

# CHAPTER V

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## RESPONSES TO COMMENTS AT THE PUBLIC HEARINGS ON THE DRAFT EIR

The City of Oakland Planning Commission conducted a public hearing on September 15, 2004, continued to October 6, 2004, to provide the public an opportunity to comment on the Draft EIR. The following comments, presented in summary form, were received from the public and from members of the Planning Commission.

### SEPTEMBER 15, 2004, HEARING

#### *Comment*

NAOMI SCHIFF, Oakland Heritage Alliance, stated that because the project sponsor had submitted new plans, because the hearing date fell on Rosh Hashanah, and because the Landmarks Preservation Advisory Board had not yet met to review the project, the public hearing should be continued.

#### *Response*

The “new” plans represented only minor modifications that do not affect the analysis in the DEIR. The other comments do not address the adequacy or accuracy of the DEIR. For information, the public hearing was continued by the Planning Commission to October 6, 2004.

#### *Comment*

ORNA SASSON, Lakeside Apartment Neighborhood Association, challenged the DEIR’s analysis of cumulative impacts on historic architectural resources, stated that the project would be incompatible with the adjacent 25th Street Garage District [an Area of Primary Importance], and questioned whether the project is necessary in light of declining population in Alameda County.

#### *Response*

Please see the responses to Comment Letter G, from the same commenter, p. 86. Also, please note that a new Mitigation Measure E.5 (contribution to the City’s facade improvement program to fund improvements to historic buildings) is added in this document to partially mitigate cumulative effects on historic resources, as part of the Master Response Concerning Mitigation for Effects to Historic Architectural Resources (p. 28 of this document).

***Comment***

CYNTHIA SHARTZER, Lakeside Apartment Neighborhood Association, agreed that the public hearing should remain open pending the Landmarks Preservation Advisory Board meeting, stated that Mitigation Measures E.3a—f are not relevant to cumulative impacts and that the project would “weaken the 25th Street Garage District,” and stated that the City should support a National Register of Historic Places nomination for the 19th and San Pablo Commercial District [an Area of Secondary Importance].

***Response***

Please see the responses to Comment Letter F, from the same commenter, p. 71. Regarding the 19th and San Pablo Commercial District, this district is several blocks from the project site and would not be affected by the project. Furthermore, this district is already recognized as a historical resource under CEQA, and nomination to the National Register would not change this fact, or offer further protection to these resources.

***Comment***

PETER BIRKHOLZ, neighbor, stated his support for a Preservation Alternative, and for nomination to the National Register for the 25th Street Garage District as mitigation for adverse effects to historic resources. He expressed concern about the inconsistency between the General Plan and zoning for the site, asked whether pile driving will be required, and stated that loss of on-street and off-street parking should be addressed. Mr. Birkholz commented that the project’s massing would not relate to the adjacent 25th Street Garage District, stated that the EIR described shadow impacts as “not important,” and indicated that residential noise standards should be applied to the project because it is adjacent to residential uses. He requested continuous noise monitoring during construction and requested construction of a plywood barrier between the construction site and nearby residences.

***Response***

Please see the responses to Comment Letter L, from the same commenter, p.108.

***Comment***

MARK BAINING, Hanzel Auto Body Works (neighboring business), stated that project shadow would adversely affect his business’s ability to perform quality auto painting during the morning hours. He also expressed concern about construction traffic and parking, and construction noise. He indicated that new residents in the area might complain about the nuisance of auto body repair shops.

***Response***

Shadow effects are described with specific reference to the commenter’s business on DEIR p. IV.G-10.

Construction noise is addressed in DEIR Section IV.D, where extensive mitigation is identified on pp. IV.D-13—15. As a result, the impact was determined to be less than significant after mitigation.

Regarding potential effects on businesses in the project area, please see the response to Comment E-6, p. 69 of this document.

***Comment***

PLANNING COMMISSIONER FRANKLIN supported continuation of the public hearing.

***Comment***

PLANNING COMMISSIONER JANG supported continuation of the public hearing.

***Response***

As noted, the Planning Commission continued the public hearing to October 6, 2004.

***Comment***

PLANNING COMMISSIONER LIGHTY expressed concern about effects on the 25th Street Garage District. He supported continuation of the public hearing, as he felt input from the Landmarks Preservation Advisory Board would be valuable, given the different degree of historic importance attached to different resources.

***Response***

As stated on DEIR p. IV.E-26 and in the discussion of the 25th Street Garage District on p. 24 of this document, within the Master Response Concerning Mitigation for Effects to Historic Architectural Resources that begins on p. 23, the project site is adjacent to, but not within, the 25th Street Garage District.

***Comment***

PLANNING COMMISSIONER KILLIAN commented favorably on the geographic extent of the DEIR transportation analysis. He opposed the continuation of the public hearing.

***Response***

The comment is noted and no response is required.

OCTOBER 6, 2004, HEARING

***Comment***

NAOMI SCHIFF, Oakland Heritage Alliance, stated that the DEIR's mitigation for effects on historic resources are "too skimpy." She identified additional suggested mitigation measures consistent with those suggested in her written comments (see Comment Letter E, p. 59). Ms.

Schiff stated that the Partial Preservation Alternative is not sufficiently detailed. She stated that the Carey & Co. report should be included in the EIR, and that it contains additional information not included in the DEIR.

***Response***

Please see the responses to Comment Letter E, from the same commenter, p. 59.

***Comment***

CYNTHIA SHARTZER, Lakeside Apartment Neighborhood Association, stated that the DEIR's analysis of cumulative impacts on historic resources is inadequate. She suggested additional mitigation measures.

***Response***

Please see the responses to Comment Letter F, from the same commenter, p. 71. Also, please note that a new Mitigation Measure E.5 (contribution to the City's facade improvement program to fund improvements to historic buildings) is added in this document to partially mitigate cumulative effects on historic resources, as part of the Master Response Concerning Mitigation for Effects to Historic Architectural Resources (p. 28 of this document).

***Comment***

JOYCE ROY encouraged reuse of historic structures on the project site, indicating that live-work units could be developed in some of those historic buildings. She said the Preservation Alternative was not detailed enough.

***Response***

The commenter's support for reuse of historic buildings, including as live-work spaces, is noted, and will be considered by the Planning Commission. Concerning alternatives analyzed in the DEIR, the DEIR evaluates two alternatives, and a third alternative is analyzed in this document (see p. 4). The Full Preservation Alternative is evaluated consistent with Section 15126.6(d) of the state CEQA Guidelines, which state that an "EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." This level of information is provided in DEIR Chapter V.

***Comment***

SANJIV HANDA, East Bay News Service, stated that there had been procedural irregularities in regard to the Landmarks Board hearing on the DEIR and the project because the meeting was not broadcast on City of Oakland cable television.

***Response***

The comment does not address the adequacy or accuracy of the DEIR, and no response is required.

***Comment***

PLANNING COMMISSIONER LIGHTY stated that the Partial Preservation Alternative was not adequately studied, in terms of evaluation of the condition of existing historic buildings beneath more modern facades. He said additional information is required regarding cumulative impacts on historic architectural resources. The commissioner noted that the City “lacks a strong program” to implement preservation of historic structures. He stated that he had hoped for more consistency in advice from the Landmarks Preservation Advisory Board. He expressed a belief that the character of the project could be enhanced through facade preservation, although he acknowledged that this would not constitute complete mitigation for the loss of historical resources.

***Response***

Subsequent to the publication of the DEIR, and in response to comments from the Landmarks Preservation Advisory Board, Planning Commission, and the public, the project sponsor has further investigated the facade of the Julia Morgan-designed building at 2335 Broadway, and has revised the preferred project design to incorporate retention and rehabilitation of that facade, to the extent feasible based on the amount and condition of historic fabric remaining on the upper portion of the historic facade when the entirety of the current sheet metal cladding is removed. Please see the discussion of the revised project design on p. 3 of this document. Please see also the response to Comment A-4, from Landmarks Board member Dreyfuss, on p. 34 of this document. (As noted, further investigation beneath the existing metal cladding is not possible inasmuch as the existing auto dealership is an ongoing business.)

Regarding cumulative impacts, please see the response to Comment E-5, p. 66 of this document. Also, please note that a new Mitigation Measure E.5 (contribution to the City’s facade improvement program to fund improvements to historic buildings) is added in this document to partially mitigate cumulative effects on historic resources, as part of the Master Response Concerning Mitigation for Effects to Historic Architectural Resources (p. 28 of this document).

The commissioner’s other comments do not address the adequacy or accuracy of the DEIR.

***Comment***

PLANNING COMMISSIONER JANG stated that the Carey & Co. report should be included in the EIR. He supported preservation of the Julia Morgan Building.

***Comment***

PLANNING COMMISSIONER FRANKLIN cited the rehabilitation of the Dufwin Building in suggesting further investigation regarding what remains of the Julia Morgan Building.

***Response***

Regarding the Julia Morgan-designed building at 2335 Broadway, the project sponsor has revised its preferred design option such that the project would retain the Broadway facade of the Julia Morgan building. Please see the discussion of the sponsor's revised preferred design option on p. 3 of this document.

The Carey & Co. report is presented as Appendix A in this document.