

**2935 TELEGRAPH AVENUE
(COURTHOUSE CONDOMINIUMS)**

Final Environmental Impact Report

Prepared for:
City of Oakland

July 2007

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Division

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COMBINED NOTICE OF AVAILABILITY OF THE FINAL ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARING ON THE 2935 TELEGRAPH AVENUE PROJECT (COURTHOUSE CONDOMINIUMS)

TO: All Interested Parties

SUBJECT: **Notice of Availability** of the Final Environmental Impact Report and notice of public hearing for the 2935 Telegraph Avenue (Courthouse Condominiums) Project

CASE No.: ER06-0012 (State Clearinghouse No. 2006102053)

PROJECT SPONSOR: Trammell Crow Residential

PROJECT LOCATION: Oakland – 2935 Telegraph Avenue between 29th and 30th Streets Eastern two thirds of the block bounded by 30th Street, Telegraph Avenue, 29th Street and the I-980 Freeway.

PROJECT DESCRIPTION: The project sponsor would demolish the existing fitness club and surface parking lot on the site and construct approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building.

ENVIRONMENTAL REVIEW: On March 19, 2007, a Draft EIR was published for this project, and the public review period ran until May 3, 2007. All comments that were received have been compiled and responded to in a Final EIR, along with changes and clarifications to the Draft EIR. The preparation of the Final EIR has been overseen by the City of Oakland's Environmental Review Officer or his/her representative, and the conclusions and recommendations in the EIR document represent the independent conclusions and recommendations of the City. Copies of the Final EIR will be available for distribution to interested parties at no charge starting July 19, 2007, after 3:00 p.m. at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. and on the City of Oakland website at <http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/courthouse.html>

PUBLIC HEARING: The Oakland Planning Commission will hold a public hearing on August 1, 2007, to consider certification of the Final EIR and action on planning approvals for the project. The City will publish public notices of these meetings with specific times and locations in advance, as required by law. For further information, please contact Joann Pavlinec, Planner IV, at (510) 238-6344 or jpavlinec@oaklandnet.com

Gary Patton, Deputy Director of Planning and Zoning
Environmental Review Officer

Dated: July 19, 2007

2935 TELEGRAPH AVENUE (COURTHOUSE CONDOMINIUMS)

Final Environmental Impact Report

Prepared for:
City of Oakland

July 2007

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206145



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CHAPTER I

Introduction

A. CEQA Process

On March 19, 2007, the City of Oakland (Lead Agency) released for public review a Draft Environmental Impact Report (Draft EIR or DEIR) for the 2935 Telegraph Avenue (Courthouse Condominiums) Project (ER06-0012). The 46-day public review and comment period on the Draft EIR began on March 19, 2007 and closed on at 4:00 p.m. on May 3, 2007.

The Oakland Landmarks Preservation Advisory Board (LPAB) held a hearing on the Draft EIR on April 9, 2007 to formulate its advisory comments on the Draft EIR to the Planning Commission. The City of Oakland Planning Commission held a public hearing on the Draft EIR on April 18, 2007 to solicit public comments and make its own comments on the DEIR.

The Draft EIR for the 2935 Telegraph Avenue (Courthouse Condominiums) Project, together with this response to comments document, constitute the Final Environmental Impact Report (Final EIR or FEIR) for the project.¹ The Final EIR is an informational document prepared by the Lead Agency that must be considered by decisionmakers (including the Oakland City Planning Commission and City Council) before approving or denying the proposed project.

The City of Oakland (Lead Agency) has prepared this document pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15132, which specify the following:

“The Final EIR shall consist of:

- (a) The Draft EIR or a revision of that draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The response of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the Lead Agency.”

¹ The commonly used term “EIR” is used in this document to refer to the Draft EIR combined with this document. This document is referred to as “Final EIR,” its commonly used and practical title.

This Final EIR incorporates comments from public agencies and the general public and contains appropriate responses by the Lead Agency to those comments.

B. Organization of the Final EIR

This document contains information that responds to issues and comments raised during the public comment period on the Draft EIR. The document is organized as follows after this introductory chapter.

Chapter II, *Changes to the Draft EIR*, contains changes and corrections to the Draft EIR initiated by the Lead Agency or resulting from comments on the Draft EIR.

Chapter III, *Commenters on the Draft EIR*, lists all agencies, organizations, and persons that submitted written comments on the Draft EIR during the public review and comment period, and/or that commented verbally at the Planning Commission public hearing on the Draft EIR on April 18, 2006. The list also indicates the receipt date of each written correspondence. The LPAB members who voted on its action regarding the Draft EIR are also identified.

Chapter IV, *Master Responses*, contains master responses to recurring topic areas raised in the Draft EIR comments.

Chapter V, *Responses to Written Comments on the Draft EIR*, contains comment letters received during the comment period and the responses to each comment. Each comment is labeled with a number in the margin and the response to each comment is presented immediately after the comment letter.

Chapter VI, *Responses to Comments at the Public Hearing on the Draft EIR*, contains a summary of the public comments made on the DEIR by members of the Landmarks Preservation Advisory Board as well as members of the public at its April 9, 2007 meeting. This chapter also contains a summary of the public comments made on the DEIR by members of the Planning Commission as well as members of the public at its April 18, 2007 meeting.

Transcripts of the LPAB and Planning Commission meetings are provided in Appendix A and B, respectively. Each comment is labeled with a number in the margin which corresponds to the responses, which are provided in Chapter VI.

CHAPTER II

Changes to the Draft EIR

The text changes presented in this chapter are initiated by Lead Agency staff or by comments on the DEIR. Changes include text corrections to the DEIR in cases where the existing text may allow for misinterpretation of the information. In this chapter, newly added text is shown in underline format, and deleted text is shown in strikeout format.

This Final EIR/Response to Comments document, combined with the Draft EIR, constitutes the Final EIR.¹

Based on comments by the public and by members of LPAB during the Board hearing on April 18, 2007, an additional mitigation measure has been added to page III.A-1 of the Draft EIR to further reduce the impacts of the proposed demolition of the former Courthouse Athletic Club; a historic resources as defined by CEQA Section 15064. However, the impact would nevertheless remain significant and unavoidable. These revisions are described below:

Mitigation Measure A.1d: The project sponsor shall contribute financially to a Telegraph Avenue Façade Improvement Program. The amount shall be determined by the City of Oakland and be commensurate with the level of impact of the proposed project.

In addition, **Table II-1rev, Summary of Impacts and Mitigation Measures for the 2935 Telegraph Avenue (Courthouse Condominiums) Project**, reflects the changes to historic resources mitigation measures, described on the following page.

The content of Figure III.B-6 of the Draft EIR (page III.B-18) is mistakenly the same as Figure III.B-5. Therefore, **Figure III.B-6 rev** is included herein, on the page following Table II-1 rev.

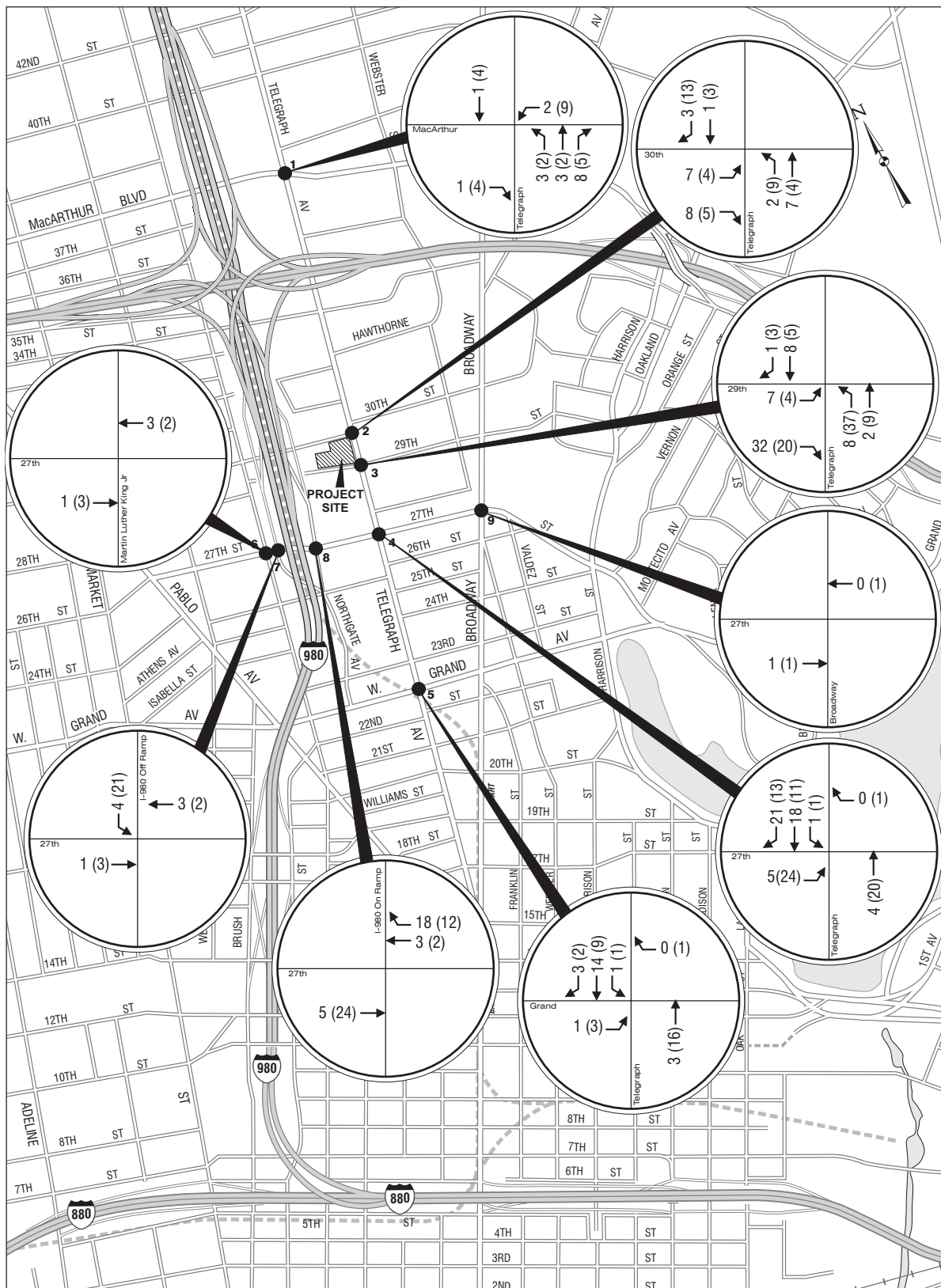
¹ This Response to Comments document is also referred to as simply, “Final EIR,” its commonly used and practical title.

TABLE I-1 REV
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE 2935 TELEGRAPH AVENUE (COURTHOUSE CONDOMINIUMS) PROJECT

Environmental Impact	Mitigation Measures or Standard Conditions	Level of Significance after Mitigation or Standard Condition
A. SIGNIFICANT AND UNAVOIDABLE IMPACTS (Remains Significant after Implementation of Mitigation Measures and/or Standard Conditions of Approval)		
A. Historic Resources		
A.1: The project would result in the demolition of the former Courthouse Athletic Club at 2935 Telegraph Avenue, a building that qualifies as a historic resource as defined by CEQA Section 15064.5.	<p>Mitigation Measure A.1a: Archival Documentation. Trammell Crow Residential shall document the building at 2935 Telegraph Avenue prior to its demolition through the use of large-format black and white photography and a brief historical report, meeting the specifications of the Historic American Building Survey (HABS). The historic report should briefly describe the building and its historic significance to the City of Oakland. The documentary photographs and report would be archived locally at the Oakland History Room (OHR) of the Oakland Public Library along with a copy on archival paper. Digital copies of the photographs would be forwarded to the Oakland Cultural Heritage Survey.</p> <p>Mitigation Measure A.1b: Interpretive Materials: Trammell Crow Residential shall prepare interpretive materials as directed by the City, including, but not limited to on-site interpretive signage, brochures, or any combination thereof. Any such materials should address not only the history and architecture of the building, but also its contribution to a potential API of period revival style funeral homes in the project vicinity.</p> <p>Mitigation Measure A.1c: Relocation: In accordance with HPE Policy 3.7, the City will normally require that reasonable efforts be made to relocate the property to an acceptable site as a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties. Under this condition, the applicant is normally released from the relocation requirement after 90 days if the applicant demonstrates to the satisfaction of the Director of City Planning that all reasonable efforts have been made to relocate the building and that these efforts have been unsuccessful. Therefore, Trammell Crow Residential shall make reasonable efforts to relocate the project site building, and demonstrate to the satisfaction of the city why such efforts would be unsuccessful within 90 days of certification of this EIR.</p> <p>Mitigation Measure A.1d. <u>The project sponsor shall contribute financially to a Telegraph Avenue Façade Improvement Program. The amount shall be determined by the City of Oakland and be commensurate with the level of impact of the proposed project.</u></p>	Significant and Unavoidable

TABLE II-1 REV (CONT.)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE 2935 TELEGRAPH AVENUE (COURTHOUSE CONDOMINIUMS) PROJECT

Environmental Impact	Mitigation Measures or Standard Conditions	Level of Significance after Mitigation or Standard Condition
B. LESS THAN SIGNIFICANT, OR NO IMPACT (No Mitigation Measures or Standard Conditions of Approval Required)		
A. Historic Resources		
A.2: The project would construct substantially larger and taller buildings in the vicinity of historic resources, which could alter their historic setting.	None Required.	
A.3: The proposed project would not combine with cumulative development that would involve demolition or substantial alteration of other historic buildings in the Central/Chinatown Planning Area of Oakland to form a significant cumulative impact to historic resources. The project would also have a less-than-significant cumulative impact to a potential period revival-style funeral home API.	None Required.	
A.2: The project would construct substantially larger and taller buildings in the vicinity of historic resources, which could alter their historic setting.	None Required.	
B. Traffic, Circulation, and Parking		
B.1: Traffic generated by the project would affect project driveways.	None Required.	
B.2: Traffic generated by the project would affect existing traffic levels of service at local intersections	None Required.	
B. 3: Traffic generated by the project would affect traffic levels of service at local intersections under cumulative conditions.	None Required.	
B.4: The project would increase ridership on public transit providers serving the area.	None Required.	
B 5: Development of the proposed project would potentially conflict with existing pedestrian and/or bicycle facilities.	None Required.	
B.6: Project construction would affect traffic flow and circulation, parking, and pedestrian safety.	None Required.	



SOURCE: Korve Engineering, 2006

2935 Telegraph Avenue Draft EIR . 206145

Figure III.B-6 rev
Project Traffic Volumes
AM (PM) Peak Hour

CHAPTER III

Commenters on the Draft EIR

A. Agencies, Organizations, and Individuals Commenting in Writing

The following agencies, organizations and individuals submitted written comments on the Draft EIR (DEIR) within the public comment period of March 19, 2007 through 4:00 p.m. on May 3, 2007, as officially noticed in the March 19, 2007 Notice of Release and Availability of the Draft EIR. The following letters are organized by, 1) agencies, 2) organizations, and 3) individuals, and include the dates of receipt of the correspondence. (In cases where there is no official indication of the received date, reference is made to the date of the correspondence.) Correspondence received after the close of the public comment period is also listed and responded to herein pursuant to CEQA Guidelines Section 15207.

Designator	Public Agency and Signatory	Correspondence Received	Correspondence Dated
Public Agencies			
A	William Kirkpatrick, East Bay Municipal Utility District (EBMUD)		May 3, 2007
B	Timothy Sable, Department of Transportation (CalTrans)		April 30, 2007
C	Saravana Suthanthira, Alameda County Congestion Management Agency (CMA)		April 25, 2007
Organizations			
D	Graves & Allen, Jeffery Allen	May 3, 2007	May 3, 2007
Individuals			
E	Keegan Steadwell	May 4, 2007	May 4, 2007
F	Dao Matthews		April 30, 2007

B. Commenters at the Public Hearings

Landmarks Preservation Advisory Board

The Landmarks Preservation Advisory Board (LPAB), an advisory board to the Oakland Planning Commission, heard public testimony regarding the Draft EIR and the project at its meetings held at Oakland City Hall on April 9, 2007, for the purpose of providing its own comments on the Draft EIR. The following persons offered public comment:

- Vice Chair Peterson
- Board Member Kahn
- Board Member Prevost
- Board Member Kahn
- Board Member Taverier
- Naomi Schiff

Planning Commission

The following persons offered public comment during the City of Oakland Planning Commission Public Hearing on the Draft EIR held at the Oakland City Hall on April 18, 2007:

- Chair Mudge
- Commissioner Boxer
- Commissioner Colbruno
- Commissioner Lighty
- Commissioner Hughes
- Naomi Schiff
- George Nesbit
- Curt Peterson
- Virginia Browning
- Sanjiv Honda

CHAPTER IV

Master Responses to Comments on the Draft EIR

The correspondence and public comments received on the Draft EIR (DEIR) included a series of two recurring topics regarding the request for additional mitigation measures to reduce the impact of the demolition of the former Courthouse Athletic Club, and requests for additional information about Alternative 2: Partial Preservation / Lower Density Alternative. Given the number of times that these topics were raised in the public comments, the City has determined that each of the topics warrants a single, comprehensive response. This chapter presents Master Responses in order to reduce repetition and extensive cross-referencing within the responses to individual comments provided in Chapter V (Responses to Written Comments) and Chapter VI (Responses to Comments Received at the Public Hearings) of this document. Each Master Response aims to address the range of shared comments raised on each topic, however, unique comments are responded to within the response to the individual comment in Chapters V or VI.

Master Response A: Additional Mitigation Measures for Impacts to Historic Resources

A number of similar comments were received from LPAB board members and members of the public during the LPAB hearing about the perceived inadequacy of the mitigation measures available to reduce the impact of demolition of the former Courthouse Athletic Club. This Master Response is intended to address this topic raised by commenters.

The mitigation measures identified in the historic resources section DEIR include; 1) archival documentation, 2) interpretation, and 3) relocation efforts (see DEIR page III.A-18.)

The DEIR acknowledges that, “Even with implementation of the above mitigation measures, the demolition of the building would result in the permanent loss of the historic resource. Although preferable to demolition, relocation of a historic resource would substantially alter the building’s historic setting, resulting in an adverse impact to the significance of the property. Therefore the impact of demolition or relocation would remain significant and unavoidable.

City decision-makers would consider all aspects of the proposed project and overall General Plan policies to determine whether or not an affirmative finding could be made, under Policy 3.5 of the General Plan Historic Preservation Element, that “the design quality of the proposed project is at least equal to that of the original structure[s] and is compatible with the character of the

neighborhood” (Finding 1) or that “the public benefits of the proposed project outweigh the benefit of retaining the original structure[s]” (Finding 2).

The Historic Preservation Element recommends that a project design should be modified “to avoid adversely affecting the character defining elements.” As required by CEQA, preservation alternatives to the project are included in Chapter IV of this EIR that would retain and reuse the former Courthouse Athletic Club, in whole or in part, while constructing portions of the proposed project around and behind the existing building.”

In order to address the request for additional mitigation for the proposed demolition of the former Courthouse Athletic Club, the following measure has been added to the DEIR (see Chapter II, Revisions to the Draft EIR):

Mitigation Measure A.1d: The project sponsor shall contribute financially to a Telegraph Avenue Façade Improvement Program. The amount shall be determined by the City of Oakland and be commensurate with the level of impact of the proposed project.

Master Response B: Additional Information about Alternative 2

A number of similar comments were received from LPAB board members and members of the public during the LPAB hearing requesting additional information about Alternative 2: Partial Preservation / Lower Density Alternative. This alternative is described and evaluated on DEIR pages IV-5 through IV-10. Figures VI-1 through VI-3 provide sketch floor plans and elevations. In summary, this alternative would retain and rehabilitate the former Courthouse Athletic Club and construct a slightly smaller mixed-use residential building on the remainder of the parcel.

The comments received during the hearing do not necessarily question the adequacy or accuracy of the DEIR, but rather, request more information about the *feasibility* of Alternative 2: Partial Preservation/Lower Density Alternative. In general, the comments request that the project sponsor identify why Alternative 2 is not the proposed project, or conversely, why the proposed project is not similar to Alternative 2. The comments do not identify specific deficiencies with the environmental evaluation of Alternative 2 as presented in the DEIR. The project sponsor’s financial feasibility report concerning Alternative 2, as well as other alternatives evaluated as part of the DEIR, are provided under a separate cover.

For informational purposes, Alternative 2 was developed by Planning Staff in concert with the project sponsor’s planning and architectural consultants to identify a potential project alternative that would avoid or lessen any of the identified significant environmental impacts of the proposed project, specifically, the demolition of the former Courthouse Athletic Club, while attaining most of the basic objectives of the project. This alternative, as well as the four others included in the DEIR, are intended to comply with CEQA requirement for a ‘reasonable range’ of alternatives. Other than the two no-project alternatives, Alternative 2 was identified as the ‘environmentally superior alternative’, in accordance with CEQA Guidelines Section 15126(e), as it would have the fewest environmental effects.

CHAPTER V

Responses to Written Comments on the Draft EIR

This chapter includes copies of the written comment letters received during the public review period on the Draft EIR and responses to those written comments. Letters are presented in the order of the listing in Chapter III, Commenters on the Draft EIR. Letters are generally listed in order of; 1) public agencies, 2) organizations, and then 3) individuals. One comment letter received after the public review period is noted as such and responded to herein.

Each letter is identified by an alphabetical designator. Individual comments within each letter are identified by an alphanumeric designator that reflects the correspondence designator (alpha) and the sequence of the specific comment (numeric).

Where responses result in changes to information in the Draft EIR, these changes are indicated in the response as well as Chapter II of this document.



May 3, 2007

Joann Pavlinec, Planner III
City of Oakland
Community and Economic Development Agency Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Draft Environmental Impact Report - 2935 Telegraph Avenue Project Oakland

Dear Ms. Pavlinec:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the ER06-0012 - 2935 Telegraph Avenue (Courthouse Condominiums) Project located in the City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

A-1

WASTEWATER

EBMUD's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of EBMUD's Environmental Services Division. However, the City's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each subbasin within the City and EBMUD agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. EBMUD prohibits discharge of wastewater flows above the allocated peak flow for a subbasin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. If the City proposes to exceed the maximum peak flow from Sub-Basin 52-06, then a corresponding decrease in flow upstream of Sub-Basin 52-06 will have to be accomplished. EBMUD will need to review and approve the flow reduction measures upstream of Sub-Basin 52-06. New relief sewers are not acceptable to EBMUD.

A-2

Joann Pavlinec, Planner III

May 3, 2007

Page 2

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:DFC:sb
sb07_095.doc

cc: Trammell Crow Residential
1810 Gateway Drive, Suite 240
San Mateo, CA 94404

Letter A – East Bay Municipal Utility District (EBMUD)

- A-1 The project sponsor intends to contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development.
- A-2 Comment noted. Wastewater generation by the proposed project is addressed on page 63-64 of the Initial Study (Appendix A of the DEIR). As noted in the Initial Study, "the proposed project would result in an increase of more than 20 percent in wastewater generation over existing conditions (about 22,200 gpd proposed compared to approximately 6,300 gpd existing, for an increase of 16,000 gpd or about 250 percent), and because the project site is within a wastewater sub-basin (sub-basin number 52-06) where the growth allowance is 20 percent above existing conditions, the project sponsor would be required to pay for relief sanitary sewers in the basin or be required to upgrade any of the existing sewer lines from the project site to the interceptor. Improving the system elsewhere would reduce flows and is a methodology approved by the Oakland Public Works Agency for accommodating local growth in wastewater flow such as would occur with the project. Such improvements as would be required to be funded by the project sponsor would have relatively minor local construction impacts, typical of local utility improvements, and would not be expected to result in any significant environmental impact as defined by CEQA. In light of the above, the proposed project would not result in significant impacts related to the utilization of water supplies or wastewater treatment facilities."

The Initial Study was prepared while the Courthouse Athletic Club was still in use, and therefore assumed a net increase in wastewater generation over conditions that existed at the time. Since this time, the club has closed, and the environmental baseline for wastewater generation at the site is now zero. Therefore, proposed project would be expected to generate about 22,200 gpd of wastewater compared to existing conditions. The discussion provided in the Initial Study about project sponsor payments for sewer improvements, if necessary, and the conclusion that such improvements would not be expected to result in any significant environmental impact as defined by CEQA, would remain the same.

DEPARTMENT OF TRANSPORTATION

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April 30, 2007

ALA980032
ALA-980-1.32
SCH 2006102053

Ms. Joann Pavlinec
City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

Dear Ms. Pavlinec:

2935 Telegraph Avenue (Courthouse Condominiums) – Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review for the proposed project. The comments presented below are based on the DEIR for the Courthouse Condominiums.

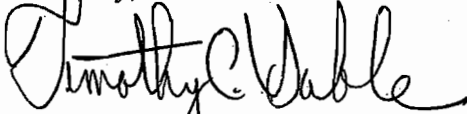
Why weren't freeway mainline impacts examined?

What were the specific Institute of Transportation Engineers land uses used for the trip generations? Apartment (220) appears to have been used, but what was used for retail?

B-1

Should you require further information or have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

Sincerely,


TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan (State Clearinghouse)

Letter B – California Department of Transportation (Caltrans)

- B-1 As stated on page III.B-15 of the Draft EIR, because the proposed project would generate fewer than 100 peak-hour vehicle trips (the Alameda County Congestion Management Agency [ACCMA] threshold), evaluation of project effects on regional roadways is not required. Also, on the basis of the project's estimated trip distribution (see Figure III.B-5, page III.B-17, of the Draft EIR), the proposed project would add no more than about 13 vehicles to the closest state freeways (I-580, and I-980/SR 24) during peak traffic hours. In accordance with trip generation thresholds established in Caltrans *Guide for the Preparation of Traffic Impact Studies*, those added vehicles are not likely to contribute to unstable or forced traffic flow conditions on the freeways.

The Institute of Transportation Engineers (ITE) *Trip Generation* Land Use Code 814 (Specialty Retail) was used to estimate vehicle trips for the project's retail component. The commenter is correct that trip rates for the ITE Land Use 220 (Apartments) were used for the project's residential component.



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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April 25, 2007

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Ms. Joann Pavlinec
Project Planner
City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, #3315
Oakland, CA 94612

SUBJECT: Comments on the Draft Environmental Impact Report for the 2935
Telegraph Avenue (Courthouse Condominiums) in the City of Oakland

Dear Ms. Pavlinec:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 2935 Telegraph Avenue (Courthouse Condominiums) in the City of Oakland. The project proposes to demolish the existing fitness club and surface parking lot on the site and construct approximately 142 residential units, about 2,900 square feet of ground floor retail, and on-site parking for approximately 204 automobiles, in a five story building with four stories of residential construction about a two-level parking garage; one-level of parking below ground and one at ground.

We have reviewed the DEIR and have no additional comments to make.

Once again, thank you for the opportunity to comment. Should you have any questions or require any additional information, please do not hesitate to contact me at (510) 836-2560 ext.24.

Sincerely,

A handwritten signature in black ink, appearing to read "Saravana Suthanthira".

Saravana Suthanthira
Senior Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2007

C-1

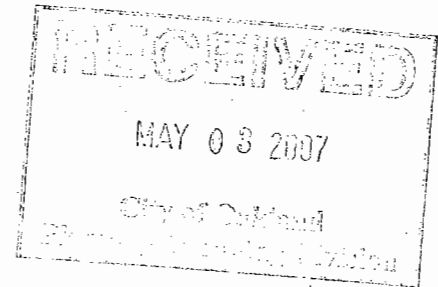
Letter C – Alameda County Congestion Management Agency (CMA)

C-1 The comment is noted.

GRAVES & ALLEN
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CENTRAL BUILDING, SUITE 1400
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May 3, 2007

Oakland City Planning Commission
250 Frank Ogawa Plaza
Suite 2114
Oakland, California 94612

HAND DELIVERED

In re: April 18 Agenda Item No. 6; File No. VMD06-441; ER06-0012 (2935 Telegraph Avenue, Oakland, Ca.) (APN's 009-0698-001-00; 009-0698-002- 01; 009-0698-002-02; 009-0698-002- 03; 009-0698-030-00)

Dear Commissioners:

Our office represents Karen Peters, the owner of 535 30th Street, Oakland, California. We write this letter on our client's behalf. Ms. Peters' property will be the most seriously and severely impacted by the proposed development and the variances and approvals required by the project.

Ms. Peters objects to the draft Environmental Impact Report (DEIR) as she believes that it fails to completely and appropriately address the full environmental impact of the proposed development in general and as it affects Ms. Peters' property and Ms. Peters, in particular.

Ms. Peters lives in her property. It also contains rental units that she currently rents out at reasonable rates to provide her with funds that supplement her disability income. Ms. Peters currently is partially disabled and must walk with the assistance of a walker. Her condition continues to deteriorate and may well require that she use a wheel chair. Ms. Peters and her family have owned the property for many years.

The specific shortcomings of the DEIR are as follows:

1. The DEIR fails to sufficiently consider or propose adequate remediate the impact on adjacent properties. Several smaller properties have existing and occupied immediately adjacent to the proposed development. Each of those properties will suffer a loss of light and air and the residents of those properties will suffer a serious invasion of their rights of privacy as the proposal currently exists. The proposal makes the situation worse by asking for the waiver of currently required setbacks. The removal of the setback requirements will allow the

D-1

construction of the new development almost on top of the existing structures on neighboring parcels. Ms. Peters parcel will fare the worst of the lot as it's geographic location means that the construction will affect two sides of her building. Ms Peters' tenants have already told her that they will likely not continue to rent from her after the completion of the new construction, if built as proposed. They have explained their reasons, with the loss of privacy topping the list. Requiring that the project comply with current setback requirements would alleviate this negative impact. Requiring an additional setback and imposing a height limitation on new structures within 20 feet of the existing buildings on neighboring parcels could further improve the situation. The limitation of windows looking onto (into) existing buildings would also facilitate resolving this issue, as would the employment of a permanent, aesthetically pleasing screen to protect the privacy of the residents of the existing buildings on adjacent parcels.

▲ D-1
↑ cont.

The existing structure on the project site adjacent to one boundary of Ms. Peters' property contains a single story, has no windows and is far enough away from her property as to preclude a loss of light and air. Restricting the project development to a similar size/configuration at that point will greatly mitigate the problems. See the annexed picture showing the existing structure on the project parcel on the left and the structure on Ms. Peters' parcel on the right.

For a perspective on the building locations, figure 4 of the DEIR shows the project and four existing buildings on adjacent parcels on the 30th Street side. Ms. Peters' parcel is the first of the four parcels and the only one bordered by the proposed project on two sides. For the Commissioners' convenience, we have attached a copy of Figure 4 of the DEIR

2. The problem is intensified for Ms. Peters as allowing the project to ignore setback requirements at the point of her boundaries with the proposed project means, in effect, that she will be deprived of the ability to use her driveway. Ms. Peters' driveway runs essentially parallel to one of the boundary lines between her property and the proposed project. She was very surprised to learn that the developer's survey showed the boundary line in the middle of the space between her driveway and the existing structure at that point on the project parcel. For many years she and her family thought they owned the property up to the footings of the existing structure on the project parcel.

↑ D-2

For the convenience of the Commissioners, we have enclosed a picture taken by Ms. Peters with this letter. As you look at the picture, you see her property on the right hand side and an existing building on the project property on the left side of the picture. The black circle in the forefront of the picture identifies the surveyor's stake showing a point on the boundary line. The garbage can in the middle left of the picture has been set on the boundary line as asserted by the developer's surveyor.

As you can see from the picture, Ms. Peters will be unable to fully open her car door if the project is allowed to construct a building to the property line identified by the Developer's surveyor. As a result, she will have no ability to get in or out of her car using the walker she

↓ D-3

May 3, 2007

Page 3

must currently use. The situation will become far worse as her condition deteriorates and she has to start using a wheel chair. Requiring the project to respect the existing structure line on the project property will prevent Ms. Peters from being deprived of her longstanding use of her driveway and the adjacent area to get in and out of her car. Due to her disability, depriving her of the ability to use that area for access to her vehicle, effectively deprives her of the use of her driveway. Depriving her of the use of her driveway leaves her with no safe area for accessing her vehicle, forcing her to use the public street for that purpose, thereby blocking traffic and creating unnecessary risk for herself and other users of the street. The DEIR completely ignored this impact and offered no remedial measures to correct it. The correction is simply the protection of open area sufficient for her to get in and out of her car using a walker or wheelchair.

D-3
cont.

3. Aside from the problem with accessing her vehicle, the approval of the project as proposed would also create a potential parking issue. Having been forced into the street to get in and out of her car, Ms. Peters would not have the ability to use her driveway for parking. That creates substantial inconvenience for this disabled lady. Moreover, if she could not have a protected parking space guaranteed in front of her house on 30th, she would, effectively have no place to park. This problem could be completely avoided by protecting her long-standing use of her existing driveway and the adjacent space in the normal set back area. Changing the street in front of her building to handicapped only parking could mitigate this negative impact on Ms. Peters.

D-4

Ms. Peters respectfully submits her comments and concerns in the hope that the Commission will take appropriate action to protect this disabled woman's continued and longstanding use of her property and the economic assistance it provides to her through rental income which this project would place in serious jeopardy.

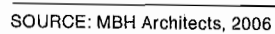
Very truly yours,

Jeffrey Allen

JA/mm

Enclosures (attachments)

c. Karen Peters (enclosures)



– Courthouse Condominiums . 206145

Figure 4
Level 2 Floor Plan



V-43

Letter D – Jeffery Allen for Graves & Allen

- D-1 Issues of shadow and air quality are addressed in the Initial Study (Appendix A of the DEIR). As discussed on page 14 of the IS, the project would cast no shadow that substantially impair the beneficial use of any public or quasi-public park, lawn, garden, or open space, the function of a building using solar collectors, or materially affect the significance of a historical resource. Shadows cast on to private, non-historic properties, while noticeable, are not considered a significant impact on the environment under CEQA. Shadows cast by buildings are typical in the urban setting, such as in downtown Oakland. Similarly, private views or issues related to residential privacy are not considered factors of the physical environment that would warrant analysis in a CEQA document. As such, the comment is noted, but CEQA does not require that these factors be addressed in the EIR. However, the Planning Commission may consider such factors in its review of the project.

The air quality effects of the proposed project are addressed in the Initial Study on pages 16 – 20. As noted in the Initial Study, the proposed project would result in a less-than-significant impact to air quality with the implementation of standard conditions of approval AQ-1 and AQ-2. As such, the proposed project would have no substantial impact on air quality.

- D-2 Comment noted. Although this comment does not directly address the accuracy or adequacy of the EIR, nor raise any specific environmental issues related to the project, the following is provided for informational purposes. The ground level of the proposed project would be constructed to the lot line in the vicinity of Ms. Peter's home at 535 30th Street, while floors two through five would be set back between 15 – 35 feet (see Figure II-4, Level Two Floor Plan, on page II-6, identifying 'Private Courtyards.') The existing structure on the project site immediately to the east of 535 30th Street is not built to the lot line, but rather, a few feet from it, giving the impression that the adjacent driveway is wider than it actually is. While the proposed project would appear to diminish the width of the driveway at 535 30th Street, the proposed project would not encroach upon the adjacent property. However, the Planning Commission may consider such factors in its review of the project.

- D-3 See Response D-2, above. The Traffic, Circulation, and Parking section of the DEIR identified no significant site access impacts associated with the proposed project (see DEIR page III.B-16 for further information). The project would have a significant effect if it would increase traffic hazards to motor vehicles, bicycles, or pedestrians due to a design feature (e.g., sharp curves or dangerous intersections) that does not comply with Caltrans design standards, or due to the introduction of incompatible uses. However, as stated on DEIR page III.B-24, the project proposes no features that would be unsafe or hazardous to bicycle or pedestrian travel. Therefore, the DEIR adequately addressed pedestrian (and bicycle) safety, including the safety of immediate neighbors such as those at 535 30th Street. However, the Planning Commission may consider such factors in its review of the project.

- D-4 Comment noted. Although not necessarily a comment on the adequacy or accuracy of the DEIR, and as parking is not considered an environmental factor under CEQA, the DEIR nonetheless evaluated the proposed project's parking supply relative to its anticipated demand (see DEIR page III.B-25). This section states that the project would, "generate a demand for a total of about 215 parking spaces The total proposed onsite parking supply of 204 spaces would not accommodate the estimated demand onsite. During peak parking periods, the overflow demand of about 11 parking spaces would need to use on street parking spaces in the area. Observations of on-street parking occupancies during periods of peak project parking demand (weekday evenings and weekends) in a two block radius of the project site have found substantial available capacity to serve this spillover demand. In addition, it should be noted that the ITE parking demand rates are based primarily on data collected at suburban locations with little or no transit use. Because the project site is in a generally urban environment with transit service, these rates are likely conservative with respect to conditions that will prevail at the project site." As such, the DEIR appropriately characterized the project's potential effect on parking in the immediate vicinity, including the property at 535 30th Street. However, the Planning Commission may consider such factors in its review of the project.

For informational purposes, the City of Oakland's "Transit First" resolution, passed by the City Council on October 29, 1996, recognizes the importance of striking a balance between economic development opportunities and the mobility needs of those who travel by means other than the private automobile. The policy favors modes that have the potential to provide the greatest mobility for people, rather than vehicles. In the vicinity of the proposed project site, Alameda County (AC) transit bus stops are located on Telegraph Avenue at 30th Street (Lines 40 and 43), on Martin Luther King Jr. Way at 27th Street (Line 15), on San Pablo Avenue at 30th Street (Lines 72 and 88), on Broadway at 27th Street (Lines 51 and 59), on Harrison Street at 27th Street (Line 11), and on Broadway at Grand Avenue (Line 12). In addition, the MacArthur BART Station and the 19th Street BART Station are equidistant from the project site (approximately two-thirds of a mile away). Please see DEIR Section III.B, Transportation, Circulation and Parking, for additional information regarding transit availability in the project area. As such, the existing availability of transit facilities around the site helps to further the goals of the City of Oakland's "Transit First" policy, and may help to reduce overflow parking demand in the immediate project vicinity.



Fax

TO: Danno Pavlinec

Fax Number: 238-6538

Date: 5/4/07

540 30th St. Unit. A
Oakland, CA 94609
T 510.444.7121
F 510.444.7131
www.gb-films.com

From: GB Films

Number of pages including cover: 3 pages

Re: Courthouse Condo Project
Case No ER06-0012

Thank you -
Kegan Stebbins
(510) 444 7121

To Oakland Planning Commission:

As residents and neighbors to the new apartment complex slated to be built at the old Courthouse Athletic Club, 2935 Telegraph Ave., we are excited at the prospect of new buildings arriving on our street.

However, after having been a neighbor to a large condominium building, which only recently has completed, we also have first hand knowledge of the numerous negatives that construction projects can bring.

The condominium project is going to have a huge impact on us as well as our neighbors, for up to two years of construction.

When we attended the meeting at Moss Park the representatives from TCR Northern California 1 Inc., stressed repeatedly that they were looking for feedback from the neighborhood and that they were committed to working with the 'community' to try and make the whole project as successful as possible.

Here is what we would like to see happen so that we can all pitch-in and do whatever is needed to make the construction process ultimately a profound success.

Firstly, the biggest thing that this project could do for our streets is to bury the power lines underground and add large trees along the sidewalks of 29th and 30th Streets. *

This single act would dramatically increase the look and feel of our neighborhood, as well as benefit everybody, including the new owners (or renters) of the condominium project.

Secondly, we feel that is imperative that some form of committee or process is in place to ensure that the commercial retail spaces are not rented specifically to the following: No

liquor stores. No fast food establishments. No pawn or porn stores, and no gun shops.

And thirdly, we believe green building techniques and green features to the building should be required, as it will insure it not being left empty or uninhabited in the upcoming years. It will also attract a forward thinking citizen.

We have talked to all of our neighbors on the 30th block and some on the 29th street block and everyone is very excited about these ideas. We are very interested in talking further with the city and the project leaders to see how we will start the process of working with TCR Northern California 1 Inc.

*We talked with other developers who built large condo style properties in Oakland and who were required by the community and helped by the city to bury street power lines. These endeavors turned out to be extremely successful because they were, relatively speaking, inexpensive for the developers, yet had a massive benefit to the community, the look of the surrounding area and only helped sales of the new units.

We believe by offering to bury the power lines and plant large trees, again on the two ½ blocks of 29th and 30th street, from the freeway to Telegraph Ave, will change the look of the surrounding area of the new development, make it immeasurably more desirable and therefore it will have a much higher occupancy rate.

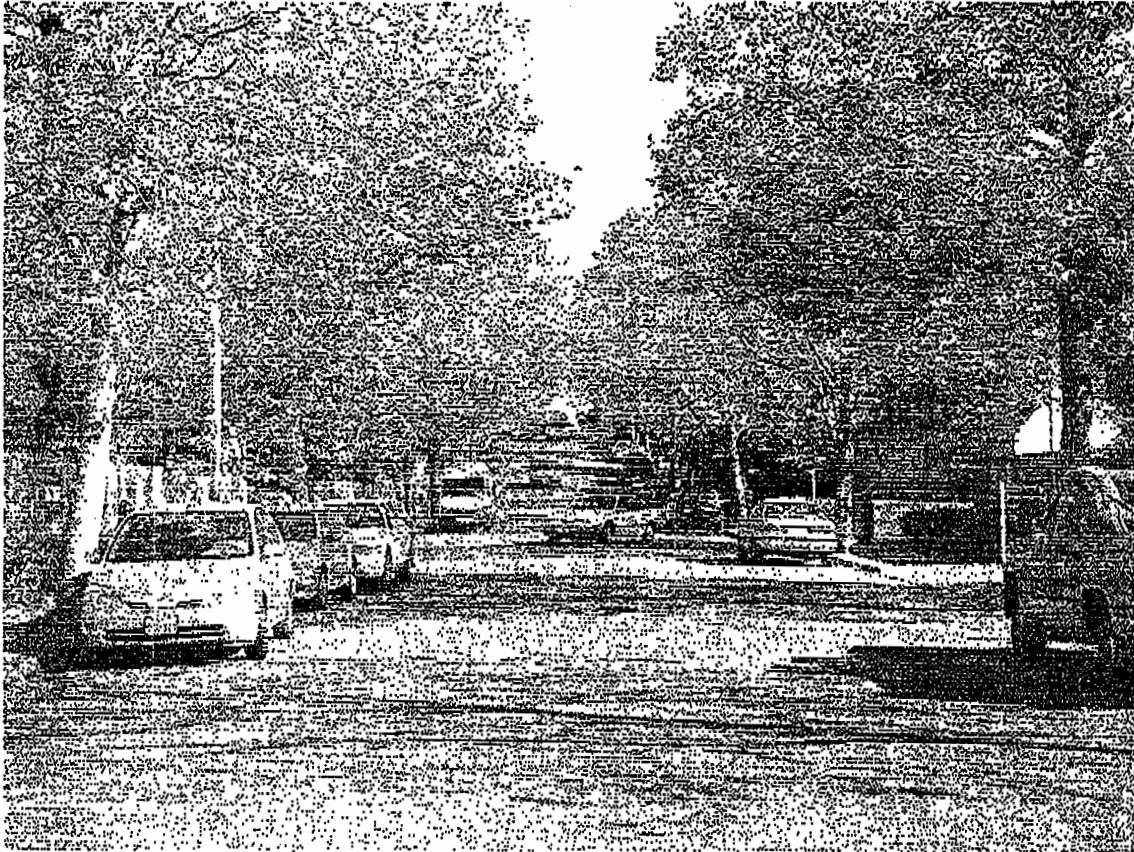
E-1

E-2

E-3

E-4

Here is a picture of a nearby street with buried power-lines and mature trees.



Here is a picture of 30th street presently (looking from Telegraph to the Fwy)



Surely a project of this size could afford to bury 5 power poles on each side street of their acre property development to help make up for the huge impact they will have on their neighbors.

V-18

Thank You, Kegan Stedwell, Owner, 540 30th Street/Telegraph. 510.444.7121

Do On

Letter E – Keegan Steadwell

- E-1 The construction effects on neighborhood traffic and parking are addressed on DEIR page III.B-24 – 25 (Construction Period Impacts). As stated in the DEIR, project construction would affect traffic flow, circulation, parking and pedestrian safety. However, with application of the city’s standard conditions of approval, such affects would be less than significant.

Construction period noise is addressed in the Initial Study (Appendix A of the DEIR, pages 48 – 56). As stated on pages 56, implementation of the City’s standard conditions of approval NOISE-2 through NOISE-5, would reduce the construction noise levels from the project to the extent feasible, and thus project construction impacts would be considered less than significant.

- E-2 Comment noted. Although this comment does not directly address the accuracy or adequacy of the EIR, nor raise any specific environmental issues related to the project, the following is provided for informational purposes. The request to bury the power lines and add trees around the project site are addressed in DEIR page VI-2, Responses to Comments Received During the EIR Scoping Process. As stated on this page, “Powerlines are located in the public right-of-way, not on the (private) subject property. As such, the project sponsor would have no authority to bury the nearby powerlines on city property without approval from the city and the utility companies.

The City’s General Conditions of Approval regarding undergrounding utilities states, “Prior to issuance of a building permit, the project applicant shall submit plans for review and approval by the Building Services Division and the Public works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant’s street frontage and from the project applicant’s structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable and fire alarm facilities installed in accordance with standard specifications of the serving utilities.”

Regardless, the existence of powerlines in the project vicinity is not an environmental issue that would normally be addressed in a CEQA document, but could be considered by decision-makers during project review.”

Also on DEIR page VI-2, the following is stated about street trees, “The project sponsor intends to plant approximately 20 street trees on the periphery of the proposed project, as described in Section II, Project Description. This issue is not discussed further in this EIR.”

- E-3 Although this comment does not directly address the accuracy or adequacy of the EIR, nor raise any specific environmental issues related to the project, the following is

provided for informational purposes. The project sponsor has no intention of leasing the proposed retail space for uses considered undesirable by the neighborhood, including liquor stores, fast food establishments, pawn shops, gun shops, or adult entertainment uses

- E-4 Although this comment does not directly address the accuracy or adequacy of the EIR, for informational purposes, the project sponsor intends to meet or exceed all California Building Code requirements related to energy efficiency. No significant impacts to energy consumption were identified in the Initial Study. As stated on page 64 – 65, “The project would increase energy consumption at the project site, but not to a degree that would require construction of new facilities. The project demand would be typical for a project of this scope and nature and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the City of Oakland through its building permit review process.” Energy efficient designs and materials planned for the proposed building include greater amounts of residential daylighting (and therefore a potential reduction in interior daytime electrical lighting usage) due to the multi-courtyard design, as well as the use of cementitious siding as opposed to non-renewable wood siding materials.

from: Teleg. Ave. Neighbor
% 2878 Teleg. Ave #7
Oakland, Ca 94601-3639
510 843-6145

April 30, 07

To Whom it May Concern: / So Ann Paulinek

We, the neighbors of Teleg. Ave, nearly the Courthouse, wholeheartedly oppose the removal of our Historic Bldg, the Courthouse. Our entire neighborhood is Historic and very important. We are more than a B+3 neighborhood. We have Summit Hospital, a Fire Dept, Broadway Auto Row, St. Augustines Church, old First Christian Church, Temple Sinai, Halal Mosque, Baptist Church (Cathedral?), Post Office Depot, 406, 40+43 major bus lines, + the list goes on + on + on. Our whole area would be so entirely adversely affected by this hair-brain scheme to slap up, of all things, a high rise condo bldg! There is no need (except GREED) for it, there is no demand over here in Northgate for it + it will only create more trouble: increased crime, vandalism, toxic construction, overcrowding, density, etc, etc. No, instead Our Courthouse should be Reused for any of the following valuable reasons/uses/contributions:

1. University of Cal. Extension Site
2. Community Resource Bldg
3. New Gym esp. for adults + special needs (+ it has already a swimming pool)
4. Museum/art galleries/Crafts
5. alternative Ed/Charter School/adult Ed
6. Restaurant/specialty stores/Retail
7. City Government offices/law offices/soft ware co./computer use site
8. Dr. + Dentists, specialists etc offices
9. Research laboratory, scientific purpose/Solar panel design etc
10. Your ideas for environmental Reuse

money making ideas for re-use of Courthouse

The Courthouse shall not be "TRASHED". It is high time our heritage, such as this bldg, be honored + preserved for future generations to value as a significant historical footprint in the traditions of fine capitol architecture, built to last, built to carry on our old Oakland Legacy. We, the Oakland Neighbors, are of all races, all languages, all cultures. I write on behalf of our people here. We will not even sanction any ^{abuse} misuse of this property. No junk Bldgs, No cheap construction, No density corridors. No, NOT here! We all look out for our area.

DAD P. Mathew

Letter F – Dao Matthews

- F-1 Impacts to historic resources resulting from the proposed project are discussed on DEIR section III, Historic Resources. As described on DEIR page IIIA.-17, “The project would result in the demolition of the former Courthouse Athletic Club at 2935 Telegraph Avenue, a building that qualifies as a historic resource as defined by CEQA Section 15064.5” This would be considered a significant and unavoidable impact of the proposed project, as implementation of the mitigation measures identified in this section would reduce the impacts to historic resources, but not to a less-than-significant level. The DEIR also identifies two no-project alternatives and three preservation alternatives that would retain the existing historic building on the project site (see DEIR page IV-1, Alternatives). City decision-makers may approve the proposed project or any of the alternatives (or combination thereof) as described in the Alternatives section of the DEIR.

Other historic resources in the project vicinity, including those along Telegraph Avenue, are identified on DEIR page III.A-13, which states, “City of Oakland historic resources in the project vicinity include St. Augustine’s/Old Trinity Church at 2845 Telegraph Avenue (Oakland City Landmark # 79), the Grant Miller Mortuary at 2850 Telegraph Avenue (local rating of “B+3”), and the Telegraph Hill Medical Plaza at 3003-27 Telegraph Avenue (local rating of “B+3”). These buildings would be considered historic resources for CEQA purposes. All other buildings in the immediate project vicinity (within one block) were assigned ratings of “C” (Secondary Importance), “D” (Minor Importance), and would not be considered City of Oakland or CEQA historic resources based on their local survey status. No designated Oakland Preservation Districts, APIs, Heritage Properties, or any buildings on Oakland’s Preservation Study List were identified in the project vicinity. As described above, the project site building may contribute to a potential API of period revival-style funeral homes clustered along Telegraph and Piedmont Avenues in the project vicinity.” The DEIR identified no significant direct or indirect impact to other historic resources in the project vicinity. Therefore, the DEIR adequately characterized the historic resources in the immediate project vicinity, and potential effects to them as a result of the proposed project.

- F-2 Please see DEIR Section IV, *Alternatives*, which evaluates two no project alternatives, one of which assumes reuse of the property as an athletic facility or other commercial use (Alternative 1B). Alternatives 2, 3, and 4 also assume retention and reuse of the former Courthouse Athletic Club for community rooms, the project’s home owner’s association (HOA) rooms, and storage. As stated in Master Response B, City decision-makers may approve the proposed project, any of the alternatives, or combination thereof.

- F-3 See Response F-1, above.

CHAPTER VI

Responses to Comments at the Public Hearings on the Draft EIR

The Landmarks Preservation Advisory Board (LPAB) held a public hearing on the Draft EIR (DEIR) on April 9, 2007. The Planning Commission held a public hearing on the Draft EIR (DEIR) on April 18, 2007. The following is a summary of comments received at these public hearings, including the recommendations provided by the Landmarks Preservation Advisory Board (LPAB), followed by responses that address those topics. Many of the topics raised have been previously responded to in Chapter IV (Master Responses) or Chapter V (Responses to Written Comments). Therefore, several responses provided below reference previous responses, as appropriate.

A. April 9, 2007 Landmarks Preservation Advisory Board Hearing

The following topics were raised at the LPAB public hearing on the Draft EIR on April 9, 2007:

Comment LH-1

First, you know, it would be nice if sometime, at some point, somebody would look at the superior alternatives [Alternative 2]. Generally speaking, we choose the inferior alternatives. And I actually think it would be nice to consider Alternative 2. I'm not going to spend a lot of time on it because I'm a realist. But it is a little pathetic to be squandering this much tree pulp on alternatives which are not really being taken seriously. So I think on the whole, taking a look at Alternative 2 might be a good idea. I am a little bit concerned that there are some respects in which this is not of equal value to that which is proposed for demolition. (*Ms. Schiff, Landmarks Preservation Advisory Board Transcript*)

Response LH-1

Please see Master Response B in chapter IV.

Comment LH-2

And suggestions are -- thought a lot about the discussion of wood siding that was mentioned in the staff report, particularly in relation to the Episcopalian church nearby, which is a pretty cool building and a historic landmark in the city of Oakland. It uses a lot of wood. And I am concerned about the juxtaposition of kind of old historic wood and new wood aging in place, and how is it going to look 30 years from now? (*Ms. Schiff, Landmarks Preservation Advisory Board Transcript*)

Response LH-2

DEIR page III.A-18 discusses the potential effects of the proposed project on adjacent historic resources, including St. Augustine's Episcopal Church. As stated in the DEIR, the project would construct substantially larger and taller buildings in the vicinity of historic resources, which could alter their historic setting. As stated in the DEIR, "The proposed project would be separated from St. Augustine's Church by the width of 29th Street, or about 60 feet, not including property setbacks on both properties, which would include an additional 10-15 feet for a total separation of about 70-75 feet. This distance would provide a sufficient buffer to allow St. Augustine's to continue to 'read' as a separate, historical structure, and the project would have no substantial direct or indirect impact on this building such that it would no longer qualify as an Oakland City Landmark or for listing on the NRHP. The proposed project, at 55 feet tall, would be about 20 feet taller than the height of St. Augustine's Church, estimated to be about 35 feet tall to the top of its spire. This height differential, while noticeable, would not have a significant impact on the historic significance of St. Augustine's. The proposed project's garage and loading entrance would be located across 29th Street from St. Augustine's, separated by the width of the street as discussed above, and would not have a significant impact on the use, function, or enjoyment of the church such that it would no longer qualify for listing in the NRHP or as an Oakland Landmark."

As described on page 14 of the Initial Study (see Appendix A), St. Augustine's Church is located to the south of the project site, and no evidence suggests that the project shadow would reach the Church at any point during the year. Therefore, the project would not result in a significant physical effect such that the shadow would materially impair the resource's historical significance by precluding its inclusion on or eligibility for listing in the National Register of Historic Places or as an Oakland Landmark. As a result, project effects to St. Augustine's Church are anticipated to be less-than-significant.

Given these considerations in the DEIR, it is unlikely that the siding materials selected for the proposed project would substantially contrast with St. Augustine's Church to the extent that it would no longer qualify for listing as a federal, state, and local historical resource.

Comment LH-3

I am not an expert. And I don't know about qualities of siding and wood and so forth. But I -- you wouldn't want it to look shabby next to the historically eroding church over there. (*Ms. Schiff, Landmarks Preservation Advisory Board Transcript*)

Response LH-3

Please see Response LH-2, above.

Comment LH-4

And secondly, I find that the [historic resource] mitigations are feeble. Once again, the planning department or whoever it is has not really had the gumption to propose a strong [historic

resources] mitigation program. To my mind, while archival things are nice, and I use the library more than a lot of people, it is limited in its reach. And archiving pictures of things which you have demolished, while valuable, is not as valuable as actually keeping some old stuff. And so therefore, I would propose that this Board might want to recommend a strong [historic resources] mitigation program, such as contribution to a facade improvement program in the upper Telegraph area, there, whether or not focused on funerary architecture. I don't know. (*Ms. Schiff, Landmarks Preservation Advisory Board Transcript*)

Response LH-4

Please see Master Response A in chapter IV.

Comment LH-5

And similarly, on-site interpretive materials, what are we talking about? A panel? A picture? A nice display? I like these things. I think they are wonderful. I do see them as somewhat temporary. I think that people come to ignore them. I think they tend to only be viewed by the people who are already inside the building. A really active contribution to a [historic resources] mitigation program, which would include a facade improvement project, in the area, would be something concrete that this developer could contribute. (*Ms. Schiff, Landmarks Preservation Advisory Board Transcript*)

Response LH-5

Please see Master Response A in chapter IV.

Comment LH-6

I am curious, first of all, you have the rating system A, B, C, D. What is an A building? I mean, like city hall is an A building. How many A buildings are there? And then what are B buildings? And it seems like that's the Preservation's portion of this, or the crux of the matter. What is that rating, and what does that mean? (*Vice Chairperson Peterson, Landmarks Preservation Advisory Board Transcript*)

Response LH-6

As described on DEIR page III.A-10, the Oakland Cultural Heritage Survey (OCHS) uses a five-tier rating system for individual properties, ranging from "A" (highest importance) and "B" (major importance) to "E" (of no particular interest). This letter rating is termed the Individual Property Rating of a building and is based on visual quality/design, history/association, context, and integrity/reversibility. The former Courthouse Athletic Club was originally surveyed and evaluated by OCHS as part of its citywide reconnaissance survey in 1986, which assigned the building with a preliminary field rating of "B+3" (major importance, not in an area of primary or secondary). OCHS later prepared a primary record survey form (DPR 523a) for this building as part of its citywide reconnaissance survey in 1996. Again, OCHS assigned the building with a preliminary field rating of "B+3." All designated landmarks, areas of potential importance (APIs) and A- or B-rated buildings are considered historic resources for purposes of CEQA. It is

unknown exactly how many “A” or “B”-rated buildings are located in the City of Oakland, but there are over 300 designated historic landmarks in the City, most of which are A-rated buildings.

Comment LH-7

I have a question about this idea of having a [historic resources] mitigation measure that actually requires money into a fund, a facade improvement fund or some sort of historic fund that, in a way, compensates if we’re going to lose a historic building, then there’s actually a fund available to actually put money towards physical buildings in the area. Is that okay? Is there some sort of study that’s required? (*Member Kahn, Landmarks Preservation Advisory Board Transcript*)

Response LH-7

Please see Master Response A in chapter IV.

Comment LH-8

If we’re in this time now of commenting on the EIR, I would like to make a comment that I would like to see some changes to the [historic resources] mitigation measures to at least include a contribution -- if this building is demolished, a contribution to a fund. And I actually like the idea of a facade improvement fund because you are actually improving the built environment that is actually -- that may be diminished a little bit by the loss of the resource, that I would actually see the money go towards a facade improvement program than to just more expensive interpretive signage. (*Member Kahn, Landmarks Preservation Advisory Board Transcript*)

Response LH-8

Please see Master Response A in chapter IV.

Comment LH-9

But I would like to know if the environmentally superior alternative [Alternative 2] is considered feasible by the project applicant. That seems to be a CEQA related question. And I would like to know, because it’s -- it appears viable to me. (*Member Kahn, Landmarks Preservation Advisory Board Transcript*)

Response LH-9

Please see Master Response B in chapter IV.

Comment LH-10

In looking at these alternatives, from what we see, that they don’t look that developed. And so I’m wondering, you know, I guess there’s a loss -- looks like there’s a loss of units. It’s a pretty much -- there’s a bunch of building there. Could there be -- some of those loss of units be in that building? And that isn’t developed. So I guess if you develop these designs or alternatives, it would be good to see that. What could you do with that? (*Vice Chairperson Peterson, Landmarks Preservation Advisory Board Transcript*)

Response LH-10

The commenter suggests that the number of units lost due to the retention of the former Courthouse Athletic Club could be placed within this structure as a possible project alternative. Such a suggestion is welcome, but was not included in the DEIR for evaluation, as the five project alternatives were considered to constitute a reasonable range of alternatives to facilitate decision-making. All three preservation alternatives assumed retention and reuse of the former Courthouse Athletic Club for community rooms, the project's home owner's association (HOA) rooms, and storage, but did not consider reuse of this building for residential purposes. The project sponsor indicated that the existing building has limited potential for residential uses, and is not large enough to contain the approximately 15 units needed to offset the retention of this building while keeping the overall number of units the same as under the proposed project (142 units). Therefore, this alternative was rejected as infeasible and was not evaluated in the DEIR.

Comment LH-11

I'm disappointed, though, that there wasn't a hybrid of a couple of the alternatives, which gets into design review. So I will just tell you so that you have it for the record, if I can find my page. Please bear with me. It would be a hybrid of the higher density -- a partial. It was a hybrid of three things: Higher density, partial preservation, with the proposed courtyards. That hybrid isn't looked at. It's almost like the courtyards are mutually inclusive. So I will just leave it at that for the EIR comment portion. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-11

The commenter requests that the DEIR include a hybrid alternative that retains the former Courthouse Athletic Club while including a new project on the remainder of the lot which incorporates a multi-courtyard layout, similar to the proposed project. DEIR section IV, Alternatives, evaluated a total of five project alternatives, including two no project alternatives and three preservation alternatives. The five alternatives described in the DEIR meet the CEQA requirement for a reasonable range of alternatives necessary to permit reasoned choice by a decision-making body and informed public participation (CEQA Guidelines Section 15126[f]). As such, the DEIR provided an adequate number of project alternatives for informed decision-making. An EIR need not evaluate an exhaustive list of all possible alternative permutations to arrive at an informed decision.

For informational purposes, however, a hybrid alternative would avoid the significant impacts of the proposed project while attaining most of the basic objectives of the project. Such a hybrid design would likely include fewer residential units than Alternative 2 due to the multi-courtyard layout, as more square footage would be devoted to open space uses, and less to residential uses. As such, this alternative would generate fewer automobile trips and have a reduced level of associated air quality effects than either Alternative 2 or the proposed project. Visual effects would be similar to Alternative 2, but would have less overall volume due to the multi-courtyard layout. Construction effects would likely be similar, or slightly reduced, compared with Alternative 2 or the proposed project.

Comment LH-12

And I do agree with my colleague that the sketches for the alternatives are not adequate, particularly because they are not to scale. Yet the preferred alternative is to scale, so it makes it pretty difficult to do straight comparisons between the alternatives and the preferred and the proposed project. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-12

While there is no requirement under CEQA to provide detailed plans or drawings of the project alternatives, or to evaluate them at the same level of detail as the proposed project, the DEIR included sketch plans and elevations of Alternatives 2, 3, and 4 for purposes of comparison with the proposed project. These are included as Figures IV-1 through IV-6 on DEIR pages IV-6 through IV-15.

Comment LH-13

And I also think the case is not made in the EIR for why your proposed project is your preferred [sic] alternative. I think you need to make that case clear and stronger if, in fact, you stand behind that. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-13

Please see Master Response B in chapter IV.

Comment LH-14

And I think the [historic resources] mitigation is a bit glossed over, quite frankly. I think photo documentation is very important. I think archiving and recording, all of that is very important. But I don't think it's enough in the demo scenario. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-14

Please see Master Response A in chapter IV.

Comment LH-15

I would like, again, to address the sketches of the alternatives, because having drawings that aren't to scale, you know, might as well not be a drawing, really, for purposes of true evaluation. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-15

Please see Response LH-12, above.

Comment LH-16

I do hope somebody will look at Alternative 2 and see whether it has any potential. (*Ms. Schiff, Landmarks Preservation Advisory Board Transcript*)

Response LH-16

Please see Master Response A in chapter IV.

Comment LH-17

I think to sort of last but not least, I have to say, though, I am not convinced that that building needs to be demolished on the corner. And I sure would like to see some more detailed plans and elevations to scale that show, maybe, a reusable alternative, or an alternative that actually holds on that to building at the corner while still getting nearly the density that you are proposing now. And I note that the environmentally superior alternative [Alternative 2] loses about 15 units. And I would sure like to see a much more thoughtful approach to how that building could be used.
(*Member Kahn, Landmarks Preservation Advisory Board Transcript*)

Response LH-17

Please see Master Response A in chapter IV.

Comment LH-18

And have you looked at any hybrids of that alternative to preserve any of the facade of the building? (*Member Tavernier, Landmarks Preservation Advisory Board Transcript*)

Response LH-18

Please see Response LH-11, above.

Comment LH-19

And has your group, in any way, reviewed, as our secretary has, previous [historic resources] mitigation measures for the demolition of buildings, of this value, of this rated value. Monetarily or otherwise, has that been discussed, and have you come up with any plan in that regard?
(*Member Tavernier, Landmarks Preservation Advisory Board Transcript*)

Response LH-19

Please see Master Response A in chapter IV.

Comment LH-20

I am sensitive to exposure of people to contaminated materials. I mean, it's something that we need to take very seriously. However, before we just say that we can't do anything because it's contaminated, I think we need to look at the levels of contamination. I think we need to look at whether it's residential or commercial. I think we need a look at whether people are on top of it or whether there's an underground parking structure that separates people from the contaminants.
(*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-20

Issues of soil contamination are addressed in the *Hazards and Hazardous Materials* section of the Initial Study (Appendix A of the DEIR). As stated on pages 32 – 35, implementation

of standard conditions of approval HAZ-1 through HAZ-10 potential exposure of residents and workers to hazardous materials would be reduced to a less-than-significant level.

Comment LH-21

I look the courtyards. I like the courtyards a lot. I like them so much that I wish you would look at the hybrid that I mentioned earlier, which would -- how do I say this? When you -- your alternatives, the alternatives that look at preserving a portion of the building change the layout of your project? All of a sudden, the courtyards are gone. And I'm not sure I understand why the courtyards are gone all of a sudden. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-21

Please see Response LH-11, above.

Comment LH-22

But looking at the EIR, I would have really liked to look at an [hybrid] alternative that preserved the smaller preservation scenario with, essentially, the design you proposed except not on that corner. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-22

Please see Response LH-11, above.

Comment LH-23

I don't like the windows facing the church. You have already heard that many times, I'm sure. I don't like the service entrance opposite the church. I'm concerned about beeping trucks, you know, like backing up during service at the church, because, you know, on Sunday, the mechanical guy has to show up to fix the elevator, and it's beeping. And in addition to that, I'm trying to reduce loud, you know, traffic right next to the church. (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-23

Noise effects of the proposed project are address on pages 48 – 56 of the Initial Study (Appendix A of the DEIR). As stated on page 50, “ambient noise levels in the vicinity of the project are typical of noise levels in urban Oakland. The ambient noise is dominated by vehicular traffic, including trucks, cars, buses, and emergency vehicles along Telegraph Avenue as well as traffic on Interstates I-980 and I-580. Generally, traffic must double in volume to produce a noticeable increase in noise levels. Although traffic volumes would increase in the immediate project vicinity, it is not anticipated that these volumes would double on any nearby streets as a result of the proposed project; therefore, substantial increases in traffic noise levels would not be anticipated in the project area.” Given these considerations, it is not anticipated that project-generated traffic would have a significant noise impact on the adjacent church.

Comment LH-24

I guess what I'm hearing is that Alternative 2 and 3, for that matter, aren't -- well, I guess -- how are you proposing to build Alternative 3, then because it's seven stories, is it not? (*Member Prevost, Landmarks Preservation Advisory Board Transcript*)

Response LH-24

As described on DEIR page IV-10, Alternative 3: Partial Preservation/Higher Density Alternative would be seven stories or about 75 feet in height, compared with five stories or 50 feet in height for either the proposed project or Alternative 2. For informational purposes, a seven story building would require a different construction type, such as concrete or steel, than either the proposed project or Alternative 2, which could be constructed of four stories of wood framing atop a one-story podium of concrete. The financial feasibility of Alternative 3, as well as other alternatives investigated as part of the DEIR, are provided under a separate cover.

Comment LH-25

Well, how does -- it seems like some of us are troubled by this, that Alternate 2 could be looked at harder. Can we actually request that it be looked at harder, or was there just a comment on the EIR? (*Vice Chairperson Peterson, Landmarks Preservation Advisory Board Transcript*)

Response LH-25

Please see Master Response B in chapter IV.

Comment LH-26

Is the historicness [sic] related to the "mortalityhood" of the buildings or the design characteristics? (*Vice Chairperson Peterson, Landmarks Preservation Advisory Board Transcript*)

Response LH-26

Although this comment does not directly address the accuracy or adequacy of the EIR, for informational purposes, the historic significance of the former Courthouse Athletic Club is derived from its "B+3" rating, which takes into account numerous factors, such as visual quality/design, history/association, context, and integrity/reversibility, as described above. The building's age (c. 1900 - 1946), its Colonial Revival architectural style designed by relatively well-known Oakland architects Warnecke & Miller, and its relatively intact exterior also likely factored into the building's determination of historic significance and the resulting "B+3" rating.

B. April 18, 2007 Planning Commission Hearing

The following topics were raised at the Planning Commission public hearing on the Draft EIR on April 18, 2007:

Comment PC-1

So what -- you could achieve partial preservation with a higher density alternative as well? Right. And is that alternative four, essentially? Full preservation, higher density, right? So that's essentially alternative four. (*Commissioner Lighty, DEIR Hearing Transcript*)

Response PC-1

As described on DEIR page IV-12, "The Full Preservation / Higher-Density Preservation Alternative would retain, rehabilitate, and reuse nearly the entire historic resource on the project site (the former Courthouse Athletic Club), including those areas located to the rear of the building (except for the swimming pool), and would construct residential units, commercial space, and parking on the remainder of the site similar to Alternatives 2 and 3. This alternative would maintain the same number of residential units under the proposed project (142), but would include five additional stories to accommodate the number of units that would be lost by retaining nearly the entire former Courthouse Athletic Club. Under this alternative, only the swimming pool would be removed and replaced by an access driveway to the site from 30th Street; all other portions to the rear of the building would be retained and reused. By retaining nearly the entire former Courthouse Athletic Club, this alternative would result in a mid-rise tower ten stories or about 100 feet in height, compared with five stories and 50 feet in height for either the proposed project or Alternatives 2." As such, the DEIR identified a partial preservation higher density alternative.

Comment PC-2

I guess the difference primarily is that the shadow effects of the higher density make it more impactful than the alternative two? (*Commissioner Lighty, DEIR Hearing Transcript*)

Response PC-2

As described on DEIR page IV-17, "Shadow effects of [alternative 4] would be substantially greater than those of the proposed project or Alternatives 2 or 3, because the building would be five stories or about 50 feet taller, thereby casting significantly longer shadows to the north, east, and west. In particular, shadow effects on existing uses on 29th and 30th Street would be much greater than project shadows, but would not significantly reduce the use or enjoyment of public parks or other public amenities, as none are located in the immediate project vicinity." As such, the DEIR adequately addressed the potential shadow impacts of Alternative 4.

Comment PC-3

My question though, and it's the same question I had last time because I'm just completely baffled by the colonial revival funerary building. And it's not -- I mean that sounds like it's the building with the white columns that looks like it came out of Richmond, Virginia. But that's not what it is, it's the corner brick building -- is that correct? -- that's actually the historic building? (*Commissioner Colbruno, DEIR Hearing Transcript*)

Response PC-3

The entire building is considered 'historic' with the possible exceptions of some of the later additions to the rear of the building along the 30th Street elevation. As described on DEIR page III.A-2, the building on the corner of Telegraph Avenue and 30th Street was originally a two-story, wood frame dwelling built circa 1900, with alterations and additions in 1916 to convert it to a mortuary. Later substantial additions and alterations included a new garage facing 30th Street (1921), an addition to the rear of the house along 30th Street (1922), interior changes including installation of an organ grill and plaster work (1935, 1936), and two additions to the rear of the house, between the house and the garage (1939). The most profound change to the building, however, occurred when plans and specifications for large, new addition to the mortuary were completed by architects Miller & Warnecke in December 1945. In 1946, a large, Colonial Revival style chapel with white columns and port cochere was added to the southern façade of the building, nearly doubling the size of the structure. A brick veneer was placed over the wood siding of the remaining portions of the building around this time (including the original dwelling on the corner). When the property was converted for use as an athletic club, an indoor pool was installed toward the rear of the building in 1983.

As described on DEIR page III.A-3 "The 1946 addition to the former Courthouse Athletic Club exhibits the Colonial Revival style of architecture. This style of architecture was first introduced to the United States by Thomas Jefferson, who used it for his house at Monticello as well as for the University of Virginia. This style was widely used for monumental buildings in the Southern United States, both before and after the Civil War. The use of period revival styles for funeral facilities was typical in Oakland, as well as throughout the nation, throughout the early-mid twentieth century."

Comment PC-4

So that's why it's historically significant. Because, I mean, what confused me is I usually I think of like Julia Morgan or something, that just seems so out of place, not only in that neighborhood, but in Oakland. (*Commissioner Colbruno, DEIR Hearing Transcript*)

Response PC-4

Please see Response PC-3, above.

Comment PC-5

And how does it work -- because, I mean, what I noticed when you really go look at the project, and it's really nice to see from a bike, is it looks like it was, like, six kids with a Lego set. Like there was a little brick building on the corner, and then somebody added on the colonial revival, and then there was a swimming pool added in the back, and then there was this. I mean, how does that play into the designation of how important it is? It seems to have a higher rating than from what I read that it seems to [warrant] (*Commissioner Colbruno, DEIR Hearing Transcript*)

Response PC-5

Please see Response PC-3, above.

Comment PC-6

And my last question is, somewhere I saw referenced that Oakland Funerary Historic District. I mean, is there actually such a thing, or is that kind of just a concept? (*Commissioner Lighty, DEIR Hearing Transcript*)

Response PC-6

DEIR page III.A-8 states that, "The project site is not located within or near any designated historic districts, including areas of primary or secondary importance (API or ASI).

However, there are five period revival-style funerary buildings, including the project site building, within 0.5 mile of the project site These are the Grant Miller Mortuary at 2850 Telegraph Avenue (also designed by Miller & Warnecke) the Telegraph Hill Medical Plaza at 3003 27 Telegraph Avenue, the Mosswood Chapel/Albert Engel Funeral Home at 3630 Telegraph Avenue, and the Albert Brown Mortuary at 3476 Piedmont Avenue. These funerary buildings were likely sited along this portion of Telegraph Avenue due to their proximity to hospitals and other medical facilities in Oakland's nearby 'Pill Hill' neighborhood. Other associated funerary facilities in this area include the floral shops located along Telegraph Avenue.

According to the Oakland Cultural Heritage survey (OCHS), these facilities are a historically-related cluster of period revival-style funerary buildings, and as such, may form a multiple resource district, defined in the HPE as, "a significant concentration, linkage, or continuity of buildings, structures, objects, sites, natural features related to human presence; or activities united historically or aesthetically by plan, appearance, or physical development."

The DEIR goes on to state that, "Although this grouping of period revival-style funerary buildings, including the project site building, have not been designated by the City as forming or being part of an API or ASI, they may qualify for local listing as an API as a historically or visually cohesive area or property group identified by the Reconnaissance Survey containing individual properties with ratings of "C" or higher. While there may be other period-revival style funeral homes in the City of Oakland, they are not in the vicinity of the project site and would be beyond the scope of this evaluation, as described above. At

minimum, these five period revival-style funeral homes located along Telegraph and Piedmont Avenues may contribute to a potential API.”

Comment PC-7

[T]he defect of this EIR is perhaps in not sufficiently exploring alternative two. (*Ms. Shiff, DEIR Hearing Transcript*)

Response PC-7

Please see Master Response B in chapter IV.

Comment PC-8

And that we would be looking, particularly, to see much enhanced [historic resources] mitigations. We feel these mitigations are woefully inadequate, and that if this building is proposed for demolition, we would look for a really substantial contribution to that uptown neighborhood in some form of facade improvement program perhaps, or other contribution to the physical environment of the neighborhood. The way it is right now this mitigation is really inadequate, and I would look for some much stronger mitigations if I were to think that a demolition was appropriate. (*Ms. Shiff, DEIR Hearing Transcript*)

Response PC-8

Please see Master Response A in chapter IV.

Comment PC-9

But the big thing that concerns me is the historic building on the corner. And I drove by on the way to the meeting tonight and, you know, there’s actually a substantial number of nice older buildings right there and, you know, on Telegraph, especially in [unintelligible], a lot of these projects have come in, you know, removing existing viable buildings that are, you know, part of the fabric of, you know, the neighborhood and the context and what we like. (*Mr. Nesbitt, DEIR Hearing Transcript*)

Response PC-9

Other historic resources in the project vicinity, including those along Telegraph Avenue, are identified on DEIR page III.A-13, which states, “City of Oakland historic resources in the project vicinity include St. Augustine’s/Old Trinity Church at 2845 Telegraph Avenue (Oakland City Landmark # 79), the Grant Miller Mortuary at 2850 Telegraph Avenue (local rating of “B+3”), and the Telegraph Hill Medical Plaza at 3003-27 Telegraph Avenue (local rating of “B+3”). These buildings would be considered historic resources for CEQA purposes. All other buildings in the immediate project vicinity (within one block) were assigned ratings of “C” (Secondary Importance), “D” (Minor Importance), and would not be considered City of Oakland or CEQA historic resources based on their local survey status. No designated Oakland Preservation Districts, APIs, Heritage Properties, or any buildings on Oakland’s Preservation Study List were identified in the project vicinity. As

described above, the project site building may contribute to a potential API of period revival-style funeral homes clustered along Telegraph and Piedmont Avenues in the project vicinity.” Other than direct impacts to the subject property, the DEIR identified no significant direct or indirect impact to other historic resources in the project vicinity. Therefore, the DEIR adequately characterized the impacts of the proposed project on historic resources on the project site and in the immediate project vicinity.

Comment PC-10

And this project site seems, you know, large. And so there’s certainly plenty of room to do other things with the rest of the site. And so I would urge saving this building. (*Mr. Nesbitt, DEIR Hearing Transcript*)

Response PC-10

The *Alternatives* section of the DEIR identifies three potential project alternatives that would allow partial or full preservation of the existing building while developing the remaining portions of the site; generally those areas currently occupied by surface parking. These are, 1) Alternative 2 Partial Preservation / Lower Density Alternative, 2) Alternative 3: Partial Preservation / Higher Density Alternative,. And 3), Alternative 4: Full Preservation / Higher Density Alternative (see DEIR pages IV-5 – IV-17 for more information).

Comment PC-11

First that, regarding [historic resources] mitigation, we really felt like creating archival -- an archival record of this is -- it’s just not very accessible. Hardly ever -- anybody ever gets to see such things, and it’s not really meaningful, some of the things that have -- that has been suggested we think would be more meaningful. Something that actually -- because something’s lost from the neighborhood that’s of value, and that something should go back into the neighborhood that’s of value. (*Mr. Peterson, DEIR Hearing Transcript*)

Response PC-11

Please see Master Response A related to additional mitigation. As stated on DEIR page III.A-18 – 19, “Trammell Crow Residential shall document the building at 2935 Telegraph Avenue prior to its demolition through the use of large-format black and white photography and a brief historical report, meeting the specifications of the Historic American Building Survey (HABS). The historic report should briefly describe the building and its historic significance to the City of Oakland. The documentary photographs and report would be archived locally at the Oakland History Room (OHR) of the Oakland Public Library along with a copy on archival paper. Digital copies of the photographs would be forwarded to the Oakland Cultural Heritage Survey.”

Comment PC-12

[W]e generally felt like the alternatives were not fully explored, not to our satisfaction. You know, we looked at number two and said this is the superior alternative, it hardly got any press in the, you know, verbiage or pictures in the EIR. So we would, you know, we felt like we should -- the developers should look at that a little harder. (*Mr. Peterson, DEIR Hearing Transcript*)

Response PC-12

Please see Master Response B in chapter IV.

Comment PC-13

And then my third comment is regarding this -- it's sort of the style issue. And the building is actually referred to as sort of plantation architecture, and as an architect who studies architecture history, I had to take issue with that. It's probably a federal building, not a colonial building. It could equally be from Maine as Georgia.

And so the associations are -- it's really an Eclectic California building that remembers the East Coast somehow. So I think attaching strong associations from past history are kind of dangerous.

It's a high quality building, that's part of why it's a landmark. And as far as the -- sort of this -- I guess the possible historic district. I mean if you look at the building, it's a collection of stylistic expressions. There's a gothic building, and I'm not sure that a gothic building makes sense here anymore than colonial revival. (*Mr. Peterson, DEIR Hearing Transcript*)

Response PC-13

Comment noted. Please see Response LH-26. The DEIR accurately characterizes the 1946 addition to the former Courthouse Athletic Club as exhibiting the Colonial Revival style of architecture.

Comment PC-14

To completely fill Oakland up with all this high density before the impacts are considered about traffic, because there really isn't good comfortable transportation, public transportation. (*Ms. Browning, DEIR Hearing Transcript*)

Response PC-14

As identified in DEIR section *Transportation, Circulation, and Parking*, the proposed project would have no significant impacts on automobile traffic or public transit.

Comment PC-15

I just need to go on the record to say that all these things are causing a lot of impacts, the sewers, everything else, having them in one spot like that actually isn't the greenest way to build. (*Ms. Browning, DEIR Hearing Transcript*)

Response PC-15

Please see Response A-2 in Chapter V related to wastewater generation and associated effects.

Comment PC-16

I would like for us to be more creative and figure out how we could retain that building and incorporate it. I guess I'm an advocate of, like, renewed use, if you will, rather than tearing and demolishing buildings. I don't think that the -- I don't have enough information on the other alternatives, but I would tend to agree that alternative two is something that I would favor and encourage. I think that there, given the size of that parcel, there's just an opportunity to be far more creative than just tearing something down. And I just -- I'm offended by, really, that -- the notion that we can just tear down these old buildings with wonderful architecture without being more creative. (*Commissioner Garrison, DEIR Hearing Transcript*)

Response PC-16

Please see Master Response B in chapter IV.

Comment PC-17

And I would like for there to be more information around the alternatives, and particularly alternative two that was mentioned tonight. (*Commissioner Garrison, DEIR Hearing Transcript*)

Response PC-17

Please see Master Response B in chapter IV.

Comment PC-18

[W]e should not be afraid of height here. And so if that height would allow the adaptive reuse of the existing structure, which is a B plus, that's got to be given priority, I think, in the EIR, and it has to be explained why there are feasibility reasons why that can't happen. (*Commissioner Lighty, DEIR Hearing Transcript*)

Response PC-18

The DEIR evaluates two alternatives; Alternatives 3 and 4, that would include a seven and a ten story residential building, respectively, while retaining all or nearly all of the former Courthouse Athletic Club. Please see DEIR page IV-V10 – IV-17. These alternatives are not intended to be an exhaustive list of all possible building heights or designs that could be constructed on the subject property, but were included in the DEIR to provide a reasonable range of alternatives to inform decision-making and public input.

Comment PC-19

[T]he environmentally superior alternative [Alternative 2] has to be ruled infeasible in my view, and I think that is the standard that we've applied in other cases. So I think this should be applied here. (*Commissioner Lighty, DEIR Hearing Transcript*)

Response PC-19

Please see Master Response B in chapter IV.

Comment PC-20

So perhaps number two -- alternative number two is the better way to go. I would like to see better depictions of how what that might look like with regard to a floor plan. (*Vice Chair Boxer, DEIR Hearing Transcript*)

Response PC-20

Please see Master Response B in Chapter IV.

Comment PC-21

I certainly believe the mitigations, if the building is destroyed, are not adequate. I would like to see stronger mitigations there. (*Vice Chair Boxer, DEIR Hearing Transcript*)

Response PC-21

Please see Master Response A in Chapter IV.

Comment PC-22

As an example of what I am talking about is the Citicorp tower in San Francisco. I think it's at the corner of Sansome. At the bottom of that highrise is an old bank, or something like that, that has been saved and salvaged in some way and incorporated into a new structure. Now, we can argue whether they did a good job with it or not, but the idea is you get a sense of there's some history there, but yet they preserved that in some way, and still allowed there to be modern uses and height, lots of height. (*Commissioner Garrison, DEIR Hearing Transcript*)

Response PC-22

Please see Response PC-18, above. The DEIR evaluated five alternatives, all of which would save the former Courthouse Athletic Club. An alternative that incorporated all or a portion of the existing building into the proposed new building was not included in the DEIR as a project alternative, because it would result in the partial destruction of a historic resource. Since the purpose of CEQA alternatives is to avoid or reduce identified significant impacts, this alternative was not selected for evaluation. The alternatives included in the DEIR are not intended to be an exhaustive list of all possible building configurations that could be constructed on the subject property, but included a reasonable range of alternatives to inform decision-making and public input.

Comment PC-23

But the building may be important in the history of Oakland, that's my point. With regard -- particularly with regard to the architects who designed it, as I read through the EIR, they seemed to be important architects. (*Vice Chair Boxer, DEIR Hearing Transcript*)

Response PC-23

Although this comment does not directly address the accuracy or adequacy of the EIR, for informational purposes, DEIR page III.A-5 states that, "The design of the 1946 addition was prepared by the architectural firm of Miller & Warnecke. The 26-year-old Carl I. Warnecke joined Chester Miller's Oakland architectural firm in 1917 to form the design firm Miller & Warnecke, who were best known for a number of civic and quasi-civic buildings, as well as period revival houses and apartment buildings, throughout Oakland. Other buildings in Oakland, Piedmont, and Berkeley designed by Miller & Warnecke include the St. Andrew Missionary Baptist Church, an Oakland City Landmark at 2624 West Street, Oakland (1920), the Tudor Revival style Grant Miller Mortuary at 2850 Telegraph Avenue (1931), the Art Deco style Sherman Cleaners Building 3249 Lakeshore Avenue, Oakland (1936), the Piedmont Avenue Branch Library at 160 41st Street (1931–32), a one story commercial building at 1500 Leimert Boulevard in Piedmont, and Mulford Hall (1948) and an addition to Le Conte Hall (1950) on the U.C. Berkeley campus. Carl I. Warnecke is not as well-known as his son, John Carl Warnecke, who joined his father's firm and later became nationally known in the 1950s and 1960s for completing a number of modern civic projects."

As such, the DEIR accurately identified the architects of the 1946 addition to the project site building as Miller & Warnecke, a relatively well-known Oakland architectural firm.

APPENDIX A

Landmarks Preservation Advisory Board Hearing Transcript (April 9, 2007)

1 CITY OF OAKLAND

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4 In re: Landmarks Preservation)
5 Advisory Board)
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8 Reporter's Transcript of Proceedings
9 of Item 3

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11 City Hall
12 Hearing Room One
13 One Frank Ogawa Plaza
14 Oakland, California

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16 Monday, April 9, 2007

17 8:25 p.m.

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BOARD MEMBERS

- Mr. Kirk E. Peterson, Vice Chairperson
- Ms. Kelley Kahn
- Ms. Delphine Prévost
- Mr. Sean Tavernier

CITY STAFF

- Ms. Joann Pavlinec, Planner III
- Ms. Betty Marvin, Planner III

FOR THE APPLICANT TRAMMELL CROW RESIDENTIAL

- Ms. Jennifer Renk, Attorney at Law, Steefel, Levi tt & Wei ss

ALSO PRESENT

- Ms. Emily Thurston, Muller & Caulfield Architects
- Mr. Dan Garibaldi, Trammel l Crow Residential
- Mr. Andres Grechi, MBH Architects
- Mr. Sanjiv Handa, East Bay News Service
- Ms. Naomi Schi ff, Oakland Herit age Alliance

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3	Item 3 2935 Telegraph Avenue (APNs 009-0698-	1
4	001-00; 009-0698-002-01; 009-0698-	
	002-02; 009-0698-002-03; 009-0698-030-00)	
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1 PROCEEDINGS

2 (Prior proceedings were held but not
3 reported by the Certified Shorthand
4 Reporter.)

5 PLANNER III PAVLENIC: The next item on the
6 agenda is Item 3, 2935 Telegraph Avenue. This item is
7 before the Board for both design review and the public
8 hearing on the Draft Environmental Impact Report.

9 In order to keep these two issues clear and
10 separate, I think what we're going to do is to first --
11 hear the public hearing on the Draft Environmental
12 Impact report, take public comments, Board comments, and
13 discussion, and then close that hearing. And then we
14 will take the design review on the project separate, in
15 order to keep these two very separate and clean.

16 So the first item of this project will be the
17 environmental review. An initial study was then
18 drafted. An environmental impact report has been
19 completed for this proposal. The initial study
20 concluded that the project would eliminate historic
21 building important to local history, resulting in
22 potentially significant impact, that additional traffic
23 generated by the proposal project could cause traffic
24 impacts. Therefore, a focused Draft Environmental
25 Impact Report has been prepared.

DOUCETTE & ASSOCIATES 707.554.9970

4

1 The Draft EIR addresses cultural resources,
2 traffic, and also, it provides alternate -- alternatives
3 to the proposed project.

4 There are several impacts with respect to
5 cultural resources. The first is that the project will
6 result in the demolition of the former Courthouse
7 Athletic Club, a building that qualifies as an historic
8 resource, as defined by CEQA. This is a significant and
9 unavoidable impact.

10 There are several mitigation measures suggested
11 in the report. These address archival documentation,
12 interpretive materials, and relocation.

13 The other two impacts are less than significant:
14 The first is that the project would construct
15 substantially larger and taller buildings in the
16 vicinity of historic resources which could alter the
17 their historic setting.

18 And the third, which is less than significant, is
19 the cumulative impact of the demolition of the building.

20 The alternatives proposed for the project, there
21 are two no-project scenarios. And then there are three
22 other alternatives: One is a partial-preservation
23 lower-density alternative; another is a
24 partial-preservation, high-density alternative; and the
25 fourth [sic] is a full-preservation, higher-density

1 alternative.

2 The environmental report concludes that
3 Alternative 2 would result in the fewest environmental
4 effects. And therefore, it would be considered the
5 environmentally superior alternative.

6 If the city were to eventually approve the
7 project, after publication of the final EIR,
8 notwithstanding its significant unavoidable impact, it
9 must, in part, find the alternatives to be infeasible.
10 The feasibility assessment does not need to be part of
11 the final EIR but must be included in the administrative
12 record.

13 So with respect to the Draft Environmental Impact
14 Report, staff is recommending that the Board receive
15 public testimony on the Draft EIR; provide staff and the
16 project sponsor any direction regarding issues to be
17 addressed in the final EIR, including any additional
18 mitigation measures; and provide staff and the project
19 sponsor with specific recommendations on the types of
20 interpretive materials that should be required as part
21 of Mitigation Measure A1B.

22 And that is all for that segment of this review
23 of this project.

24 Thank you.

25 VICE CHAIRPERSON PETERSON: Shall we begin with a

1 presentation by the opposer or the public?

2 PLANNER III PAVLENIC: Is the applicant going to
3 wait until the design review?

4 They are going to wait until the design review
5 segment to do a presentation.

6 We do have one speaker on this item, and that's
7 Naomi Schiff.

8 MS. SCHIFF: We will have more extensive written
9 comments, but I have not had a full opportunity to
10 circulate that to our Board. So it will be forthcoming.
11 However, I do have some comments based on what I have
12 reviewed and some things other people have suggested.

13 First, you know, it would be nice if sometime, at
14 some point, somebody would look at the superior
15 alternatives. Generally speaking, we choose the
16 inferior alternatives. And I actually think it would be
17 nice to consider Alternative 2. I'm not going to spend
18 a lot of time on it because I'm a realist.

19 But it is a little pathetic to be squandering
20 this much tree pulp on alternatives which are not really
21 being taken seriously.

22 So I think on the whole, taking a look at
23 Alternative 2 might be a good idea.

24 I am a little bit concerned that there are some
25 respects in which this is not of equal value to that

LH-1

7

1 which is proposed for demolition. But I think that
2 could perhaps be rectified. And suggestions are -- I
3 thought a lot about the discussion of wood siding that
4 was mentioned in the staff report, particularly in
5 relation to the Episcopalian church nearby, which is a
6 pretty cool building and a historic landmark in the city
7 of Oakland. It uses a lot of wood. And I am concerned
8 about the juxtaposition of kind of old historic wood and
9 new wood aging in place, and how is it going to look 30
10 years from now? Particularly, as living in Adams Point,
11 where there was a sort of "woodfest" some years ago,
12 when people were building condos. We are now living
13 with the deterioration that has resulted, and it is
14 notable that very few of those buildings have replaced
15 any wood.

16 And so we have kind of the phenomenon of curly
17 shingles and deteriorating siding on buildings that were
18 marketed as very upscale at one time.

19 So I do question how are -- how is the City going
20 to monitor the quality of materials on this project?
21 And to some extent, I think, this Board could address
22 that in responding to the Draft EIR.

23 I am not an expert. And I don't know about
24 qualities of siding and wood and so forth. But I -- you
25 wouldn't want it to look shabby next to the historically

▲ LH-1
cont.

LH-2

LH-3
▼

1 eroding church over there.

▲ LH-3
├ cont.

2 And secondly, I find that the mitigations are
3 feeble. Once again, the planning department or whoever
4 it is has not really had the gumption to propose a
5 strong mitigation program. To my mind, while archival
6 things are nice, and I use the library more than a lot
7 of people, it is limited in its reach. And archiving
8 pictures of things which you have demolished, while
9 valuable, is not as valuable as actually keeping some
10 old stuff. And so therefore, I would propose that this
11 Board might want to recommend a strong mitigation
12 program, such as contribution to a facade improvement
13 program in the upper Telegraph area, there, whether or
14 not focused on funerary architecture. I don't know.

└ LH-4

15 But it does seem to me that there are some
16 buildings there that could benefit from a facade
17 improvement program, and it could even incorporate some
18 adjacent residential buildings of value, and that this
19 project ought to be doing something serious about
20 mitigating a loss. And this might be one way to do it,
21 because recordkeeping, while wonderful, is not really
22 that big a deal.

23 And similarly, on-site interpretive materials,
24 what are we talking about? A panel? A picture? A nice
25 display? I like these things. I think they are

└ LH-5
▼

1 wonderful. I do see them as somewhat temporary. I
2 think that people come to ignore them. I think they
3 tend to only be viewed by the people who are already
4 inside the building. A really active contribution to a
5 mitigation program, which would include a facade
6 improvement project, in the area, would be something
7 concrete that this developer could contribute. That
8 would not only provide some more historic context in the
9 area by appropriate rehab, but would also improve the
10 value of their properties and perhaps increase their
11 salability over time, because when you do good, historic
12 restoration, then the neighborhood becomes more
13 attractive. And a more attractive neighborhood means
14 higher sales prices.

↑
LH-5
cont.

15 So those are the main points that I would like to
16 bring forth.

17 Now, I think there may be some other things about
18 how this building addresses the Episcopal church. I was
19 looking forward to seeing a new view of this building.
20 And I will hold comments on the design features, as it
21 regards both CEQA and the design approvals, until I see
22 what changes are being made or what the latest is.

23 The staff report alludes to alterations in the
24 design, but the developer seems to say they do not have
25 those. So I don't know exactly how to react to that.

1 I was hoping we could get rid of the little
2 square windows that face the church.

3 Thank you.

4 PLANNER III PAVLENIC: That concludes the
5 speakers on this item, on the design -- on the
6 environmental review portion of it.

7 VICE CHAIRPERSON PETERSON: Can I ask some
8 questions about the survey and ratings. And how should
9 we do this? Should we all have questions, and then you
10 answer?

11 PLANNER III PAVLENIC: Well, if anybody has
12 questions or discussion, it would be appropriate to have
13 the Board do that at this time.

14 VICE CHAIRPERSON PETERSON: I am curious, first
15 of all, you have the rating system A, B, C, D. What is
16 an A building? I mean, like city hall is an A building.
17 How many A buildings are there? And then what are B
18 buildings? And it seems like that's the Preservation's
19 portion of this, or the crux of the matter. What is
20 that rating, and what does that mean?

LH-6

21 PLANNER III PAVLENIC: I would just like to say
22 that for the purposes of CEQA and environmental review,
23 any A or B building is a historic resource. However,
24 there isn't a tertiary -- I mean, one is higher than the
25 other. Obviously, B is major importance. And A is

1 highest importance.

2 So I believe it probably relates to the tally on
3 evaluations for each of the categories and how it falls
4 in the different number tallies. But for the purposes
5 of CEQA, it would not make a difference whether this is
6 an A or a B building.

7 VICE CHAIRPERSON PETERSON: There's also been a
8 study by consultants on the nature of the historicness
9 [sic] of the building. But has staff has reviewed -- I
10 guess, a lot of the survey forms are ancient and they
11 need to be fleshed out.

12 Has that occurred recently?

13 PLANNER III MARVIN: The rating on this building
14 is a preliminary survey rating because -- just because
15 that part of Telegraph hasn't been part of an intensive
16 survey phase that's gone through the formal evaluations
17 yet. And it wasn't on the unreinforced masonry lists,
18 so it didn't get a formal evaluation.

19 So it's a field survey rating saying major
20 importance, appears landmark or national register
21 quality. The additional research shows that the
22 appearance that we see altogether, which is brought up
23 in several stages of evolution, is a 1940s design by
24 Miller and Warnecki, who are highly regarded. It has
25 this interesting evolution with the Telegraph commercial

1 strip and the uses along the strip where there is this
2 cluster of funerary buildings in their period revival
3 garb from the early to mid 20th century. Seemed to have
4 clustered around Pill Hill. So it is interesting as far
5 as social and commercial history.

6 We haven't actually run it through the point
7 system, but it's something -- you know, we've talked, at
8 past board meetings, about familiarity as one of the
9 items on the point system, and one of the items in the
10 common sense definition of a big or "little L" landmark,
11 something that's prominent on the street. And it
12 certainly has that.

13 So I think running it through the rating system,
14 it would still be a B. And as Joann said, A or B, it's
15 local register -- you might argue that the policy 3.5
16 Findings of Equal or Better Design Quality say, "Are we
17 looking for an A of the future or B of the future?"

18 But it's kind of easy to get too hung up in the
19 ratings. It's really about the resource on the street.

20 MEMBER KAHN: I have a question about this idea
21 of having a mitigation measure that actually requires
22 money into a fund, a facade improvement fund or some
23 sort of historic fund that, in a way, compensates if
24 we're going to lose a historic building, then there's
25 actually a fund available to actually put money towards

LH-7

13

1 physical buildings in the area. Is that okay? Is there
2 some sort of study that's required? ↑ LH-7
cont.

3 PLANNER III PAVLENIC: The amount of the money
4 would -- is this -- would need to be proportional to the
5 project's impact. And so I'm not sure that we have a
6 clear way of determining that.

7 We have had previous mitigation measures. If you
8 are curious, I did a little research in case this was
9 asked.

10 MEMBER KAHN: Great.

11 PLANNER III PAVLENIC: On one project, on 300
12 Harrison, that was a significant and unavoidable impact,
13 and there was no demolition of any historic resource.
14 It was just the impact of the new building on the
15 district, which would reduce the sense of the historic
16 environment. And the total fair share cost for the
17 project applicant and for development and implementation
18 of the suggested program was \$25,000.

19 And the interpretive program, which is occurring
20 right now, is historic signage for the district. They
21 are doing a walking brochure. And they are also
22 repairing some historic trash cans that are in the
23 neighborhood. But this is a part of it.

24 This is another project that was in the same
25 neighborhood, at 426 Alice Street. There was demolition

1 of a 30,000 square foot warehouse building, potential
2 designated historic property. It was on the Local
3 Register of Historic Resources for the City. And it was
4 rated C. It was a significant and unavoidable impact,
5 and the total fair share cost to the project applicant
6 for the development and implementation for that program
7 was \$50,000.

8 So those two projects were combined and are being
9 administered by an agreement between the two of them for
10 those three projects that I just mentioned.

11 There was another project -- I'm not sure if
12 anyone was on the Board at that time -- and that was the
13 Glascock project for the boat house. They relocated a
14 portion of a historic resource about one half block from
15 where it was located. And they integrated it into the
16 new construction. And they also provided an
17 interpretive program for that project. And that was
18 considered no adverse impact.

19 PLANNER III MARVIN: Just slipped Joanna a note
20 mentioning policy 3.8 of the Preservation Element -- if
21 anyone has got their Preservation Element with them --
22 has a list of possible mitigations, among which is
23 listed contribution to Facade Improvement Fund. And
24 that's how we got the original downtown facade program.
25 That's the best thing the city does.

1 MEMBER KAHN: If we're in this time now of
2 commenting on the EIR, I would like to make a comment
3 that I would like to see some changes to the mitigation
4 measures to at least include a contribution -- if this
5 building is demolished, a contribution to a fund. And I
6 actually like the idea of a facade improvement fund
7 because you are actually improving the built environment
8 that is actually -- that may be diminished a little bit
9 by the loss of the resource, that I would actually see
10 the money go towards a facade improvement program than
11 to just more expensive interpretive signage.

LH-8

12 So I guess that's my sort of formal comment, is
13 to explore that sort of a donation from the applicant as
14 a mitigation measurement.

15 MEMBER PRÉVOST: I have sort of a procedural
16 question. I guess I understand we're going to be a
17 having a hearing as well as design review comments,
18 anyway -- not necessarily action.

19 And I find it a little difficult to have design
20 review on the proposed design in the absence of, first,
21 some recommendation or determination from the Board as
22 to whether the demolition is appropriate or not, because
23 preservation of the structure would affect the design of
24 the proposed project.

25 So what kind of thought have you given to that,

1 Joann, in terms of how you were envisioning this
2 process?

3 PLANNER III PAVLENIC: I think there are two
4 separate issues. And I think you can send the comment,
5 if the Board so chooses that demolition of the historic
6 resource is not appropriate as part of the comments of
7 the draft environmental impact report. And then, I
8 think you can also make design review comments
9 separately from that, on what's before the Board, as
10 to -- might be not necessarily related. I know that
11 that seems somewhat absurd, but....

12 MEMBER PRÉVOST: I can work with that.

13 VICE CHAIRPERSON PETERSON: I think also, if
14 there is a design that involves recycling part of the
15 existing building, I assume that the designer would
16 probably want the new portion of the building to be like
17 what is proposed, so we could -- maybe we could ask that
18 question. Can I ask that question of the designer?

19 PLANNER III PAVLENIC: During design review. Or
20 is this related to the....

21 VICE CHAIRPERSON PETERSON: Can I just ask it
22 now?

23 PLANNER III PAVLENIC: Sure.

24 VICE CHAIRPERSON PETERSON: For the designer, if
25 the Board recommends that part of the historic building

1 be preserved, and then you are building another -- you
2 know, that corner of the side is not, you know, good to
3 design a new building, do you think you would work with
4 the same esthetic you have already got going, for what
5 you have proposed? I think that's a separate question.
6 Should we just wait for design review?

7 PLANNER III PAVLENIC: Yes.

8 VICE CHAIRPERSON PETERSON: Okay.

9 MEMBER KAHN: Well, I have another question that
10 I'm not sure is appropriate to ask right now. But I
11 would like to know if the environmentally superior
12 alternative is considered feasible by the project
13 applicant. That seems to be a CEQA related question.
14 And I would like to know, because it's -- it appears
15 viable to me.

LH-9

16 PLANNER III PAVLENIC: The environmental review
17 does not address economic considerations, although it
18 will be addressed as part of the entire project review.

19 MS. RENK: Jennifer Renk. Steefel, Levi tt and
20 Weiss representing Trammel Crow Residential.

21 Any comments that you make tonight will be fully
22 answered within the context of the responses to
23 comments. So in order to just keep this clean
24 procedurally, we don't want to not answer your
25 questions, but are happy to do so under the auspices of

1 the design review section. But if you have formal
2 comments that will then be heard by the EIR consultant,
3 it will then be woven into the responses.

4 So I just wanted to sort of clarify why we're
5 sort of walking this fine line. And we're happy enough
6 to answer the other ones.

7 But at the end of the day, it's not necessarily
8 up to the applicant as to the feasibility, because it's
9 a determination that's up to the city. And that's part
10 of the findings that ultimately would have to be made
11 under the rules of CEQA.

12 So thank you.

13 VICE CHAIRPERSON PETERSON: And I guess, this may
14 be your question.

15 In looking at these alternatives, from what we
16 see, that they don't look that developed. And so I'm
17 wondering, you know, I guess there's a loss -- looks
18 like there's a loss of units. It's a pretty much --
19 there's a bunch of building there. Could there be --
20 some of those loss of units be in that building? And
21 that isn't developed. So I guess if you develop these
22 designs or alternatives, it would be good to see that.
23 What could you do with that?

LH-10

24 PLANNER III PAVLENIC: I think there have been
25 several comments that are appropriate to the comments,

1 on the Draft Environmental Impact Report, by several of
2 you. And I'm not sure if there are further comments or
3 not at this time.

4 VICE CHAIRPERSON PETERSON: Well, I guess I would
5 like -- maybe you can just shake your head violently yes
6 or no.

7 I mean, it seems like, for me, anyway, like we go
8 right to like what's the mitigation, without ever having
9 really discussed the alternatives. And I don't know if
10 we should have a lengthy discussion, but there's a
11 superior alternative. Is that getting consideration?

12 MEMBER KAHN: I think that was actually sort of
13 my question. I want to delve into it, but suddenly that
14 starts to feel a little bit like design review, for us
15 to tell them how to design a project in response to the
16 superior alternative.

17 So I guess I'm holding my strong -- the
18 expression of my preference for that alternative, I was
19 actually holding for the design review, because it seems
20 like a design review comment.

21 VICE CHAIRPERSON PETERSON: But saying it's the
22 preferred alternative, I believe it's a preferred
23 alternative in terms of the historic resource. And it's
24 not about what the new design is like, per se, because
25 they have latitude, considerable latitude, for that

1 portion of the project.

2 MEMBER PRÉVOST: I have some comments on the EIR.

3 I want to echo some of the comments that have
4 been made about the alternatives analysis in this EIR.
5 I think the alternatives that were selected for
6 evaluation were the right alternatives to look at, just
7 in terms of scope, that you want to achieve under CEQA.

8 I'm disappointed, though, that there wasn't a
9 hybrid of a couple of the alternatives, which gets into
10 design review. So I will just tell you so that you have
11 it for the record, if I can find my page. Please bear
12 with me.

13 It would be a hybrid of the higher density -- a
14 partial. It was a hybrid of three things: Higher
15 density, partial preservation, with the proposed
16 courtyards. That hybrid isn't looked at. It's almost
17 like the courtyards are mutually inclusive. So I will
18 just leave it at that for the EIR comment portion.

19 And I do agree with my colleague that the
20 sketches for the alternatives are not adequate,
21 particularly because they are not to scale. Yet the
22 preferred alternative is to scale, so it makes it pretty
23 difficult to do straight comparisons between the
24 alternatives and the preferred and the proposed project.

25 And I also think the case is not made in the EIR

LH-11

LH-12

LH-13

21

1 for why your proposed project is your preserved
2 alternative. I think you need to make that case clear
3 and stronger if, in fact, you stand behind that.

↑
LH-13
cont.

4 And I think the mitigation is a bit glossed over,
5 quite frankly. I think photo documentation is very
6 important. I think archiving and recording, all of that
7 is very important. But I don't think it's enough in the
8 demo scenario.

↑
LH-14

9 So that would be -- those would be the comments
10 that I would be looking for you to address, going
11 forward.

12 I would like, again, to address the sketches of
13 the alternatives, because having drawings that aren't to
14 scale, you know, might as well not be a drawing, really,
15 for purposes of true evaluation.

↑
LH-15

16 So that's it for my comments on the EIR.

17 PLANNER III PAVLENIC: I guess if there's no
18 further comments, we can go on to the design review
19 portion.

20 So this has been before the Landmarks
21 subcommittee for design review, the Landmarks
22 subcommittee is Board Member Peterson and Board Member
23 Kahn. The subcommittee has made several recommendations
24 to the designers. That's listed in your report. Those
25 include the character of the upper courtyard balcony;

1 the curved parapet; the side facade residential gates;
2 the use of wood siding on commercial facade; the retail
3 height along Telegraph; expressions of the concrete
4 slab; square windows -- and that's something that I'm
5 going to address. There was a double driveway on 29th
6 Street that's been eliminated -- and the yard spaces,
7 the transition spaces between the public entry and
8 private entries along 29th and 30th Streets.

9 This was also reviewed by the Planning Commission
10 Design Review Subcommittee on March 28th. And they also
11 had some comments. They recommended that the project be
12 shifted little to reduce the height in the rear and to
13 relocate those to the front, along Telegraph; to limit
14 any wood areas of width between 12 and 15 feet as an
15 accent material along Telegraph; they also discussed the
16 fenestrations and the residential character along
17 29th and 30th Street and asked that those be looked at.

18 And then there is also some considerations
19 outlined in your reports from staff and with reference
20 to the durability and maintenance over time of the
21 propose wood material.

22 And also, articulation of the podium walls along
23 29th and 30th Streets and then also in those areas where
24 it abuts neighbors' backyards.

25 So it was referenced to the Design Review --

1 staff is asking that you receive any comments from the
2 public to provide direction to staff and the project
3 sponsor on design issues outlined above as well as any
4 other design-related issues; and to determine, based
5 on -- the architects are currently looking at design
6 modifications. Originally, we had thought that they
7 would be ready for this presentation. However, they are
8 not.

9 So the Board may choose to want to see this again
10 if -- since those are not ready.

11 Thank you.

12 VICE CHAIRPERSON PETERSON: I had just asked
13 like, did this change? And the answer is, "It didn't
14 change."

15 PLANNER III PAVLENIC: It's in the process -- I
16 believe it's in the process of changing; is that
17 correct?

18 VICE CHAIRPERSON PETERSON: So would we need to
19 vote they return?

20 I would still like a to make a couple comments.

21 PLANNER III PAVLENIC: I think they are going to
22 do a presentation. I think you can absolutely make
23 comments based on what you see and. That would just
24 feed into their modifications further, as they are
25 working along with their design modifications. And then

1 if the Board so chooses, they could see the project
2 again when the modifications are complete.

3 I don't believe I have any speakers on this item.

4 MS. SCHIFF: I would like to react after the
5 presentation.

6 PLANNER III PAVLENIC: Okay.

7 Can we please dim the lights for a presentation?
8 Emily?

9 MS. THURSTON: I'm Emily Thurston. I'm with
10 Muller and Caulfield Architects.

11 Rosemary Muller prepared a historic report. I
12 thought you guys had seen it. It hadn't been
13 distributed. But I'm working off some of that.

14 So I just wanted to talk a little bit about the
15 historic -- the history for the building as well as some
16 of the context on historic design for the building.

17 (Thereupon an overhead presentation
18 was presented as follows.)

19 MS. THURSTON: It was initially constructed in
20 1902 with wood siding. It was a tiny little corner that
21 was built in '02. And looked pretty much the same by
22 1915.

23 In 1912, it was turned into a funeral home
24 mortuary and continued the same for a while. There were
25 a little bit of additions in 1922 and 1939.

1 In 1946, a major renovation was done. You can
2 see the exterior appearance was massively changed. All
3 the brick cladding was added. They added all those
4 columns. About half of the mass of the bidding was
5 built in '46. So just to go over when things were built
6 --

7 --o0o--

8 MS. THURSTON: This is the yellow part is the
9 part that was built in 1902. Then there were additions
10 in 1922. 1939, a little addition. 1946, the exterior
11 was redone, kind of undoing most of the previous history
12 along the left side, everything was -- a lot was added.

13 1978, the mortuary was sold to the Courthouse
14 Athletic Club. They made a few additions and did a
15 massive remodel of the interior.

16 So the only historic parts that remain are the
17 1946 exterior, the entry hall, and a few parts of that
18 chapel room, behind the entry hall, that's kind of red
19 and blue. And the port cocher or driving entrance on
20 the left side of the building.

21 --o0o--

22 MS. THURSTON: These are some of the buildings
23 that the design references. They are southern colonial.
24 Up in the left, you have Thomas Jefferson's Monticello,
25 which was built around 1800. There's a couple of other

1 examples of southern colonialism.

2 The style was replicated throughout the South, by
3 many, many plantation owners and slave holders. You can
4 see our building, the existing building at 29th and
5 Telegraph, looks like a lot like these southern
6 buildings. It was kind of a reference to a style from
7 along -- you know, pretty distant geographically as well
8 as in time.

9 --o0o--

10 MS. THURSTON: This is kind of what was popular
11 or cutting edge or good design in the 1940s. You have
12 the Charles and Ray Eames chair, up in the top left. It
13 went into production in 1946, the same year as the
14 exterior of the building.

15 The lower right is a 1932 ranch-style house.
16 That was gaining a lot of the popularity through the
17 '40s. It kind of reached its peak into the '50s. You
18 can see it's kind of a pretty simple, open style.

19 There's the Guggenheim museum by Frank Lloyd
20 Wright. It was commissioned in 1943.

21 So the style really looks very different from
22 southern colonialism. In the background, I have some
23 words that design magazines from that era were using to
24 compliment designs they liked. They liked buildings
25 that were modern, that do away with extravagance, used

1 indigenous materials. It doesn't have to be an antique,
2 so those are all qualities that are a little different.

3 --o0o--

4 MS. THURSTON: This was a contemporary building
5 in California. Look at it. It's from Disneyland. It's
6 their haunted house with a funerary theme. Walt Disney
7 started designing it in '44 and finished it in '64. So
8 it's kind of not serious design. It's something else.
9 It's over the top.

10 --o0o--

11 --o0o--

12 --o0o--

13 --o0o--

14 --o0o--

15 MS. THURSTON: Just to give you some history,
16 because I think it's important. World War 2 had just
17 finished just a few months before the building was
18 completed. There had been a huge influx of new people
19 to Oakland, especially African Americans. There were,
20 you know, about 40,000 new people between '42 and '44.

21 There were about -- the African American
22 population increased by a factor of five. There's the
23 general labor strike of 1946 -- shut down the whole city
24 for several days. A hundred thousand workers walked off
25 their jobs. So it's kind of a -- it's this refiguring

1 of the city's population, both during World War 2 and
2 afterwards.

3 --oOo--

4 MS. THURSTON: It wasn't all harmonious. Here's
5 a protest against the showing of the "Song of the
6 South," a Disney movie. African Americans didn't like
7 the stereotypical portrayals of African Americans in
8 that movie.

9 I think, after the war, there were some white
10 residents of Oakland who thought, "You know, you did
11 your job. Now go back to the south."

12 --oOo--

13 MS. THURSTON: And there's a picture on the
14 right, you know, sort of a poor black man and a
15 wealthier white woman not looking at each other. So
16 there was some possibility of relationship and some
17 possibility for a lot of tension. And we think that
18 this building kind of contributed to the tension with
19 its reference to southern colonial, you know, slavery
20 era architecture.

21 So when we're thinking about preserving our using
22 the building, we have to think about what are we
23 preserving here?

24 In addition, it's a hard building to reuse. You
25 can see the steps. It would make it hard to be

1 accessible. You would have to do some major remodeling
2 to make that work. It's not good for retail because
3 there's no windows along the front. You know, in the
4 corner, at 29th and Telegraph over here, it's all
5 covered in. It's not accessible from the street.

6 You know, when we thought about putting houses in
7 a mortuary, we didn't think that it would sell very
8 well. There's the idea, there's a stigma attached with
9 living in a former mortuary.

10 So it's a tricky building. It has some historic
11 qualities, but we're not sure they are the ones we would
12 want to keep or be able to keep. And that's it.

13 PLANNER III PAVLENIC: Would you dim the lights
14 again?

15 We do have another presentation.

16 Thank you.

17 MR. GRECHI: Good evening, Commissioners.

18 (Thereupon an overhead presentation
19 was presented as follows.)

20 MR. GRECHI: I'm going to walk you through the
21 new design of the building. And I'm going to make it as
22 brief as possible.

23 Again, quickly, Telegraph at 29th and 30th, this
24 was the building over the years. Additions -- most of
25 it was before the health club and the mortuary located

1 in this area.

2 As we fly around the building, you can see the
3 parking lot opening, office buildings in the back, the
4 office building, the office parking, residential homes
5 next to it, and then the health clubs started at this
6 point, over toward the mortuary.

7 --o0o--

8 MR. GRECHI: Kind of flying through, this is the
9 view from the west. Again, the L-shaped property,
10 pretty much just that.

11 --o0o--

12 MR. GRECHI: And one last view from the east, so
13 we can see the mismatch of structures over the years.

14 And with that, I will take you to our proposal.

15 --o0o--

16 MR. GRECHI: This is some photographs taken of
17 the site, but I think you have seen enough photographs
18 of the site.

19 We go right into the project.

20 --o0o--

21 MR. GRECHI: We have we have done is that we have
22 created a new scheme. And having surveyed the
23 neighborhood and looked at what's good about the
24 neighborhood, what has good proportions and what can
25 work in this neighborhood, we thought because of the

1 quantity of three- and four-level stories in this side,
2 some office buildings in the back, some residential
3 homes, multi-family, there's an array of different
4 heights and levels.

5 But for the majority, they are smaller
6 structures. You have the church. It's a large
7 structure. We thought it would be very appropriate for
8 this site that we carve a building into a smaller
9 courtyards instead of one donut that expressed itself in
10 the facade continuously on the perimeter.

11 We thought that breaking down this mass,
12 especially to relate to the buildings across the street,
13 in both sides, and maintaining the urban facade on
14 Telegraph was an important move. And so with that,
15 that's how we started a project, because that was the
16 key to it.

17 That only -- not only does it relate better to
18 the neighborhood, but also allows for better living
19 conditions. Everyone has views to the outside of
20 building. No one looks to any internal courtyard to
21 acquire light and air. So we have a lot of corner
22 units. Views and openness to the neighborhood is very
23 important.

24 --oOo--

25 MR. GRECHI: With that, I'm going to be walking

1 you quickly through a couple of the floor plans, explain
2 the project.

3 This, you can see what we have done with the
4 parking levels. We have internalized this parking
5 structure and wrapped it around with residential units,
6 retail, lobby, retail, and residential units. The bulk
7 of the parking is not seen from the street. Yet, it's
8 one level under ground, one level on the ground floor.
9 And then above that, residential units.

10 So as you can see, the blue being residential
11 uses and the rest being retail.

12 And above this, for four stories, you see the
13 blue being the residential units as they move in and
14 out. And the courtyards, the smaller courtyards, they
15 try to pull the masses away from the neighboring
16 structures, especially the smaller residential units,
17 this being an office building and this being -- it's a
18 medical office building and this being parking for that
19 medical office building. So we still try to pull it
20 away to relate better to those structures.

21 The building carries on in this floor plan for
22 four stories, above one level of parking.

23 As we go around the building, the facade on
24 Telegraph Street, you see the retail floor, the ground
25 floor. The main entrance of the building with its

1 clats. We're working at the moment on the quantity of
2 wood. We probably have decided that we will use it
3 sparingly and mostly as detail instead of big masses
4 like this.

5 We have some good -- good points from the Design
6 Review Commission and how to use the wood and how to
7 better use it and make it more as an accent.

8 --oOo--

9 MR. GRECHI: As you turn the corner on 30th
10 Street, you start seeing the massive building, that it
11 breaks in. This goes -- this facade is back about
12 80 feet from the street. And then it comes back out and
13 it goes back in another 80 feet.

14 And this, right in front of here, will have
15 single family home space in the street, We're going to
16 landscape this wall with trellises and so forth, in
17 order to soften that 10-foot wall on the adjacent
18 property line.

19 --oOo--

20 MR. GRECHI: As you go up to the other side, this
21 is 29th. Again, come from Telegraph, turn the corner.
22 Again, 80 feet back, back to the street, 80 feet back,
23 back to the street, so forth, to create that in and out
24 and that softening of the mass throughout.

25 This is our vehicular entry, and this is a

1 service entry that only will be used as needed for
2 mechanical service was.

3 On 29th and 30th, we have access on the street,
4 which is for the ground floor residential units. And
5 that's key to keep in line with what's happening on the
6 street. So those single-family homes have the front
7 doors on the street. So should we. And that have that
8 clearly indicated. I have a blow-up, an enlargement,
9 that explains how we have created front stoops into
10 29th and 30th.

11 --oOo--

12 MR. GRECHI: As we turn to the back of the
13 building, this is a part that's a backyard. This is
14 adjacent to that office building, and this is adjacent
15 to another home on 30th.

16 --oOo--

17 MR. GRECHI: This is a detail showing the stoops.
18 As you can see, this being the sidewalk, you have a gate
19 and you go in and the front door recesses in. In
20 elevation in the plan, you can see the recess is about
21 12 feet back in.

22 You can see, in some sketch of what it would look
23 like in the street, so you have protection from the
24 street, so people can't just walk in with their lock
25 [sic]. And beyond that, you will have the front door

1 into your unit.

2 So that will mimic in a modern, more contemporary
3 way, what's happening down the street, which is
4 single-family homes with the front doors on the
5 sidewalk.

6 --oOo--

7 MR. GRECHI: This is a view looking at the church
8 in the corner, on Telegraph, the retail floor, the
9 residential levels, and you start seeing how the
10 building breaks back in and out, and the different use
11 of materials.

12 Again, we're talking about -- we're redoing these
13 windows, which we had comments not only you guys, but
14 also Design Review. We're waiting to get comments
15 throughout all the different boards. Eventually, we
16 consolidate that and have one answer to everyone. And
17 that's going to be, as you can see --

18 --oOo--

19 MR. GRECHI: -- in this facade right here, we're
20 changing those windows. And we're changing the use of
21 wood, not so much deleting the use of wood, but making
22 it more of an accent material instead more of a complete
23 wall covering.

24 And with that, I will take any questions you guys
25 have.

1 Should I leave the slides up, or would you like
2 me to turn --

3 PLANNER III PAVLENIC: KTOP, can you bring back
4 the lights?

5 Thank you.

6 MR. GRECHI: Would you like me to turn it off so
7 you are not blinded?

8 VICE CHAIRPERSON PETERSON: I have to be critical
9 of your history analysis.

10 I just spent a week in the deep South. I have
11 lived in New England. I just think you did the analysis
12 of the building as some kind of racism is just weird.

13 Mortuaries discriminated against people of color.
14 Does anybody know that?

15 It's a federal-style building, mostly which is
16 built all over America. It's a classical building.
17 Classical architecture has been a living tradition for
18 600 years. It's still going on.

19 So I'm not sure that the analysis makes sense or
20 is cogent to the actual design review. Bad people build
21 good buildings often.

22 MS. THURSTON: So we know that funeral homes from
23 the '40s were generally white only or blacks only.

24 VICE CHAIRPERSON PETERSON: Were they here? Do
25 we know? I mean, it doesn't really matter, I think, for

1 Design Review.

2 But if you are going to say the history, you
3 should get it right. And I may be totally off base
4 here, but --

5 MS. THURSTON: Yeah. There's no evidence that
6 African Americans ever used it as a funeral home and
7 that's, you know, as conclusive as we can be.

8 I guess the reference in Oakland to the southern
9 colonial style is what feels weird, out of place, out of
10 style, and anachronistic to us.

11 VICE CHAIRPERSON PETERSON: To who?

12 MS. THURSTON: To Oakland?

13 VICE CHAIRPERSON PETERSON: I've lived here my
14 entire life. I've never associated this with racism.

15 Having lived in other parts of the country, where
16 it is -- I'm not sure that the buildings have that much.
17 It's not an antebellum plantation house by any means.

18 MS. THURSTON: We've heard from -- you know, a
19 couple of African Americans who live in Oakland that it
20 was an offensive building to them or to their parents,
21 more relevantly, and that it did have that feeling for
22 them. That was I guess -- yeah.

23 VICE CHAIRPERSON PETERSON: Okay.

24 PLANNER III PAVLENIC: Are there any more Board
25 questions?

1 I believe we do have one speaker on this item, on
2 the design review.

3 MS. SCHIFF: Naomi Schiff.

4 Thank you, Mr. Peterson. That was embarrassing.
5 I don't blame it on Emily, because I'm sure she didn't
6 write that report. I saw an earlier version of it.

7 That is not a real report. It had no citations
8 that I saw. It seemed to me to be an attempt at race
9 baiting for really humble architectural purposes, which
10 I think is ridiculous.

11 You know, I'm a Jew and I listen to Johann
12 Sebastian Bach. So what?

13 So you know, it doesn't make sense, really, a
14 critique on this level, and it is unprofessional.

15 I have sat through the Landmarks Board hearings
16 since the beginning of the Landmarks Board, I think, and
17 Planning Commission perhaps before that. And this is
18 right up there with appalling reports.

19 I really feel that if anything, it is an attempt
20 at polarization and social blockbusting of a kind that
21 is completely silly when we're talking about a little
22 old building, about to be demolished and that if you
23 need to make the argument for demolition in that way,
24 then you cannot make the argument.

25 There are so many stronger reasons, including the

1 feng shui of proximity to mortuary activities, which has
2 caused me to wonder if people will continue to walk
3 around Lake Merritt when they realize the Catholic
4 church is going to inter people downstairs from the new
5 cathedral.

6 So you know, if you want to take any of these
7 things to a ridiculous extreme, people will quit walking
8 around the lake because of the bodies at the cathedral.
9 And I won't listen to Bach, and people will hate every
10 building with columns, including African American people
11 I know, who have buildings with columns.

12 Columns really predate the South, anyhow. And we
13 know this from the Romans. And I am just completely
14 freaked out by that report.

15 I have never seen a report that used Dorothea
16 Lang photographs unattributed. I have never seen a
17 report that has miscellaneous phrases in quotes,
18 scattered around as decoration, attempting to be
19 serious.

20 And really, I mean, this body has seen so many
21 scholarly, well reasoned, if controversial
22 presentations, that I cannot understand what this report
23 is. And I certainly hope it's not a precedent for
24 anything that will be presented again.

25 As the publishers of "Oakland, the Story of a

1 City," I think that, you know, I could say that there
2 are many good resources at the Oakland history room, and
3 I didn't see any of them cited. The social history
4 adduced was inadequate.

5 I am -- I really don't get angry very often, but
6 I feel like this was really beneath the Landmarks Board,
7 as a presentation.

8 I am very glad to hear that the small windows are
9 perhaps going to be redesigned. I do hope somebody will
10 look at Alternative 2 and see whether it has any
11 potential.

LH-16

12 And I strongly support that that report, that was
13 just presented, not even be brought up at the Planning
14 Commission, because it is likely to engender an even
15 worse reaction than is given here.

16 I also think that, frankly, it is far past the
17 time in Oakland, where attributing racial
18 characteristics to buildings is going to be useful in
19 any regard.

20 Thank you.

21 PLANNER III PAVLENIC: That concludes our
22 speakers.

23 VICE CHAIRPERSON PETERSON: Would you like to
24 comment?

25 MEMBER KAHN: I think I will just dive into some

1 design review comments. I did have one question. I was
2 just curious, does staff know what the height limit is
3 along Telegraph?

4 PLANNER III PAVLENIC: There is no height limit.

5 MEMBER KAHN: I think I will start with what I
6 really actually like about the design of this building,
7 which is -- I think, it's an example of real
8 articulation and modulation for once. You know, you see
9 a lot of buildings trying to break down their massing by
10 doing sort of architectural articulation.

11 And here, you guys have really gone out and
12 modulated the building in a way, provided the
13 courtyards, and stepped it back from the homes. And I
14 appreciate that and I know that that's expensive. And I
15 think it's a really thoughtful approach, how to fit a
16 building like that in a neighborhood like this.

17 I also really do like the use of materials. But
18 I actually would be a little bit sad to see much of the
19 wood go, because I think it adds a real warmth to the
20 building and it's -- in a way that is suitable for that
21 neighborhood.

22 I do understand the concerns about the redwood.
23 I know the building in Berkeley, that we saw examples
24 of, quite well. And I've seen that. I have seen ipea
25 used in San Francisco quite a bit. It becomes sort of a

1 gray color, gets a little cold unless you treat it, so
2 you have to commit to treating it.

3 I continue to take some issue, though, with the
4 height of the retail. I think 9 feet is not enough.
5 And I think you just sort of glance at the elevations
6 and you -- the retail, to me, looks very overpowered.
7 And we really want retail to work on that corridor. So
8 given that there is no height limit, if we could, you
9 know, somehow gain a few feet elsewhere in the building
10 and get that retail level a bit taller.

11 I would note in the staff report that it sounds
12 like the city's own retail specialist also takes issue.
13 The retail expert of the city takes issue with the
14 height of that floor.

15 I think to sort of last but not least, I have to
16 say, though, I am not convinced that that building needs
17 to be demolished on the corner. And I sure would like
18 to see some more detailed plans and elevations to scale
19 that show, maybe, a reusable alternative, or an
20 alternative that actually holds on that to building at
21 the corner while still getting nearly the density that
22 you are proposing now. And I note that the
23 environmentally superior alternative loses about 15
24 units. And I would sure like to see a much more
25 thoughtful approach to how that building could be used.

LH-17

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1 So that's it.

2 MEMBER TAVERNIER: I would like to invite one of
3 the several project representatives up to the podium so
4 we can talk with you rather than at you, whomever that
5 might be.

6 MR. GRECHI: If you're talking about design
7 architecture, it will be me. If there's anything else
8 concerning --

9 MEMBER TAVERNIER: So I would offer you, before I
10 start berating you, an opportunity to respond to Board
11 Members Kahn's comments.

12 MR. GRECHI: I will.

13 The height, we're limited to the construction
14 type for Type 5. We can't go over 50 feet. We're at
15 the limit. So therefore, we can't go any higher. If we
16 were to change the construction type of the building,
17 then it would be an infeasible building, and there would
18 be no building.

19 So that's why that limit is there. We've done a
20 lot of multiuse or mixed use projects. And the key of
21 the retail is not only at its height, but it's also what
22 the skin of that is; the more glass you have, the more
23 openness, the more transparency you have.

24 Also, we studied that Telegraph Street a lot due
25 to retail. And it's very limited. And very little of

1 it has work. We want to make sure that it's small
2 enough that it can work.

3 If it's too big, it's not going to work. It's
4 got to be flexible enough or small enough so that anyone
5 can take it, be a dentist office, be a small cafe, be a
6 cleaners, be things like that, that don't need five,
7 six, seven thousand square feet, but it can be a more
8 manageable size. And with that comes scale.

9 The use of wood, I'm with you. I love the use of
10 it. That's why I put it to begin with. But there are
11 other materials we can use. There are composite
12 materials that do not deteriorate, that imitate wood.
13 It will have the warmth. It will have the look. So we
14 can explore that.

15 Ipea, I've used ipea in two projects in San
16 Francisco. You are probably talking about my projects.
17 It's a very good use of wood.

18 I think that wood can be more sparingly used, so it
19 becomes a -- it's more of a highlight. It might be too
20 much of a good thing at the moment. So I think, if we
21 reduce the use of it, it will be better. I hope I
22 answered most of it.

23 MEMBER TAVERNIER: Question: Do we have a
24 timeline on the revised plan documents?

25 MR. GRECHI: Yeah, we're working on that right

1 now. What we're doing is we are changing the amount of
2 wood, and we are changing the windows on 29th and
3 Telegraph. They were square windows. And that's it.
4 Those other comments that came from Design Review.

5 And we're also looking at an alternative that we
6 might push the building back. But I believe the
7 alternative came out of one of the commissions not being
8 very familiar with the site. And that was, they thought
9 those were single-family homes, when it's an office
10 building, what's next to us, on 29th right at the edge.

11 And then, what the building is abutting to, it's
12 actually parking for the office building. So we might
13 look at that and might review it with the planning
14 commissioner. We had a tower that some of you attended,
15 and some planning commissioners, last week, I believe,
16 on Tuesday. And that was successful. So everybody
17 could see what surroundings and what the building
18 condition is.

19 So those are the two things that at the moment,
20 we're working on, are almost completed. We want to make
21 sure that we get everyone's comments before we -- so we
22 can answer all at once instead of pieces, and not create
23 any constitution.

24 MEMBER TAVERNIER: Okay.

25 So -- and I'm not sure if you would be the person

1 to answer this in your group here. Back to Alternate 2,
2 even though we are supposed to be done talking about the
3 EIR, Alternate 2 for, at least, not complete demolition
4 of the structure, can you speak to that a little bit.

5 MR. GRECHI: There's several reasons why I hate
6 to say we want to demolish the building, because it
7 sounds horrible. But there's the connotation of being a
8 mortuary. There's also one bigger issue to us, is
9 the -- what's in the soils at the moment. There's a lot
10 of the formaldehyde, there's PCPs, there's things that
11 need to be clean and taken out of there, in order for us
12 to put a housing project on top. Otherwise, the
13 liability would be enormous for the life of the project.

14 So for us to clean all that, because, over the
15 years, it was a mortuary. The chemicals they would use
16 are obvious, and they leaked into the ground. And we
17 are convinced, and taken samples, that that's in there.
18 We need to remove everything that's there and clean the
19 soil before we even put a housing project on it.

20 So just leaving the building as this, and putting
21 housing in it, we can't. We got to clean the soil. So
22 that means taking down the structure and rebuilding it
23 as is. It doesn't make sense to us at the moment.

24 MEMBER TAVERNIER: And have you looked at any
25 hybrids of that alternative to preserve any of the

↓ LH-18

1 facade of the building?

2 MR. GRECHI: We looked at as a massing diagram,
3 not as an alternative. You are talking about using
4 pieces of elevation in the existing -- in the proposed
5 building?

6 MEMBER TAVERNIER: Yes, preserving some of the,
7 say, east facade, I believe is the one that faces
8 Telegraph; right?

9 MR. GRECHI: Yeah. We have not.
10 We've tried to divorce ourselves as much as
11 possible from the use of mortuary. There's been a
12 marketing study done that says that that's not a
13 compatible use.

14 It's a heavy Asian population in the area. That
15 probably would be the market that we are going after.
16 It's not compatible. So we are trying to get a fresh
17 start for the site, a fresh start of the neighborhood,
18 and that just is not --

19 VICE CHAIRPERSON PETERSON: So have you
20 considered -- of the mitigation items that are listed,
21 can you speak to what -- what you have planned in terms
22 of mitigation for removing the building?

23 There's discussion of plaques, and I understand
24 all the photography and documentation and that's great
25 for 5 percent of the population that will actually see

1 it.

2 What else has been discussed?

3 MR. GRECHI: We've talked about, like you said,
4 documenting the building before demolition. We talked
5 about photography. We talked about some reference
6 somewhere, maybe not on the site, maybe need more public
7 use so not only 5 percent of the building can see it, so
8 more people can see it. So in a public location.

9 And then that -- I mean, that's pretty much it to
10 preserve -- to have some type of tie to what was there
11 before, but not inside the building. We felt that, like
12 you said, 5 percent of the people are going to see it,
13 and that's not what we want, really. We want something
14 to be in the public spaces, and have some reference to
15 it.

16 MEMBER TAVERNIER: And has your group, in any
17 way, reviewed, as our secretary has, previous mitigation
18 measures for the demolition of buildings, of this value,
19 of this rated value. Monetarily or otherwise, has that
20 been discussed, and have you come up with any plan in
21 that regard?

LH-19

22 MS. RENK: Jennifer Renk again.

23 That would actually be up to the city at the end
24 of the day. So I mean, part of the reason we're here
25 tonight is to gather comments so that the City's EIR

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1 consultant can go back and incorporate mitigation
2 measures.

3 So we, I know, have talked to staff about
4 possibilities, certainly are open to others. But just
5 to reiterate the point that Andres made, in terms of
6 what feasible mitigations actually exist, I mean, the
7 soil's contamination is a point that I want to really
8 emphasize with you.

9 It's not just a matter of having to get rid of
10 some bad soils and reuse that building in an effective
11 way. I mean, it is a huge problem underground. No
12 housing would exist. If any retail were to happen, it
13 would most likely become an uninsurable project. So
14 this is not just a matter of a willy-nilly decision to
15 demolish a building that was some historic merit.

16 There are severe issues on that site, not to
17 mention the fact that there is also a gas station on the
18 corner. So I just wanted to take the opportunity to
19 emphasize that point and to just let the City know that
20 we're open to discussions about other mitigations that
21 might be a little bit more meaningful than what have
22 been explored in the EIR. But that's something that
23 will work itself out through the process.

24 MEMBER TAVERNIER: Thank you for elaborating. So
25 given that it's not a willy-nilly decision, I will come

1 back to my question.

2 Have you folks, without the City handing it to
3 you -- and I'm guessing the answer is no -- done any
4 research on what some other mitigation measures have
5 been and come up with anything that you have to the
6 table? It sounds like the answer is no, waiting for the
7 City to tell you.

8 MS. RENK: Well, that's -- the CEQA process is
9 dictated by the lead agency, which is the City.

10 So to the extent that we would go outside of that
11 process is not -- it's sort of not our job to do that.

12 PLANNER III PAVLENIC: I would like to add that
13 the previous examples that I did give, these were not
14 part of the Draft Environmental Impact Report. They
15 were developed along -- as the projects moved through
16 the process.

17 MEMBER TAVERNIER: Understood.

18 MEMBER PRÉVOST: What was developed as part of
19 the process?

20 PLANNER III PAVLENIC: The mitigation measures
21 that I referred to.

22 MEMBER PRÉVOST: I have a couple of comments
23 about some of what you have heard.

24 The toxics issue. If it's -- I don't like the
25 word. I have worked with contaminated soils quite a bit

1 in my lifetime here, and I don't like the use of that
2 word. We always just say "contaminated property." It's
3 everywhere in Oakland.

4 If that is the driver for why you can't preserve
5 part of the building, then why is there not a more
6 extensive discussion of it in the EIR, No. 1?

7 No. 2 is -- I am sensitive to exposure of people
8 to contaminated materials. I mean, it's something that
9 we need to take very seriously. However, before we just
10 say that we can't do anything because it's contaminated,
11 I think we need to look at the levels of contamination.
12 I think we need to look at whether it's residential or
13 commercial. I think we need a look at whether people
14 are on top of it or whether there's an underground
15 parking structure that separates people from the
16 contaminants.

LH-20

17 I mean, I would be careful about using that
18 argument too much without documenting it, at least more
19 extensively, at a minimum.

20 MR. GRECHI: Well, I think it's not one argument;
21 it's a combination of things. That is part of it. It's
22 not something we can ignore. We have to deal with it.
23 In order to put a parking garage, we have to remove that
24 soil.

25 Even if you put a parking garage -- because we

1 are removing that one level. So that soil's got to go
2 somewhere. It has to be treated, it has to be cleaned,
3 and so forth. So we can't leave the soil there. If
4 we're to clean the soil, we have to remove the building.

5 It's that. It's the connotation to a mortuary.
6 It's several things. I mean, they keep adding up, up to
7 something that doesn't work for the project, in our
8 view.

9 MEMBER PRÉVOST: Okay. And I just want to be
10 clear. I'm not telling you that I like or don't like
11 your project right now. I'm just highlighting that
12 issue, because I'm hearing it being emphasized, and this
13 is the first time, in all of these documents, here, that
14 I'm hearing that emphasized. It may very well be valid.
15 It needs to be fleshed out a little bit.

16 The other thing is you talk about parking garages
17 and having to dig out soil to put in a parking garage.
18 But in the scenario where the building or part of the
19 building is preserved, I don't see a parking garage
20 under the building, so you wouldn't have to dig out that
21 soil.

22 So then the only question becomes, what is the
23 exposure to people in the preserved building, given the
24 use of the preserved building, which presumably would
25 not be residential? So I just want to clarity of

1 argument, is all I'm asking for here.

2 MR. GARIBALDI: Is this on? I just prefer to
3 yell.

4 (Audience commotion.)

5 MR. GARIBALDI: Sorry. Okay. I'm Dan Garibaldi
6 with Trammel Crow Residential.

7 One of the main issues is, why we can't -- I
8 think to the point of how we can park in and around part
9 of whatever the remaining structure would potentially
10 become, what I want to say is that, it's one existing
11 parcel.

12 And well, first of all, to continue, one thing's
13 that being missed here is that there is a belowground
14 story beneath this structure. So to dig out the soils
15 that are contaminated is extremely expensive, because
16 you're not just going underneath the surface, below.
17 You are actually going underneath the entire story that
18 resides below. And you have to shore up that building,
19 because it could clearly cave in on itself. That's one
20 issue.

21 The other issue is, because it's existing as one
22 project, all parts are tied together. So we could clean
23 up all the soils on the entire site except for that --
24 what is around, that remains the soil underneath the --
25 whatever portion of the existing structure remains.

1 The problem is, those pieces are still -- that
2 puzzle is still linked together in the same project. It
3 becomes a liability issue that unlike a construction
4 liability issue, where a wall leaks, you have ten years
5 and it goes away, and hopefully in that time, you fix
6 it.

7 Environmental related liability issues last as
8 far out as it can. They can always be reopened. And on
9 account of that, construction lenders, insurance
10 companies, and equity investors run to the hills. The
11 site has to be clean. No one would ever willingly say,
12 "Well, three quarters of the site is clean, and one
13 quarter is marginally clean. It's friendly
14 contamination." The liability is too great. They will
15 look to the next project that eliminates that risk.

16 That's kind of where the overall fear of leaving
17 anything in the soil and working around it really lies.

18 Did I answer your question?

19 MEMBER PRÉVOST: Yeah. I appreciate that. Can
20 you clarify, so let's use look at Alternative 2, partial
21 preservation, lower-density alternative.

22 That portion of the building that is shown as
23 preserved here, how many parcels does that represent?
24 "Parcels" like with the Recorder's Office?

25 MR. GARIBALDI: I think it's all one entire

1 parcel .

2 MEMBER PRÉVOST: This is all one entire parcel ?

3 MR. GARIBALDI: Yeah. It's been --

4 MEMBER PRÉVOST: Things that come to mind are
5 deed restrictions, things like that.

6 MR. GARIBALDI: The problem is that the same
7 developer is tied to all of them, so you can't undo the
8 links.

9 MEMBER PRÉVOST: I understand.

10 But there are projects where they have put retail
11 or commercial uses with residential above, all on top of
12 contaminated soils. So I'm not saying this is the place
13 to do it. I'm not saying that the building should be
14 preserved or not. I'm just saying, you really should
15 look into that, just look into it. Look into --

16 MR. GARIBALDI: We are. We will. And we,
17 ourselves, would exit this. We would not do that,
18 because we would not want the liability. And that's
19 just being honest. You know, we don't want it hanging
20 out there and most developers wouldn't.

21 There's a theory of a No Further Action letter.
22 There's concern whether or not that really truly means
23 no further action anymore. There has been, to my
24 understanding, liability that does open up.

25 I'm not a legal expert. You, for sure, have a

1 lot more contamination remediation experience than I do.
2 But that has a concern.

3 I also do not want to underscore the fact is --
4 it's really equally as important. There's a large
5 portion of the population that is sensitive to the fact
6 that that used to be a mortuary. We can scrub those
7 walls out, and we can make it look however we want. We
8 wouldn't even want to reuse a metal railing or a brick
9 from that building and then go around and let people
10 know that the former history is a mortuary.

11 We're dealing with a significantly large
12 population that would be detracted from that. And we
13 have heard that anecdotally, and we've heard that from
14 people's -- directly from their mouths. And that's a
15 huge concern.

16 I mean, anybody here, would be willing to run
17 into a project that, on the ground floor, had a portion
18 of a mortuary that's still there? I'm not sure it would
19 be your number one choice.

20 It would significantly impact the marketing of
21 this deal. You can't separate the two, unfortunately.

22 MEMBER PRÉVOST: Okay. Well, thank you. And you
23 are right about the No Further Action letters.

24 MR. GARIBALDI: Yeah.

25 MEMBER PRÉVOST: Okay. Having said that, I will

1 just finish up here, because I don't want to belabor
2 this point. It's not the Toxics Advisory Board. So --
3 I don't like that word, but I used it.

4 Here's what I like about your proposal. I like
5 the wood, or the wood-like material. I wish there was
6 more of it, across from the churches in those nine
7 little square windows. But you are looking at that.

8 I look the courtyards. I like the courtyards a
9 lot. I like them so much that I wish you would look at
10 the hybrid that I mentioned earlier, which would -- how
11 do I say this? When you -- your alternatives, the
12 alternatives that look at preserving a portion of the
13 building change the layout of your project? All of a
14 sudden, the courtyards are gone. And I'm not sure I
15 understand why the courtyards are gone all of a sudden.

LH-21

16 Maybe you can add a story and keep the
17 courtyards. I'm not sure. But I'm looking for -- I
18 know, you talked about the construction type and so that
19 I wasn't aware of until tonight. So I guess I have to
20 sort of think about that some more.

21 But looking at the EIR, I would have really liked
22 to look at an alternative that preserved the smaller
23 preservation scenario with, essentially, the design you
24 proposed except not on that corner.

LH-22

25 You follow me?

58

1 MR. GRECHI: I do.

2 MEMBER PRÉVOST: Okay. And I also like the
3 stoops on 29th.

4 MR. GRECHI: And 30th.

5 MEMBER PRÉVOST: Here's what I don't like. I
6 don't like the balconies; this angled metal, presumably
7 metal, pole with the angled cover on the top balcony.
8 It looks very, sort of, carport, 1950s. So I don't
9 think it fits well. I don't like those.

10 I don't like the windows facing the church. You
11 have already heard that many times, I'm sure. I don't
12 like the service entrance opposite the church. I'm
13 concerned about beeping trucks, you know, like backing
14 up during service at the church, because, you know, on
15 Sunday, the mechanical guy has to show up to fix the
16 elevator, and it's beeping. And in addition to that,
17 I'm trying to reduce loud, you know, traffic right next
18 to the church.

LH-23

19 I agree with Board Member Kahn about the retail
20 height, but I'm not hung up on it. I'll just say that.

21 We already talked about the contamination issues.

22 I don't know. If you can't use these materials
23 to make a taller building, then I don't like the layout
24 of Alternative 2 with respect to the new portion of the
25 development. I mean, I think that the beauty of your

1 plan is these courtyards, and they are gone. And I feel
2 like I'm in a schoolyard, you know, with just an open
3 space in the middle. I don't like it. So I would like
4 you to think about how to keep this, but --

5 MR. GRECHI: I can tell you that it's nearly
6 impossible, because in order for us to keep that design,
7 we need the entire footprint of the building to acquire
8 the number of units that we need for this building to
9 work. If we get rid of the units in the corner, then
10 the perimeter needs to expand in order to accommodate
11 the number of units. Otherwise, there's no project.
12 That's the problem. I do like the scheme a lot.

13 I think it's an innovative scheme. I think it's
14 a great thing that we can start pushing to in the
15 future. We've seen enough donuts in the past, and
16 enough masses on the streets. And I think we can start
17 looking at something fresh and open.

18 I just then there's go to be a balance, otherwise
19 the gentleman behind me will walk away. So I need to --
20 we need to balance the whole thing so it happens.
21 That's why.

22 MEMBER PRÉVOST: Can you make the courtyard
23 smaller to get those -- you are losing 15 units in
24 Alternative 2.

25 MR. GRECHI: No, you can't make it smaller,

1 because otherwise the units at the end don't get enough
2 light and air. That is the perfect dimension in order
3 for all those units to face to get enough light and air.
4 There is a minimum dimension for that, in the code.

5 I know you don't want to hear. I have looked at
6 countless schemes.

7 MEMBER PRÉVOST: I guess what I'm hearing is that
8 Alternative 2 and 3, for that matter, aren't -- well, I
9 guess -- how are you proposing to build Alternative 3,
10 then because it's seven stories, is it not?

LH-24

11 MR. GRECHI: It's a different type of building,
12 and I don't think we would build it. Those are
13 alternates that we showed, I don't think we can build
14 those, and it's not in this project.

15 MEMBER PRÉVOST: All right. Okay. Well, I'm
16 stuck for now. But those are my comments.

17 MEMBER TAVERNIER: I know that we don't have it
18 in front of us. And comments notwithstanding can you
19 elaborate a little bit more on the changes you are
20 making relative to the wood and the windows at this
21 point?

22 MR. GRECHI: Yes, I can. The wood, we want to
23 minimize the use, so the amount of wood they use or
24 like-wood material would be more of a highlight instead
25 of a grand facade statement.

1 There was a lot of concerns, a lot of different
2 planning commissioners, people on your Board, that
3 talked about, there's too much wood. And then there was
4 a fear that the wood would deteriorate, in the future,
5 like other similar projects.

6 We'd like to use other materials than wood, good
7 wood materials. In order for us to use a higher grade
8 of wood, we'd need to use less of it, obviously.

9 So we'd like to keep those areas where people can
10 touch it. It's more of a warm material and then
11 minimize the use.

12 On the windows on the corner, we'd like to get
13 rid of the square windows. There's a good reason why we
14 put in there, but I'm passed it. I gave up on the
15 windows. And now, we're going to have more windows that
16 reflect more of the architecture of the project.
17 Instead of being a break in the architecture and a
18 difference, it will be more of what's around, the larger
19 panes, more glass, and so forth.

20 MEMBER TAVERNIER: So would it be fair -- a
21 picture is worth a thousand words. We don't have the
22 picture, and we probably don't have the time for a
23 thousand words.

24 You are looking to mimic -- rather than those
25 smaller square windows, you are looking to mimic the

1 windows, the single windows in that same elevation, more
2 or less?

3 MR. GRECHI: Exactly. Or around the corner, on
4 Telegraph, when you look at larger windows.

5 MEMBER TAVERNIER: Okay. And can you elaborate,
6 in a little more detail, what your current thoughts are
7 on the use of wood as the detail material?

8 MR. GRECHI: Yes, and in the front, we're going
9 to keep it closer to the lobby entrance. Instead of
10 having those two facades, we'll keep it to one, and
11 closer to the entry. So it's more a statement of
12 signaling where the front door is.

13 On the sides, we keep it on half of the facades
14 instead of the entire facades. So we minimize the wood,
15 having it more of a highlight. And that may allow us to
16 have a better grade of wood or like-wood material,
17 instead of having to use -- may I?

18 (A poster is presented.)

19 MR. GRECHI: Thank you.

20 In here, instead of having this two, maybe we
21 could have one and have more highlights, so there's a
22 connection to the entry, this being the entry and the
23 lobby. So this would stay, and maybe a small highlight
24 here, so it's not such a grand use.

25 Right now, it might be too much of a good thing,

1 and it's not being used as a jewelry, but instead as a
2 covering of the facade.

3 MEMBER TAVERNIER: And your thought is to reduce
4 it horizontally, not vertically?

5 MR. GRECHI: Exactly. It's all horizontal right
6 now. So we keep the horizontality of the wood, tie into
7 this entry.

8 MEMBER TAVERNIER: Well, let me clarify. You are
9 planning on keeping the wood full height in terms its --

10 MR. GRECHI: Yes, yes.

11 MEMBER TAVERNIER: -- elevation, you know, just
12 reduce it.

13 MR. GRECHI: Yeah, we believe that whatever we
14 keep, it should be an entire facade, not have little
15 parts of it. Yeah.

16 VICE CHAIRPERSON PETERSON: I actually think the
17 design has grown on me since last time. And I think
18 actually what Kelly said that, you know, you actually --
19 we see a lot of buildings have fake articulation. It's
20 really articulated here. So I would commend you for
21 that.

22 And I -- probably the only other design thing
23 that I've critiqued before, I do think these balconies
24 with the kind of little flip top. I think otherwise the
25 design is very timeless, and that seems kind of more of,

1 you know, flipped. I don't think that really
2 integrates.

3 Another question. I will get to the main thing
4 last. I know of another project involving a B-rated
5 building, where they are going to pick up the building
6 and move it sideways, do whatever they have to do under
7 the ground, move it back, if it ever gets approved of
8 course, and build a new building around it. So I don't
9 know if that could relate to the -- the bad materials --
10 bad chemistry of the lot.

11 And another comment about the -- I think that the
12 size of the -- you referred to the size of the retail
13 space, and I think the comment wasn't sort of square
14 footage. It was more of the height. And I also know of
15 another project where just the corners are popped up, so
16 it's like a 9- or 10-foot height. And then just the
17 corners are popped up, and that project lost a bedroom
18 on each corner where it happened.

19 That might make it have a little bit more
20 commercial presence, but that's --

21 But my main comment is going back to Alternative
22 2, I think as far as the design. Whatever the
23 connotations of the architecture -- and I overreacted, so
24 I apologize.

25 It's good materials, and it's a handsome design.

1 And I think it could be a good complement. I mean, the
2 brick -- you know, if you incorporate that, the brick
3 material, that would be the premium element of the
4 building.

5 So I think -- I guess we would also like to see
6 you really look at that one harder. And just one last
7 question is if the building is gone, is the association
8 that it was a mortuary, does that -- I would think that
9 still has bad connotations for people. Mortuaries had
10 bad connotations. Maybe it's not as bad, but that's --
11 that's not a design issue.

12 MR. GRECHI: We won't remind anyone that it was
13 there.

14 VICE CHAIRPERSON PETERSON: Well, we have to
15 disclose it.

16 MR. GRECHI: You are correct.

17 VICE CHAIRPERSON PETERSON: So I also think we
18 should all thank you. You've been patient. We've
19 really kind of worked you over pretty well this evening.

20 MR. GRECHI: I'm used to this.

21 (Laughter.)

22 PLANNER III PAVLENIC: I just have a couple of
23 questions. Is the Board requesting that this come back
24 in May with the modifications?

25 VICE CHAIRPERSON PETERSON: Is the Board

1 requesting to come back? We do need to see more
2 drawings; right? I think we should see a few more
3 drawings in May.

4 Do I need to have somebody make a motion?

5 MEMBER TAVERNIER: Well, that's actually why I
6 was asking him to elaborate on what the changes were,
7 with a little more detail.

8 I'm actually open to not hinging it on that, at
9 least, given that it still has to go back to Design
10 Review, Planning Commission level; right?

11 PLANNER III PAVLENIC: Correct.

12 MEMBER TAVERNIER: I, for one, am comfortable
13 making a recommendation to them. But that's just me.

14 MR. GRECHI: Those two comments were the comments
15 we had on the design review. So that's why we are going
16 to have to go in front of them again with the revised
17 designs of those two issues.

18 PLANNER III PAVLENIC: The Board should make a
19 determination whether they -- I know, one Board member
20 does not feel like it needs to come back. I don't know
21 about the rest of you.

22 However, if it's not coming back, I would like to
23 Board to address the findings in 3.5 and comment on
24 those findings if it is not coming back. And 3.5
25 findings are the design quality in the proposed project

1 is least equal to that of the original structure and is
2 compatible with the character of the neighborhood, or
3 the public benefits of the proposed project outweigh the
4 benefit of retaining the original structure, or the
5 existing design is undistinguished and does not warrant
6 retention and the proposed design is compatible with the
7 character of the neighborhood.

8 MEMBER PRÉVOST: What page are you on?

9 PLANNER III PAVLENIC: That's on Page 4.

10 MEMBER TAVERNIER: 13.

11 Page 4?

12 And 13 as well, sort of.

13 VICE CHAIRPERSON PETERSON: Well, how does -- it
14 seems like some of us are troubled by this, that
15 Alternate 2 could be looked at harder. Can we actually
16 request that it be looked at harder, or was there just a
17 comment on the EIR?

LH-25

18 PLANNER III PAVLENIC: Is the Board asking that
19 the applicants look at that Alternative No. 2 again in
20 further detail?

21 VICE CHAIRPERSON PETERSON: Is the Board
22 interested in having that be looked at more?

23 MEMBER PRÉVOST: Betty, can you tell me a little
24 bit about these mortuaries again, just like 30 seconds?
25 This potentially historic area of significance, rather.

1 I mean, because it's "potential," so it hasn't been
2 designated as such. What -- can you give me some big
3 picture context here?

4 PLANNER III MARVIN: Well, there's a cluster of
5 them up there. And probably the thing to do is just go
6 cruise upper Telegraph and see what it does for you.

7 MEMBER PRÉVOST: Yeah, I've been there.

8 PLANNER III PAVLENIC: The mortuaries -- the
9 addresses of the mortuaries are listed in there.

10 MEMBER PRÉVOST: Yeah, I've seen every single one
11 of those mortuaries. I drove around. I'm very familiar
12 with that neighborhood.

13 I guess I'm asking for the Oakland Heritage
14 Survey's opinion of this area. It's not very eloquent,
15 but it's very important, really. Because alone, I'm not
16 convinced that this structure is worth preserving -- not
17 convinced. I've decided I'm not convinced.

18 Together, though, I think that has different
19 meaning, together with the other mortuaries, that is.
20 So I'm looking for a discussion of that now, if you
21 could have it.

22 VICE CHAIRPERSON PETERSON: And I would like to
23 amend that a little bit. Is the historicness related to
24 the "mortuaryhood" of the buildings or the design
25 characteristics?

LH-26

69

1 PLANNER III MARVIN: Well, they go together.

2 VICE CHAIRPERSON PETERSON: Of course.

3 PLANNER III MARVIN: They are a building type
4 that goes for this kind of stage set architecture. And
5 there's a kind of amazing cluster of them there. The
6 one just up the street from this one, the kind of black
7 forest looking -- the something Medical Center now, but
8 it doesn't look very active at all.

9 What I was wondering, is are we going to be doing
10 this about that one in six months? Because it doesn't
11 look kept or anything either.

12 But there are those and then there's the Grant
13 Miller, Chapel of the Oaks, and there are a couple
14 others a little more scattered. And the Grant Miller
15 one also shares the history of having started with a
16 house and been expanded, there, in a sort of symbiotic
17 relationship with Pill Hill and with the upper Telegraph
18 and upper Broadway churches that are scattered along
19 there.

20 There's kind of a similar but not as dense
21 cluster is Fruitvale.

22 MEMBER PRÉVOST: Okay.

23 PLANNER III MARVIN: You don't know exactly what
24 your --

25 MEMBER PRÉVOST: Why hasn't it already been

1 designated an area of primary and secondary importance?

2 PLANNER III MARVIN: A designation doesn't happen
3 unless somebody does the paperwork and writes a
4 nomination and comes to Landmarks Board. And there was
5 a little flurry of toward doing something about this
6 building when the athletic club closed. Though, on the
7 whole, I think the loyalty was to the institution, not
8 to the building.

9 And because we have, on the one hand, de facto
10 owner consent, it's not likely that that landmark
11 designation, where the owner is known to be interested
12 in redeveloping the property is something people are
13 going to spend a lot of time and effort on.

14 And on the other hand, because this, "Well, why
15 hasn't it been designated?" has come up many times over
16 the ages, in 1998, the preservation element was amended
17 to create the local register, so that the highest rated
18 properties wouldn't be caught in this cat-and-mouse game
19 of, "Well, nobody's done the paperwork to designate it,
20 so it's nothing," which was the argument with the
21 Montgomery Ward building, that brought that all about.

22 So if the question is why wasn't it identified as
23 a district in the survey, you can call these things one
24 way or another. You could call it a discontinuous
25 district or you could just note that there's a cluster

1 of these up there. Oak Center, where the whole
2 redevelopment area was, was designated as the S20 zone.
3 The survey had called it out as a number of smaller
4 districts separated by the parks and schools and newer
5 buildings and things. So the district can be defined
6 any number of ways.

7 MEMBER PRÉVOST: Thanks.

8 VICE CHAIRPERSON PETERSON: So the question
9 remains, should we ask them to come back? Should we
10 move forward with recommendations and make our
11 recommendation to the Planning Commission?

12 I can't make a motion.

13 MR. GRECHI: If I may, Commissioners.

14 The bottom line is, we're not -- for a project to
15 continue, we can't save the building. If we are forced
16 to save the building or parts of it, then we will have
17 to walk away from the project. It doesn't work any
18 other way. Construction type, number of units, all
19 those things just doesn't work. We have looked at it in
20 every possible way for it to work and to have units that
21 are financially feasible for that neighborhood.
22 Otherwise, the premium goes up so high, it just wouldn't
23 work.

24 VICE CHAIRPERSON PETERSON: Well, that may or may
25 not be true. I don't think it's our job to determine

1 that. We're supposed to be talking about the history or
2 the features that are in our purview.

3 But thank you.

4 MEMBER KAHN: I feel like the comments we've made
5 today in the record make it clear that there's some
6 really good ones about demolishing this building.

7 I also think we made it pretty clear that a lot
8 of us actually like the design, have some pretty
9 specific design comments that we want to see
10 incorporated.

11 So I guess, I would be inclined, actually, at
12 this point, to make a motion to forward the design
13 review comments that we've made in the last hour, here,
14 to the Planning Commission.

15 And I know that Joann is going to ask, "Can we
16 make these findings for Policy 3.5? And, you know, I
17 would note -- by a close read of this, suggests that we
18 only really need to find that one of these three issues
19 holds, that it's one or two or three. You only need to
20 make one.

21 So I guess I would maybe, you know, make -- put a
22 motion forward that we can make the first finding in
23 Policy 3.5, to forward that on to the Planning
24 Commission with our comments on the design. And then I
25 think our comments on the EIR have already been put into

1 the record.

2 Procedurally, does a motion like that make sense?

3 PLANNER III PAVLENIC: Um-hmm.

4 MEMBER KAHN: So I guess I am making that motion.

5 VICE CHAIRPERSON PETERSON: Joann will restate
6 it.

7 PLANNER III PAVLENIC: Was there a second on the
8 floor?

9 MEMBER TAVERNIER: I will second.

10 VICE CHAIRPERSON PETERSON: To make a motion to
11 send, to the Design Review, comments that were made here
12 during the meeting, to the Planning Commission, and to
13 make the finding that the design quality of the proposed
14 project is at least equal to that of the original
15 structure and is compatible with the character of the
16 neighborhood.

17 MEMBER TAVERNIER: And before you call a vote, I
18 would also like to offer an amendment relative to
19 mitigation measure recommendations, such that, perhaps,
20 some contribution could be made to the Facade
21 Improvement Program along Telegraph, something to that
22 nature, if that's acceptable to you.

23 MEMBER KAHN: I will accept that.

24 VICE CHAIRPERSON PETERSON: Would that be modeled
25 on some precedent? There must be some precedent so we

1 are not pulling some numbers out of the air.

2 PLANNER III PAVLENIC: I'm sorry?

3 VICE CHAIRPERSON PETERSON: Is there a mitigation
4 for design review that usually means money, and there's
5 a precedent for establishing what is appropriate; right?

6 PLANNER III PAVLENIC: Um-hmm.

7 MEMBER PRÉVOST: I'm sorry. Maybe I'm confused.
8 But if we're incorporating mitigation into the motion,
9 then what are they mitigating? If we're not at the same
10 time demolishing the building?

11 I just want to make that clear, because I'm
12 cheering that there's ambivalence about whether this
13 structure merits preservation or not. But I'm hearing a
14 motion that now incorporates mitigation for demolition.
15 So I want to be really clear about we're moving.

16 Is that what you meant, Board Member Kahn?

17 MEMBER KAHN: I actually think that all the
18 comments we made already about the mitigations are part
19 of the public record, that are going to be responded to
20 in that final EIR. So I actually maybe don't think they
21 need to be in the motion.

22 I mean, I think what's happening here is that
23 this project may move forward, regardless of what we
24 say, and how we express our ambivalence about the
25 demolition. And if it does, I want to make sure that

1 that mitigation measure language is in there. But I
2 don't even think, procedurally, it needs to be part of
3 the motion, because it's already been set in this public
4 hearing, and applicant has to respond to it in the Final
5 EIR. So maybe in a way, just to sort of make it
6 cleaner, I think I reject your friendly amendment.

7 That probably did nothing to answer your
8 question.

9 MEMBER TAVERNIER: Cleaned it up but it didn't
10 answer anything.

11 MEMBER PRÉVOST: Well, it cleaned it up, but I
12 mean, I think our -- I realize we're ambivalent forever.
13 So I hesitate to just -- I hesitate to not try our best
14 to make a recommendation about the proposed demolition,
15 because it is our job, I think. What the new design
16 looks like is important, but I think what's more
17 important is the question of the existing building,
18 whatever our decision or recommendation is.

19 So I just want to make sure that we're either
20 going to come back to that or we're going to decide that
21 we're not coming back to it. I want the motion to be
22 clear. And I think what I'm hearing is that the motion
23 forwarded without the mitigation is abdicating that
24 decision for us. And I'm not sure I'm ready to
25 abdicate.

1 VICE CHAIRPERSON PETERSON: I'm not ambivalent.
2 MEMBER PRÉVOST: Board member Peterson, you are
3 not ambivalent?
4 PLANNER III MARVIN: If I might make a
5 suggestion, maybe there needs to be two motions made
6 here, or maybe -- if that's the direction the Board is
7 heading, two separate and distinction motions. But
8 there's one on the table right now, so...
9 MEMBER TAVERNIER: That has been seconded?
10 PLANNER III PAVLENIC: Yes.
11 MEMBER PRÉVOST: Right.
12 Okay. Can I make a second motion, or do we have
13 to deal with the first one first?
14 PLANNER III MARVIN: Substitute.
15 MEMBER PRÉVOST: Okay. Well, let's vote.
16 PLANNER III PAVLENIC: If there's no further
17 discussion, I will take the votes.
18 VICE CHAIRPERSON PETERSON: What is the motion
19 again? Basically pass it on?
20 PLANNER III PAVLENIC: The motion is to send the
21 design review comments on to the Planning Commission,
22 that were made here this evening, by the Board; and to
23 make the finding of -- for Policy 3, 5 the design
24 quality of the proposed project is at least equal to
25 that to the original structure and compatible with the

1 character of the neighborhood.
2 Okay?
3 Board Member Prévost?
4 MEMBER PRÉVOST: Aye.
5 PLANNER III PAVLENIC: Board Member Kahn?
6 MEMBER KAHN: Aye.
7 PLANNER III PAVLENIC: Board Member Tavernier?
8 MEMBER TAVERNIER: Yes.
9 PLANNER III PAVLENIC: Chair Peterson?
10 VICE CHAIRPERSON PETERSON: No.
11 PLANNER III PAVLENIC: Three to one. Motion
12 passes.
13 Is the Board contemplating a second motion or....
14 MEMBER PRÉVOST: I would like to move that the
15 Board review the demolition portion of this project at
16 the next meeting so that they come back to us -- that we
17 have an opportunity to think about this and to come to
18 some closure on it because otherwise we're abdicating.
19 So I move to have this come back before us at the next
20 meeting, if possible.
21 VICE CHAIRPERSON PETERSON: We just voted.
22 MEMBER TAVERNIER: Joann, maybe you can --
23 PLANNER III PAVLENIC: I think if this is related
24 to the CEQA document, the public hearing and the comment
25 period will be over at that time; is that correct? For

1 May 14th?

2 MS. RENK: May 3rd is the end of the comment
3 period. But I think what I'm hearing is that while you
4 have just made a finding that would support demolition,
5 you want it to come back in order to consider it.

6 I don't know if you mean that if other decision
7 makers support your finding and do indeed approve the
8 project, if you would like it to come back to you in
9 order to talk about mitigations -- because otherwise
10 it's sort of -- the motion seemed contradictory.

11 MEMBER PRÉVOST: Okay. I don't want to keep us
12 here until 11:00, but did we not just say, the design of
13 the quality of the proposed project is at least equal to
14 that of the original structure and is compatible with
15 the character of the neighborhood?

16 I not read anything in that that says it's okay
17 to demolish the existing structure.

18 MS. SCHIFF: That's demolition, baby. That's it.
19 That's demolition.

20 Look, I don't necessarily want to holler from the
21 audience, but you are demolishing the building when you
22 make that finding.

23 So in case you want to reconsider.

24 VICE CHAIRPERSON PETERSON: Can we reconsider?

25 PLANNER III PAVLENIC: I have to look it up.

1 MEMBER TAVERNIER: Can we just poll -- prior to
2 looking it up, does it make sense to do --

3 PLANNER III PAVLENIC: -- to do a straw poll?

4 On the previous motion, who would support the
5 previous motion? How many people would support it?

6 MEMBER KAHN: I just want to make sure that
7 our -- should this project -- should this building get
8 demolished and should this project be built, I want to
9 make sure our design review comments are incorporated,
10 and I want to get it off the table. So I think what we
11 should do is actually -- we should retract the motion
12 and actually just have a motion that's simply towards
13 our design review comments. And then all the other
14 comments on the EIR are going to be wrapped up in the
15 final EIR.

16 VICE CHAIRPERSON PETERSON: We don't make a
17 finding.

18 MEMBER KAHN: We don't make a finding. Exactly.
19 And I apologize for the confusion.

20 PLANNER III PAVLENIC: I have the information
21 here, if you want to know about reconsideration.

22 Reconsider to vote on a motion. Only a member
23 who voted on the prevailing side can make the motion.
24 It needs a second.

25 MEMBER KAHN: So I make a motion to retract the

1 motion?

2 Okay.

3 So I'm making a motion to retract the motion

4 making a demolition finding.

5 MR. HANDA: You are making a motion to reconsider

6 the item before you can do that.

7 MEMBER KAHN: I am making a motion to reconsider

8 the motion that we previously adopted that made a

9 demolition finding for the building in question.

10 And I would like to replace it with --

11 PLANNER III PAVLENIC: Let us take the vote.

12 MEMBER PRÉVOST: Second.

13 PLANNER III PAVLENIC: No further comment, I'll

14 take any discussion.

15 I'll take the vote.

16 Board Member Tavernier?

17 MEMBER TAVERNIER: No.

18 PLANNER III PAVLENIC: Board Member Peterson?

19 VICE CHAIRPERSON PETERSON: Just to re-open --

20 PLANNER III PAVLENIC: To reconsider the previous

21 motion.

22 VICE CHAIRPERSON PETERSON: Aye.

23 PLANNER III PAVLENIC: Board Member Prévost?

24 MEMBER PRÉVOST: Aye.

25 PLANNER III PAVLENIC: Board Member Kahn?

1 MEMBER KAHN: Aye.
2 PLANNER III PAVLENIC: Motion passes three to
3 one.
4 Was there another motion? Is there an alternate
5 motion on the table?
6 MEMBER KAHN: I don't think it's on the table
7 yet. But I would like to then make a motion that
8 forwards all the design review comments made by this
9 Board, in the last hour, on to the Planning Commission
10 for their consideration.
11 MEMBER PRÉVOST: Second.
12 PLANNER III PAVLENIC: If there's no further
13 discussion --
14 MEMBER TAVERNIER: Procedural -- does this bring
15 it back here? Does that motion --
16 PLANNER III PAVLENIC: It's not specific.
17 There's no --
18 MEMBER TAVERNIER: It does not necessarily bring
19 it back here; correct?
20 PLANNER III PAVLENIC: Board Member Tavernier?
21 MEMBER TAVERNIER: Yes.
22 PLANNER III PAVLENIC: Board Member Peterson?
23 VICE CHAIRPERSON PETERSON: Yes.
24 PLANNER III PAVLENIC: Board Member Kahn?
25 MEMBER KAHN: Yes.

1 PLANNER III PAVLENIC: Board Member Prévost?

2 MEMBER PRÉVOST: Yes.

3 PLANNER III PAVLENIC: Motion passes four to
4 zero.

5 VICE CHAIRPERSON PETERSON: I just feel like -- I
6 have been to lots of hearings -- that there could be an
7 impression out there in the community that affects real
8 estate values. I mean, we hear over and over again, "We
9 can't afford this unless the building is demolished."
10 And we have rules that are supposed to prevent buildings
11 from being demolished or "I need the building to be X
12 high because my pro forma requires it."

13 And it's sort of like we are endorsing -- we are
14 contributing -- we are affecting the value of property
15 by ignoring -- or it could be, you know, having an
16 affect on the property values and the affordability of
17 projects just by giving variances where they may not be
18 justified, being soft on people who want to develop
19 buildings. We don't appear to be doing so in this case.

20 But that's just of a general comment. That's
21 something all the boards and commissions should think
22 about. Just because a developer wants to build a giant
23 building and it's not according to the zoning. We do
24 need more housing, we do need more economic development,
25 but we have a specific role that, you know, is in

1 conflict but has to be balanced with those other --
2 other important things.

3 I have spoken.

4 (The Oakl and Landmarks Preservation
5 Advisory Board meeting, Item 3,
6 adjourned at 10:12 p.m.)

7 (Prior proceedings were held but not
8 reported by the Certified Shorthand
9 Reporter.)

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1 REPORTER' S CERTIFICATE

2 I, Kathryn Kenyon, do hereby certify:

3 That the proceeding was taken before me at the
4 said time and place, and was taken down in shorthand
5 writing by me;

6 That I am a Certified Shorthand Reporter of the
7 State of California;

8 That the said proceeding was thereafter, under my
9 direction, transcribed into computer-assisted
10 transcription; that the foregoing transcript constitutes
11 a full, true, and correct report of the proceeding which
12 then and there took place; and that I am a disinterested
13 person to the said action.

14 IN WITNESS WHEREOF, I have hereunto subscribed my
15 hand this 18th day of April, 2007.

16

17

KATHRYN KENYON, CSR 13061

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APPENDIX B

Planning Commission Hearing Transcript (April 18, 2007)

CITY OF OAKLAND
PLANNING COMMISSION

TRANSCRIPT OF PROCEEDINGS

--oOo--

OAKLAND CITY HALL
HEARING ROOM ONE
ONE FRANK H. OGAWA PLAZA
OAKLAND, CALIFORNIA

WEDNESDAY, APRIL 18, 2007

6:12 P.M.

--oOo--

REPORTED BY:

DORIS M. BAILEY, CSR, RPR, CRR

CSR License Number 8751

DOUCETTE & ASSOCIATES

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Vallejo, California 94590

(707) 554-9970

DOUCETTE & ASSOCIATES

A P P E A R A N C E S

PLANNING COMMISSION MEMBERS:

ANNE MUDGE, Chair
DOUG BOXER, Vice Chair
MICHAEL COLBRUNO
PAUL GARRISON
MICHAEL LIGHTY

STAFF MEMBERS:

JOANN PAVLINEC
MARK WALD
CLAUDIA CAPPIO
CLERK HUGHES

ALSO PRESENT:

JENNIFER RENK, Steefel, Levitt & Weiss, LLP

--oOo--

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--oOo--

1 APRIL 18, 2007

6:12 P.M.

2 P R O C E E D I N G S

3 --oOo--

4 COMMISSION CLERK HUGHES: Commissioner Lighty?

5 COMMISSIONER LIGHTY: Present.

6 COMMISSION CLERK HUGHES: Commissioner

7 Colbruno?

8 COMMISSIONER COLBRUNO: Here.

9 COMMISSION CLERK HUGHES: Commissioner

10 Garrison?

11 COMMISSIONER GARRISON: Here.

12 COMMISSION CLERK HUGHES: Vice Chair Boxer?

13 VICE CHAIR BOXER: Here.

14 COMMISSION CLERK HUGHES: Chair Mudge?

15 COMMISSION CHAIR MUDGE: Here.

16 COMMISSION CLERK HUGHES: We have a quorum.

17 (Thereupon there was discussion and action

18 unrelated to item 6 that was not reported.)

19 COMMISSIONER COMMISSION CHAIR MUDGE: And that

20 brings us now to six.

21 I am recused on item six, my firm does work for

22 the applicant in other areas.

23 VICE CHAIR BOXER: Mr. Merkamp, do you want to

24 call item number six?

25 MR. MERKAMP: Yes. Thank you, Vice Chair

1 Boxer.

2 Item number six is the hearing on the Draft
3 Environmental Draft Report at 2935 Telegraph Avenue.
4 And the presenter is JoAnn Pavlinec of our historic
5 preservation section.

6 MS. PAVLINEC: Thank you. Good evening,
7 Commissioners.

8 The purpose of this hearing is to receive
9 public and commission comments about the adequacy and
10 completeness of information and analysis of the Draft
11 Environmental Impact Report for the Courthouse
12 Condominiums.

13 This is a proposal to demolish the surface
14 parking lot and existing building on the site, and to
15 construct an approximately 280,000 square feet
16 five-story building, which includes 142 residential
17 units, 2,000 square feet of ground floor Retail, open
18 space, and on-site parking for approximately 204
19 automobiles.

20 An initial study and Draft Environmental Impact
21 Report have been completed for this proposal.

22 The initial study concluded that the project
23 would eliminate a building important to local history
24 resulting in a potentially significant impact, and that
25 additional traffic generated by the proposal could cause

1 transportation and traffic impacts.

2 Potential cumulative impacts on the proposed
3 project with respect to historic resources and traffic
4 generation are also analyzed in the Draft Environmental
5 Impact Report.

6 The DEIR also assesses a range of alternatives.

7 Other CEQA environmental factors are not
8 further studied in the Draft Environmental Impact Report
9 because the initial study has found that, either there
10 are no impacts, or that potential impacts are less than
11 significant or less than significant with conditions --
12 with standard conditions of approval.

13 The cultural resources section of the Draft
14 Environmental Impact Report found that there were three
15 impacts; one significant and unavoidable, and two less
16 than significant. This is the only significant and
17 unavoidable impact in the DEIR is that the project will
18 result in the demolition of the former courthouse
19 athletic club, a building that qualifies as a historic
20 resource as defined by CEQA.

21 There are mitigation measures offered for that
22 significant and unavoidable impact, and those include
23 archival documentation, interpretive materials, and
24 offering relocation. However, these mitigation measures
25 would not reduce the impact to less than significant.

1 In the transportation circulation and parking,
2 there are five less than significant impacts, and one
3 potential that has been reduced to less than significant
4 with the standard conditions of approval.

5 There were five alternatives studied in this
6 project.

7 One is the no project with the existing
8 building remaining vacant.

9 Another is the no project with a reasonable
10 foreseeable development, and that is a possibility of a
11 gym or other use for the building.

12 And then there are three preservation
13 alternatives.

14 One is a partial preservation alternative with
15 a lower density alternative.

16 The other is, again, a partial preservation
17 with a higher density alternative.

18 And then a full preservation with a higher
19 density alternative.

20 And the alternative two, which is the partial
21 preservation with a lower density alternative, is
22 considered to be the superior alternative
23 environmentally.

24 The Landmarks Board did hold a public hearing
25 on this last Monday, April 9th. And those were -- the

1 comments were not included in your report because the
2 turnaround time was a little too tight. I'd like to
3 just go over those for you orally tonight.

4 The comments included that the proposed
5 mitigation measures for the demolition of historic
6 resource are not adequate.

7 The photo documentation and interpretive
8 materials, while important, are not enough when there's
9 a demolition of a historic resource.

10 They would like to see the project sponsor make
11 a contribution, if the building is demolished, to a
12 facade fund program in order to improve the surrounding
13 built environment which would be diminished by the loss
14 of the historic resource.

15 They are not convinced that the building on the
16 corner needs to be demolished and would like to see more
17 details and plans that holds on to the building at the
18 corner while still getting the density the project
19 sponsor is seeking.

20 They would like to see a more thoughtful
21 presentation on how the historic resource could be used.

22 Would like to see an alternative developed
23 where some of the units are located in the existing
24 building.

25 They expressed a preferences for alternative

1 number two, and believe that this alternative should be
2 looked at more closely.

3 They would also like to see a hybrid of the
4 high density selection, the partial preservation
5 selection, while incorporating the courtyards which are
6 a significant design feature of this proposal.

7 They commented that the alternative sketches
8 were not adequate because there's only one that's to
9 scale, the other two are not; and, therefore, you cannot
10 evaluate a comparison.

11 They also commented that the case for why the
12 proposed submittal is the preferred project should be
13 made stronger.

14 They also commented on the use of wood of the
15 proposed building may have a negative impact on a city
16 of Oakland landmark across the street, that's St.
17 Augustine's, if it deteriorates over time.

18 They also discussed toxics and that there
19 should be more extensive discussion with respect to the
20 levels of contamination, whether the proposed uses are
21 commercial or residential, and whether people are
22 directly on top of it or separated by other uses.

23 And that there needs to be better clarity of
24 the argument.

25 And then it was finally suggested that the

1 building be picked up and moved sideways, and then the
2 soil cleaned up, and then the building returned to its
3 location.

4 Staff is recommending that the Board receive
5 public testimony on the Draft Environmental Impact
6 Report and provide staff and the project sponsor
7 direction regarding issues to be addressed in the final
8 EIR. And those may include comments on mitigation
9 measures for the significant and unavoidable impact, and
10 also on the types of interpretive materials that the
11 Board may -- the Commission may want to suggest.

12 The closure of the public hearing on the Draft
13 Environmental Impact is Tuesday, May 3rd at 4:00 p.m.,
14 and we will be accepting written comments up until that
15 time.

16 Thank you.

17 VICE CHAIR BOXER: Thank you very much.

18 Questions for staff?

19 Commissioner Lighty.

20 COMMISSIONER LIGHTY: Just, you know, I didn't
21 see it in the staff report, Ms. Pavlinec, and I'm
22 sorry. If it were meeting the R80 density, how many
23 units would be on the site?

24 MS. PAVLINEC: Oh, I think I have that. 232.

25 COMMISSIONER LIGHTY: 232. So when we talk --

1 I mean, it is a highrise zone; right?

2 MS. PAVLINEC: Correct.

3 COMMISSIONER LIGHTY: Just remind me how deep

4 that goes down the block on 29th and 30th, do you

5 remember?

6 MS. PAVLINEC: Let me see.

7 COMMISSIONER LIGHTY: Do we have that? Maybe

8 we have that.

9 MR. MERKAMP: It's actually on the map.

10 COMMISSIONER LIGHTY: Oh, I see. The entire

11 site is R80 except for that portion on Telegraph which

12 is C40.

13 MS. PAVLINEC: C40, yes.

14 COMMISSIONER LIGHTY: But C40 has the same

15 density --

16 MS. PAVLINEC: Right.

17 COMMISSIONER LIGHTY: -- as R80?

18 VICE CHAIR BOXER: Correct.

19 COMMISSIONER LIGHTY: Right?

20 MS. PAVLINEC: Yes.

21 COMMISSIONER LIGHTY: So what -- you could

22 achieve partial preservation with a higher density

23 alternative as well?

24 VICE CHAIR BOXER: Correct.

25 COMMISSIONER LIGHTY: Right. And is that

1 alternative four, essentially? Full preservation,
2 higher density, right? So that's essentially
3 alternative four. But --

PC-1
cont.

4 MS. PAVLINEC: You can also achieve partial
5 preservation with the higher density alternate also with
6 three.

7 COMMISSIONER LIGHTY: Right. So the -- I guess
8 the difference primarily is that the shadow effects of
9 the higher density make it more impactful than the
10 alternative two? Is that the difference?

PC-2

11 MS. PAVLINEC: Well there might be greater
12 shadows, but I guess it could be stacked and stepped out
13 to the rear too, depending on how it's designed.

14 COMMISSIONER LIGHTY: Yeah. And then there's
15 visual effects as the Draft EIR says.

16 MS. PAVLINEC: And neighborhood context
17 possibly.

18 COMMISSIONER LIGHTY: Yeah. Yeah.

19 MS. PAVLINEC: Existing neighborhood context.

20 COMMISSIONER LIGHTY: Okay. So that's why
21 alternative two got the favorability designation?

22 MS. PAVLINEC: It's the least amount of
23 environmental, yes.

24 COMMISSIONER LIGHTY: Least amount of
25 environmental.

1 Thank you.

2 VICE CHAIR BOXER: Any other Commissioner
3 comments?

4 Commissioner Colbruno.

5 COMMISSIONER COLBRUNO: I want to thank you,
6 you sent me, when this was here last time, the whole
7 explanation of the historic codes, and it's interesting
8 reading for anyone. No, it really is. I'm serious, I
9 enjoyed it.

10 My question though, and it's the same question
11 I had last time because I'm just completely baffled by
12 the colonial revival funerary building. And it's not --
13 I mean that sounds like it's the building with the white
14 columns that looks like it came out of Richmond,
15 Virginia. But that's not what it is, it's the corner
16 brick building -- is that correct? -- that's actually
17 the historic building?

18 MS. PAVLINEC: Well, they're both historic. I
19 mean the whole complex is historic. I mean the original
20 building was a brick house, I believe, and it was
21 added -- it was changed to a funerary use, and then
22 added onto in the front with the colonial facade in the
23 forties. And I believe the funerary architecture tends
24 to be period revival architecture.

25 If you look at other funerary parlors, even in

PC-3

1 Oakland or any other place around the country --

2 Commissioner Colbruno: So that's why it's historically
3 significant. Because, I mean, what confused me is I
4 usually I think of like Julia Morgan or something, that
5 just seems so out of place, not only in that
6 neighborhood, but in Oakland.

PC-4

7 MS. PAVLINEC: Well, the addition was also done
8 by a quite reputable architecture firm, Miller and
9 Warnecke, who are quite well known in this area.

10 Commissioner Colbruno: And how does it work -- because,
11 I mean, what I noticed when you really go look at the
12 project, and it's really nice to see from a bike, is it
13 looks like it was, like, six kids with a Lego set. Like
14 there was a little brick building on the corner, and
15 then somebody added on the colonial revival, and then
16 there was a swimming pool added in the back, and then
17 there was this.

PC-5

18 I mean, how does that play into the designation
19 of how important it is? It seems to have a higher
20 rating than from what I read that it seems to --

21 MS. PAVLINEC: I believe that's why there are
22 partial historic alternatives because they eliminate
23 some of the additions onto the rear of the parcel that
24 are not as significant as those in the front, being the
25 colonial. The parlor has some historic significance.

1 Most of the interior of the original house has been lost
2 and there's little integrity there.

3 COMMISSIONER LIGHTY: Right. And my last
4 question is, somewhere I saw referenced that Oakland
5 Funerary Historic District. I mean, is there actually
6 such a thing, or is that kind of just a concept?

7 MS. PAVLINEC: It's -- this area has not been
8 studied by our Oakland Cultural Heritage survey at this
9 time for the intensive survey.

10 COMMISSIONER LIGHTY: It's not currently a
11 real --

12 MS. PAVLINEC: It doesn't have to be
13 designated, it could still be found -- it's a potential
14 designated. It could be found to be a potential
15 designated historic district in that there are five
16 funerary period revival homes in that area with
17 accessory uses such as flower shops, it's near
18 hospitals. So there is sort of a district of funerary
19 homes with supporting uses.

20 COMMISSIONER LIGHTY: And that's contained in
21 the Draft EIR, I believe, in the section --

22 MS. PAVLINEC: It is.

23 COMMISSIONER LIGHTY: -- with these pictures
24 here.

25 MS. PAVLINEC: Uh-huh.

PC-6

1 VICE CHAIR BOXER: Mr. Garrison, do you have
2 any questions for staff?

3 COMMISSIONER GARRISON: I don't. Thank you.

4 VICE CHAIR BOXER: No. So I don't have any
5 questions.

6 But I just wanted to comment it's interesting,
7 you know, Commissioner Colbruno, this is what always
8 blows me away about architecture. Your -- what you view
9 as, you know, matchsticks and blocks, you know, someone
10 else views as, you know, as culturally significant. And
11 I -- it's always a difficult balance that we place.

12 And I'm curious to hear from the public, and
13 also I don't know if the applicant is going to talk
14 tonight. But I was struck by the number of alternatives
15 that actually allow for the reuse of that building, and
16 I'd like to hear from everyone before I comment.

17 MS. PAVLINEC: I'd just like to mention that
18 the applicants and their consultants are here and would
19 be happy to answer questions, but they don't plan on
20 doing a presentation.

21 Thank you.

22 CLERK HUGHES: Okay. I will call the first set
23 of speakers. Naomi Shiff, George Nesbitt, Curt
24 Peterson, Virginia Browning, and Sonji Honda.

25 MS. SHIFF: Hello, Naomi Shiff, Oakland

1 Heritage Alliance.

2 I think just first to comment on the little
3 colonial thing. You might also look at it as elements
4 derived from classical architecture. And there is
5 further context, not just the funerary buildings in the
6 neighborhood, but there are some really outstanding
7 churches in that neighborhood that have columns on 'em,
8 such as Parks Chapel, which is only a few blocks away,
9 and the church you might have seen up near the
10 intersection of Macarthur and Telegraph, another elegant
11 building with columns on the front.

12 The assertion was made at a Landmarks meeting
13 that African American people might not like this
14 building because of the columns. And I would say that
15 Parks Chapel would tend to militate in the other
16 direction.

17 These are classical features which are
18 frequently used as part of the language of architecture.
19 And particularly when you have kind of grandiose
20 aspirations to be a really established looking mortuary,
21 you know, it might be the kind of thing you would stick
22 on your building.

23 And we have other examples around town.
24 There's another one quite related to this in Berkeley
25 actually. There's another former mortuary with big tall

1 columns on it. And so you begin to see that it was
2 somebody's idea of how to gain respectability, perhaps,
3 or look like an institution, a long-lived institution in
4 the community.

5 I think that it -- the defect of this EIR is
6 perhaps in not sufficiently exploring alternative two.
7 And that we would be looking, particularly, to see much
8 enhanced mitigations. We feel these mitigations are
9 woefully inadequate, and that if this building is
10 proposed for demolition, we would look for a really
11 substantial contribution to that uptown neighborhood in
12 some form of facade improvement program perhaps, or
13 other contribution to the physical environment of the
14 neighborhood.

15 The way it is right now this mitigation is
16 really inadequate, and I would look for some much
17 stronger mitigations if I were to think that a
18 demolition was appropriate.

19 Thank you.

20 VICE CHAIR BOXER: Thank you, Ms. Shiff.

21 MR. NESBITT: George Nesbitt, founding member
22 of STAND.

23 My nephew had his third birthday last Friday,
24 Friday the 13th. And so, three years old and, you know,
25 as kids gain language, of course, one of the first words

PC-7

PC-8

1 they learn and they use far too much is the word no.

2 Often as adults we don't use the word enough.

3 My -- I haven't really seen this project in
4 depth, I know it was in front of the planning commission
5 about a month ago, and unfortunately I didn't get to see
6 the presentation there.

7 But the big thing that concerns me is the
8 historic building on the corner. And I drove by on the
9 way to the meeting tonight and, you know, there's
10 actually a substantial number of nice older buildings
11 right there and, you know, on Telegraph, especially in
12 Tennis Scowl, a lot of these projects have come in, you
13 know, removing existing viable buildings that are, you
14 know, part of the fabric of, you know, the neighborhood
15 and the context and what we like.

PC-9

16 And, you know, so we need to be able to say no
17 sometimes to removing part of what a neighborhood is.
18 And, you know, I know as, you know, developers, you
19 know, the building may seem like a liability, but it
20 really could be an asset not only to the development.

21 And this project site seems, you know, large.
22 And so there's certainly plenty of room to do other
23 things with the rest of the site. And so I would urge
24 saving this building.

PC-10

25 And what we also really need -- I grew up in

1 north Berkeley, and there's a house two blocks from my
2 parents' house that was just torn down as a remodel, you
3 know. They leave up the front wall, well the front wall
4 is gone now and there's only a little bit of floor left,
5 and before the job is done, that will all be gone.

6 So we really need to think about demolishing
7 buildings. What we need to think about is
8 deconstructing them when they do have to go. But we
9 should be looking to save them as much as possible.

10 Thank you.

11 VICE CHAIR BOXER: Thank you, Mr. Nesbitt.

12 MR. PETERSON: My name is Curt Peterson at 5253
13 College Avenue. And I was chairing that portion of the
14 Landmarks Board meeting when this subject was discussed.
15 And I mainly want to reiterate some of the things that
16 have already been said.

17 First that, regarding mitigation, we really
18 felt like creating archival -- an archival record of
19 this is -- it's just not very accessible. Hardly
20 ever -- anybody ever gets to see such things, and it's
21 not really meaningful, some of the things that have --
22 that has been suggested we think would be more
23 meaningful. Something that actually -- because
24 something's lost from the neighborhood that's of value,
25 and that something should go back into the neighborhood

PC-11

1 that's of value.

2 And also, we generally felt like the
3 alternatives were not fully explored, not to our
4 satisfaction. You know, we looked at number two and
5 said this is the superior alternative, it hardly got any
6 press in the, you know, verbiage or pictures in the EIR.
7 So we would, you know, we felt like we should -- the
8 developers should look at that a little harder.

9 And then my third comment is regarding this --
10 it's sort of the style issue. And the building is
11 actually referred to as sort of plantation architecture,
12 and as an architect who studies architecture history, I
13 had to take issue with that. It's probably a federal
14 building, not a colonial building. It could equally be
15 from Maine as Georgia.

16 And so the associations are -- it's really an
17 Eclectic California building that remembers the East
18 Coast somehow. So I think attaching strong associations
19 from past history are kind of dangerous.

20 It's a high quality building, that's part of
21 why it's a landmark. And as far as the -- sort of
22 this -- I guess the possible historic district. I mean
23 if you look at the building, it's a collection of
24 stylistic expressions. There's a gothic building, and
25 I'm not sure that a gothic building makes sense here

↑ PC-11
cont.

PC-12

PC-13
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1 anymore than colonial revival.

2 So thank you. If you have questions, I'm
3 here.

4 VICE CHAIR BOXER: Thank you.

5 MS. BROWNING: Hi, I'm Virginia Browning.

6 The main thing about this building is I know
7 you guys all think that 144 units and probably 288
8 people is a really great thing, the high density, you
9 think it's greener; I know it's not. To completely fill
10 Oakland up with all this high density before its, the
11 impacts are considered about traffic, because there
12 really isn't good comfortable transportation, public
13 transportation.

14 And it isn't viable to think that the people
15 that move into these things are completely going to pay
16 for them. They -- it should be subsidized by a tax
17 structure where the federal government actually gives
18 money to the cities. And I know that's not going to
19 happen overnight.

20 But anyway, you know, the building -- I don't
21 like the shutters, I like the rest of it, but the -- I
22 think you just -- I just need to go on the record to say
23 that all these things are causing a lot of impacts, the
24 sewers, everything else, having them in one spot like
25 that actually isn't the greenest way to build.

↑ PC-13
cont.

PC-14

PC-15

1 Thanks.

2 VICE CHAIR BOXER: Thank you. Are there any
3 other speaker cards?

4 CLERK HUGHES: Mr. Honda, but he doesn't appear
5 to be in the room.

6 MS. PAVLINEC: Okay. With that, we'll close
7 the public comment period.

8 And we will move to Commissioner comments.
9 Commissioner Colbruno.

10 COMMISSIONER COLBRUNO: Just one comment and
11 one comment only, and it's back to the building.

12 I just -- we're just taking comments for the
13 EIR, and I don't know if it's appropriate, but the issue
14 was raised, and I really appreciate Ms. Shiff's work,
15 and everybody on the historic preservation.

16 I find the building offensive, historic or not,
17 in that in '79 I was at a church in the south called
18 Souls Harbor when a Klan rally came by. And things that
19 harken to Dixie I just -- I have an emotional response
20 to it. And that building harkens Dixie to me.

21 And I don't know how it's historically
22 significant other than that. I just don't know if it's
23 an appropriate thing. I think archivally it's probably
24 an appropriate thing to have here. I think when it was
25 built in the thirties or forties or whatever, we were of

1 a different mindset.

2 And I don't know if there's a way to take
3 feedback from the community into what the emotional
4 response from other people in Oakland would be with that
5 building, but I think that's important.

6 VICE CHAIR BOXER: Mr. Garrison.

7 COMMISSIONER GARRISON: Yes. I have driven by
8 this building many times on business, and I like the
9 building. I don't find it offensive at all. I like the
10 architecture of it. I think there are several buildings
11 in Oakland that sort of fit into that same architectural
12 style.

13 I would like for us to be more creative and
14 figure out how we could retain that building and
15 incorporate it.

16 I guess I'm an advocate of, like, renewed use,
17 if you will, rather than tearing and demolishing
18 buildings.

19 I don't think that the -- I don't have enough
20 information on the other alternatives, but I would tend
21 to agree that alternative two is something that I would
22 favor and encourage.

23 I think that there, given the size of that
24 parcel, there's just an opportunity to be far more
25 creative than just tearing something down. And I

PC-16

1 just -- I -- I'm offended by, really, that -- the notion
2 that we can just tear down these old buildings with
3 wonderful architecture without being more creative.

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PC-16
cont.

4 And I think that is what really makes a city
5 fantastic is when they can, from a planning and
6 architectural standpoint, is when they can take
7 buildings that no longer have maybe one use and use them
8 for other uses, and incorporate new buildings. And, to
9 me, that's what makes urban living so much more
10 interesting.

11 And so I would like to see more creativity.

12 And I would like for there to be more
13 information around the alternatives, and particularly
14 alternative two that was mentioned tonight.

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PC-17

15 Thanks.

16 MS. PAVLINEC: Thank you, Commissioner
17 Garrison.

18 VICE CHAIR BOXER: Commissioner Lighty.

19 COMMISSIONER LIGHTY: I see we've become a boys
20 club all the sudden, so -- the --

21 I think the -- when we had this design review,
22 we spent a lot of time on this question whether it can
23 be incorporated and there were definitely, I think the
24 architect of the project would differ with us both about
25 the -- and with the EIR probably -- about the

1 feasibility of incorporating it, and also in terms of
2 the quality of the interior space in particular.

3 But I think what's the strength of our historic
4 preservation policy is that it really doesn't depend
5 upon the subjective use, even of us certainly, or of
6 either the planners. I mean, there is a process and
7 there's a criteria, and there is a designation from
8 that, and it's a B plus. This building is a B plus.
9 It's not part of an historic district or potential
10 historic district or area of primary importance or, you
11 know, those other kind of broader things, but it is a B
12 plus building.

13 And, as such, if there are -- particularly when
14 we are in a situation where the density is less than the
15 zoning and the general plan allows, this is not a
16 situation like other aspects of Telegraph where projects
17 exceed the zoning but adhere to the general plan, this
18 area is zoned for a highrise. Right? And it is -- and
19 the general plan is consistent with that.

20 So we should not, as a matter of policy -- it
21 may be an issue of design -- but as a matter of policy,
22 we should not be afraid of height here. And so if that
23 height would allow the adaptive reuse of the existing
24 structure, which is a B plus, that's got to be given
25 priority, I think, in the EIR, and it has to be

PC-18

1 explained why there are feasibility reasons why that
2 can't happen.

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PC-18
cont.

3 When we hear about feasibility at the
4 Commission, we hear that if we save this building we
5 can't build a number of units, right, that it's going to
6 take for us to pencil out.

7 We -- at this point we don't have that
8 argument, because we are -- in this project you're
9 building fewer units than are allowed on the site. So
10 it may be construction type, there may be other reasons,
11 but the feasibility argument has to be pretty
12 compelling.

13 In addition to the architectural argument of
14 what replaces it is of equal value. Those are -- you
15 know, we have to -- the alternative -- the
16 environmentally superior alternative has to be ruled
17 infeasible in my view, and I think that is the standard
18 that we've applied in other cases. So I think this
19 should be applied here.

PC-19

20 The -- whether that, you know -- alternative
21 two, obviously, does not meet that criteria, I mean
22 you've got fewer units. But again, the feasibility
23 question, I think, has to be resolved.

24 What -- it may -- you know, it's not a
25 particular style that I like, and I don't necessarily

1 disagree with Commissioner Colbruno that there's
2 certainly some associations with it that may be
3 offensive to some, but I think we're going to have, in
4 this type of situation, try to proceed as objectively as
5 possible.

6 VICE CHAIR BOXER: Thank you. I would support
7 Commissioner Lighty's comments, particularly as it
8 relates to trying to -- and Commissioner Garrison's
9 comments actually -- as it relates to trying to do a
10 little bit better and trying to push a little harder as
11 we study these alternatives.

12 Quite frankly, I would push for higher density
13 but, of course, the project applicant needs to make the
14 economics work on perhaps higher density.

15 So perhaps number two -- alternative number two
16 is the better way to go.

17 I would like to see better depictions of how --
18 what that might look like with regard to a floor plan.

19 I certainly believe the mitigations, if the
20 building is destroyed, are not adequate. I would like
21 to see stronger mitigations there.

22 And, you know, there are people who said that
23 we should -- there are people who are offended by the
24 notion of the mission system in California, that this
25 was, after all, where the Catholic church came and

PC-20

PC-21

1 converted the native peoples. But those buildings
2 provide some context to the history of California. In
3 fact, they are the history of California. In fact, the
4 federal government has said so and provided millions of
5 dollars for the restoration of those buildings, albeit
6 they may be offensive to some.

7 So I -- and I hear what you're saying,
8 Commissioner Colbruno, and I respect your opinion; if
9 it's offensive to you, it's offensive to you, there's
10 nothing I can say to change your mind. But I do think
11 we can -- we have all sorts of examples down the line of
12 architecture that we've preserved even though it may
13 have negative connotations for some.

14 And I think that's the end of the line.

15 Commissioner Garrison, yes.

16 COMMISSIONER GARRISON: I'd like to just add to
17 my initial comments. And I certainly appreciate the
18 comments that both Commissioner Lighty and Boxer just
19 made, and I support that.

20 As an example of what I am talking about is the
21 Citicorp tower in San Francisco. I think it's at the
22 corner of Sansome. At the bottom of that highrise is an
23 old bank, or something like that, that has been saved
24 and salvaged in some way and incorporated into a new
25 structure.

PC-22

1 Now, we can argue whether they did a good job
2 with it or not, but the idea is you get a sense of
3 there's some history there, but yet they preserved that
4 in some way, and still allowed there to be modern uses
5 and height, lots of height.

6 And so that's the kind of creativity that I'm
7 looking for, to give you an example of what I was
8 talking about. So I just wanted to support your
9 comments and add to my own.

10 Thank you.

11 VICE CHAIR BOXER: Thank you.

12 And Ms. Pavlinec, can I ask you, what is the
13 parking requirement in the C40? I'm just -- the only
14 reason I ask is because we just had this whole
15 conversation about bikes, and we've got a more than one
16 to one ratio in the parking, and I don't know if it's
17 because of the retail component that's there or --

18 MS. PAVLINEC: It's what -- this is over parked
19 actually. It's one to one. And the retail is very
20 small, there's very little requirement there, but there
21 is a nice big bike park area in this interior.

22 Vice Chair Boxer: And we should encourage that.
23 But perhaps with this creativity to look at the adaptive
24 reuse of the building, we can reduce some of the
25 parking.

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PC-22
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1 And I'm cognizant of the economics of removing
2 parking, but it is on a major corridor, and it is very
3 close, I believe, to Macarthur Park -- how far, about a
4 mile?

5 MS. PAVLINEC: It's between both 19th and
6 Macarthur.

7 VICE CHAIR BOXER: Okay. So we have it in the
8 right location.

9 MS. PAVLINEC: Biking.

10 VICE CHAIR BOXER: It's within biking distance
11 with bike parking.

12 Okay. Thank you very much. And I guess we
13 should go --

14 COMMISSIONER COLBRUNO: Just one clarification.

15 VICE CHAIR BOXER: Commissioner Colbruno,
16 please.

17 COMMISSIONER COLBRUNO: The point you made
18 about the missions of California, and they are relevant
19 to the history of California, which I don't necessarily
20 think that colonial and Dixie architecture is relevant
21 to the history of California. So let's be clear about
22 that.

23 VICE CHAIR BOXER: But the building may be
24 important in the history of Oakland, that's my point.
25 With regard -- particularly with regard to the

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PC-23

1 architects who designed it, as I read through the EIR,
2 they seemed to be important architects.

3 Okay. We shall go retrieve Chair Mudge.

4 (Thereupon the foregoing item was
5 concluded at 8:20 p.m.)

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