Avenue is located in the C-28 Commercial Shopping District Commercial Zone. The intent of the C-28 zone is the following:

[T]o create, preserve, and enhance major boulevards of medium-scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and nonresidential developments, and is typically appropriate along major thoroughfares near residential communities.⁶

The eastern portion of the site near Clarke Street is located in the R-40 Garden Apartment Residential Zone. The intent of the R-40 zone is the following:

⁴ *ibid*, p. 146.

⁵ *ibid*, p. 124.

⁶ City of Oakland, *Municipal Code*, Section 17.44.010.

[T]o create, preserve, and enhance areas containing a mixture of single- or two-family dwellings and garden apartments in spacious settings for urban living, and is typically appropriate to attractive areas of existing lower medium density residential development.⁷

B. PROJECT OBJECTIVES

The project seeks to redevelop and revitalize an underutilized site in Oakland to create a vibrant mixed-use development (housing and commercial) that enhances the character of the Temescal neighborhood. Specifically, the project seeks to:

- Redevelop a site with an underutilized commercial building and surface parking lot in the Temescal neighborhood of Oakland into a vibrant mixed-use residential/commercial community.
- Maximize on-site housing to help Oakland achieve its housing needs.
- Provide on-site affordable housing units to serve very low income families in exchange for City approval of a density bonus that makes inclusion of these units economically viable for the project sponsor.
- Develop market-rate residential units at urban densities and provide housing opportunities for a range of income levels.
- Develop urban infill housing with convenient transportation access near the urban core thereby diverting housing from outlying areas and reducing long distance commuting and traffic-related pollution.
- Construct a high-quality building that exhibits architectural creativity and, using the modernist idiom, reflects the architectural diversity of the Temescal neighborhood.
- Enhance the Telegraph Avenue neighborhood streetscape by creating dynamic, pedestrian-friendly commercial frontage that generates activity and visual quality absent at the existing site.
- Boost City and local community redevelopment efforts and strengthen existing neighborhood-serving businesses.
- Improve safety by increasing the activity on the site and by providing ground level commercial frontage.
- Provide community residents with additional opportunities to purchase goods and services.
- Generate job opportunities during project construction.
- Provide employment opportunities from development and operation of the project.
- Construct a financially feasible development with sufficient flexibility to adjust to market needs and to provide reasonable returns on investment so as to secure construction and long-term financing.

⁷ *ibid*, Section 17.22.010.

C. DISCRETIONARY ACTIONS AND OTHER PLANNING CONSIDERATIONS

It is anticipated that this EIR will provide environmental review for all discretionary approvals and actions necessary for the project. A number of permits and approvals would be required before the development of the project could proceed. As Lead Agency for the proposed project, the City of Oakland would be responsible for the majority of approvals required for development. Other agencies also have some authority related to the project and its approvals. A list of required permits and approvals that may be required by the City and other agencies includes, without limitation, those provided in Table III-3 at the end of this section.

1. City of Oakland

Key Discretionary actions required by the City of Oakland are outlined below.

a. Conditional Use Permit. The project would require an Interim Conditional Use Permit to increase the project's residential density to the maximum allowed under the General Plan for the portion of the site located in the NCMU General Plan designation. The project sponsor is also seeking a Minor Conditional Use Permit to reduce the required amount of off-street parking with the implementation of a shared parking program.

b. Variance. A Major Variance would be required to increase the project's residential density to the maximum allowed under the General Plan for the portion of the site located in the MHTR General Plan designation. Pending the final design and review of the project, Minor Variances may also be required to waive certain development standards (e.g., height, setbacks, parking).

c. Design Review. The project would require Design Review approval. The project would be subject to the design provisions outlined in the Planning Code and would require approval by the Planning Commission.

d. Tentative Parcel Map. The project would require Tentative Parcel Map approval in the event the units are to be sold as condominiums.

e. Tree Removal Permit. Pursuant to the City's Protected Trees Ordinance, the sponsor would be required to obtain an approved Tree Removal Permit prior to removal of (or construction activity near) a "Protected Tree," as defined in Oakland Municipal Code. Tree Permits would require approval by the Oakland Public Works Agency.

2. Other Agencies

In addition, approvals or permits may also be required from other agencies, such as an Alameda County Flood Control and Water Conservation District permit to construct the project over the existing culvert easement.

**Table III-3
 Required Discretionary Permits and Approvals**

Lead Agency	Permit/Approval
City of Oakland - Planning Commission - City Council - Public Works Agency	<ul style="list-style-type: none"> • Design Review • Interim Conditional Use Permits or Variances, if determined necessary once detailed plans are submitted • Tree Removal Permit • Tentative Parcel Map, if condominiums are proposed
Responsible Agencies	
East Bay Municipal Utility District (EBMUD)	<ul style="list-style-type: none"> • Approval of water lines, water hookups and review of water needs
California Department of Transportation (Caltrans)	<ul style="list-style-type: none"> • Approval of plans and encroachment permit for improvements located within the State right-of-way
Bay Area Air Quality Management District (BAAQMND)	<ul style="list-style-type: none"> • Permitting of demolition and asbestos abatement activities, if necessary