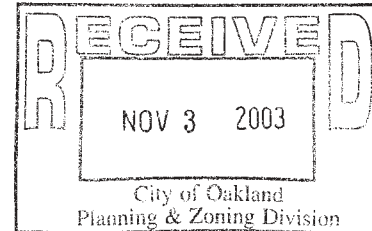




November 3, 2003

Lynn Warner, Planner IV
City of Oakland Community and Economic Development Agency
Planning and Zoning Division
250 Frank H. Ogawa Plaza
Oakland, CA 94612



RE: Draft Environmental Impact Report for the Uptown Project
Case File Number ER03-0004

Dear Ms. Henderson:

Oakland Heritage Alliance appreciates the opportunity to comment on the DEIR for the Uptown Project.

The first section of this letter pertains to the general process for the EIR and related meetings. The second section addresses historic and cultural resources.

OHA is leaving most comments on air quality, affordable housing, open space, parking, and transportation to others interested in these topics. We feel that these are important factors, which may have effects on historic areas, but are limiting this letter to the issues with which our organization is most familiar.

PART I: DEIR REVIEW AND APPROVALS

PHASED REVIEWS AND APPROVALS

Because the developer frankly admits that plans are somewhat uncertain for some of the parcels involved in this project, we object to the blanket approval of this EIR as a general green light to move forward on those components. AB 436 notwithstanding, there must be a clear, public mechanism for revisiting this project's environmental impacts as each phase of construction is contemplated, since the present project description leaves unanswered questions. There must be a review of the design features and project effects before each part of the project proceeds. These reviews must occur in public, such as before the Planning Commission, not behind closed doors in staff offices. While current staff may be highly competent, there is no guarantee of institutional memory, nor of the hoped-for high quality of review, in an era of severe budgetary restriction at the planning department.

We are particularly concerned about parcels 5, 7, 8 and 9, for which planned projects are extraordinarily ill-defined, which Forest City says they themselves may not design, develop, nor build, and

which seem to pose the possibility of enormous effects on the surrounding historic buildings, on traffic, on density, on open space, on demand for public services, and on the economic viability of the project. These parcels should be singled out for either a revised draft or a supplemental EIR as they are more defined and the issues become clearer. This EIR is inadequate and incomplete in assessing their impacts upon the potentially important and known important historic resources. It may also be inadequate because the descriptions of the projects on these parcels, are so vague as to be meaningless. The high-rise and other planned buildings on these parcels require much further study. Why, when the developer clearly is most interested in the core area of residential construction on the two large blocks between 19th and Thomas Berkley Way, Telegraph and San Pablo, should this area be widened to incorporate areas which are already built upon and functioning? Redevelopment should not be viewed as carte blanche to demolish large tracts of occupied city blocks. Incremental private development is a better mechanism for making progress in these borderline areas.

1
cont.

INSUFFICIENT DISTRIBUTION OF NOTICE FOR DEVELOPER-SPONSORED MEETINGS

Related public discussion meetings held this fall by the developers and attended by city staff were inadequately noticed, with resultant poor attendance. No flyers were left at area businesses for distribution to their customers; many uptown Broadway businesses were completely unaware of this project's progress, even though it may have enormous impacts upon them, and neighborhood organizations did not seem to know about the meetings, except for one or two immediately local ones and businesses impacted by the threat of eminent domain. The radius used for supposedly neighboring businesses was much too small. In addition, the meeting notices came out quite a bit too late for people to make plans to attend. OHA representatives found that we were spread thin trying to attend both the uptown meetings and the several other meetings and events which directly competed with it. This was most disappointing, particularly in comparison with earlier meetings which had approximately 10 times the turn out. We know that citizens of Oakland are interested in this project. We had asked repeatedly, months before, for projected dates for these meetings.

2

DEIR INADEQUATE, INCOMPLETE IN THESE RESPECTS

The inadequacy of the mitigations for impacts on the historic and cultural resources should be remedied in the final EIR. There should be a clear statement of the mechanisms for further review of the ill-defined projects on parcels 5, 7, 8 and 9.

PART II: HISTORIC AND CULTURAL RESOURCES

Inadequately or not at all studied in this DEIR analysis, and subject to very significant impacts:

• THE GREAT WESTERN POWER BUILDING: DEMOLITION UNACCEPTABLE, IMPACTS POTENTIALLY TOO GREAT

The demolition of this building is completely unacceptable to Oakland Heritage Alliance and its members. Particularly in view of its new ownership, with an owner who plans to do an attractive restoration of the facade, there is no excuse for planning any demolition on this site. The DEIR fails completely to discuss the impacts a large, as-yet-undesigned building, might have on the Great Wester Power Building. The EIR must address an appropriate and sensitive

3

design, should a building go forward on the site, not just butting up against (and shading) the historic building, but relating to it in a sensitive and appropriate manner. Since this project is vague and not well worked out, it is almost impossible to address it. The entire block between 20th, 21st, San Pablo and Telegraph should be studied in a further focussed environmental review, with discussion of urban planning issues, impacts, mitigations, and proposed design criteria.

3
cont.

The shade impacts seem to be severe, and the simple assertion that “the facade does not contain complex detailing” may not really be true, and does not excuse the impacts. The EIR must study an alternative that would be kinder to this building.

4

OHA believes that other buildings on this block are worthy of study and retention, in order to avoid the tendency for redevelopment districts to successively sprawl, demolish, and empty out regions of the city. Oakland’s experience in this regard has been that areas of the city, once vacated and demolished (even with excellent intentions on all sides), tend to remain blighted and vacant for decades thereafter. There should be no demolitions permitted, and no pushing out of viable businesses, until absolutely necessary—once a project has been fully approved.

5

Should the decision go forward to demolish the Great Western Power Building (which we would stoutly oppose), the proposed mitigations are far too weak to have much impact. We would propose that should such a demolition go forward there would need to be a really significant mitigation, such as a substantial funding of improvements to remaining historic buildings in the uptown area.

6

The case has not been made for a necessity for any demolition on this block; the entire issue must be revisited with a supplemental focussed EIR.

7

• **THE 19TH AND SAN PABLO DISTRICT: UNACCEPTABLE LOSSES**

Goals 1., 2., 7., 8., 11., and 16. (pages 41-42 of DEIR) could be served well by retaining some of the historically interesting buildings on the site. The small-scale buildings at 1958-60, 1966-68, 1972, 1998 San Pablo Avenue could be restored and retained as part of the planned development. This would provide a better transition between the project and the spectacular historic resources across San Pablo (See photo, page 211). It would reinforce the project’s incorporation into the urban fabric, helping it to avoid that “plopped down” feeling, and would provide some interesting spaces for retail, community, live-work, or entertainment uses on a small scale. We have provided an attachment, showing how the buildings could fit in quite well with the planned scale of the proposed development on that block. Incorporate the buildings rather than demolishing them.

8

We question the wholesale demolition of the resources across the street in the area of the former Royal Hotel. We fail to understand the reasoning that the small buildings at 1958-1998 can be cheerfully included in an unnecessary demolition because they are part of a district in which, once they are demolished, enough historically important buildings would survive: “These remaining buildings include . . . primary contributors (the Hotel Royal. . .)” when the preparers of this EIR *know full well*, and mention a few pages later, that there is another proposed project which may result in the destruction of other significant buildings at that intersection, *including* the Hotel Royal (pp 226-227). This is like saying, when faced with two slowly sinking ships, that it’s okay to dynamite one because the other one is still afloat, so one ship

will still remain. And then the second ship sinks. It is absolutely not acceptable to demolish this whole area, in a continuation of the egregious losses that started with the unwarranted demolition of the former cathedral. There is a point at which redevelopment becomes highly destructive of the city's distinctiveness. Because it is incremental, it is easy to make the argument that no single step is doing any significant damage. But the damage is done, nonetheless.

8
cont.

The mitigations are inadequate. Documentation doesn't really mitigate such losses. Establish a mitigation fund for improving buildings which are retained; consider establishment of some kind of protective zoning or historic district buffer zone to protect areas just to the north of this area, so that the historic Victorians, the First Baptist Church, and the YMCA can survive in a good relationship to each other, and continue to provide visual interest and a feel of connected historic fabric.

9

We specifically requested that the DEIR look into the possibility of incorporating the small San Pablo buildings into the project; we regret the refusal to do so, and request that such an alternative be presented as part of the final EIR. In our scoping letter, we said, and we still believe that an adequate EIR must include:

" . . . study alternatives that retain these buildings and the adjoining barbecue restaurant at the corner. These small but interesting buildings can provide visual transition into the project, integrate it better into existing streetscapes and encourage the creative reuse of historic buildings just outside the project area. New residents will appreciate these remnants of their neighborhood's past, and because of their relatively small footprint, it should be possible to include them in the site plan."

10

One aspect of sustainability is to re-use extant buildings rather than turning them into landfill. We believe these buildings at 20th and San Pablo could provide a real opportunity to help knit the project into its context, and to provide some historic urban interest in the context of these huge blocks of new construction. It seems eminently possible to include them in the project.

• **THE FOX OAKLAND THEATER: LEAVING SPACE FOR EXPANSION OF BACKSTAGE AREA**

The EIR is incomplete in its remarks concerning the Fox Oakland Theater (page 230). Issues of potential conflict-of-use with adjoining residential properties must be addressed. Any adjacent use must take into consideration the possibility that truck loading and related theatrical activities might occur, including during the late night/early morning hours. This might bring up issues of: noise, pedestrian safety, ease of large truck access. The issues should be addressed now so that we do not build in an intolerable situation either for potential residents or for commercial users of the theater, should it be used for large productions.

11

If the 50-foot-wide minimum area left behind the Fox Oakland Theater means that the site for the proposed mid-rise residential structure behind it needs to be moved west, it would be well worth doing so. The proposed high-rise at 18th and San Pablo is not adequately described, and thus should not control the surrounding land uses. Because the true size and scale of this imaginary high-rise are not known, there should be further study; a supplementary EIR should be prepared if and when more information about this project is available. There could be significant visual effects on the Fox Oakland Theater if this building were to be built to the full height contemplated in the DEIR, and we are concerned that it not provide an incongruous background to the Fox Oakland, when viewed from the East and North. The shade

12

impacts, Figure IV.L-9 through 12, upon the surrounding buildings, should be considered seriously as a reason to build a lower building.

12
cont.

• **UPTOWN BROADWAY: RETAIL BUSINESSES AT RISK**

Missing from the EIR entirely is any discussion of the worrisome potential for the proposed project to draw energy and people from uptown Broadway businesses. It is surely an environmental effect to hasten the development of the Telegraph retail zone at the expense of Broadway.

13

• **PARCEL 9: AN EXAMPLE OF "GOOGIE" ARCHITECTURE**

This site is described as an alternate location for the Sears auto center. We suggest that the extant "googie" hamburger stand is of value, and that it has not been addressed seriously in this DEIR. This building and its business occupant might be incorporated into a future development. This period of playful commercial architecture is just beginning to be appreciated and undergo a renaissance; it would be a mark of Oakland's sophistication to include it in the project rather than demolishing it, and the EIR should address this option. Wise promoters of Los Angeles's civic virtues have begun to capitalize on the presence of such home-grown California googie architecture; we can use buildings such as this one to help Oakland seem an attractive and accessible place. This style can prove attractive to just the young, vigorous people we seek to attract.

14

• **VIEW IMPACTS**

Designs for new buildings in the vicinity of the former YMCA (no longer owned by YMCA) building (DEIR page 228) should be required to be sensitive to the view corridors, such that views of and from the building are not negatively impacted. Designs in its vicinity should be appropriate to their location near this historic resource. Figure IV.J-4 shows how this building could disappear from the incoming driver if the new buildings come far out to the sidewalk line and do not step back at all from the street. We request a simulation showing a better design solution. Similarly, the view down 20th St., shown as Figure IV.J-5, not only blocks the stack of the Western Power Building but makes an awkward neighbor to the former Magnin's building. The proposed residential tower on block 5 seems particularly ill-located and too tall. We believe that the mitigations in this section, page 257 are woefully inadequate. For this reason, we believe that a supplemental EIR should be required for the later phase, high-rise components of this project. The design mitigations are ridiculously sketchy, through no fault of the EIR preparers, because the projects remain so ill-defined.

15

• **LONG TERM BUSINESSES ARE RESOURCES TOO.**

Missing from the EIR entirely is any discussion of the worrisome potential for the proposed project to draw energy and people from uptown Broadway businesses. It is surely an environmental effect to hasten the development of peripheral zones while sucking the life out of the central city.

16

In this connection, the DEIR has completely omitted mention of an important potential resource: the currently-closed-off BART access to the basement of Sears, formerly Capwell's. At one time this was an active entrance, which fostered pedestrian traffic through the store, thus increasing the likelihood that people would see and experience what was in the store, and perhaps even purchase goods there. The EIR should study the potential reopening of this link between BART and Telegraph Ave. It was particularly helpful during stormy weather, when it was open, and provides a way to incorporate Sears into the project.

17

Moreover, it is outrageous that so much concern is expressed over the potential relocation of the Sears auto center, and so little over the small businesses on 20th Street (and those removed earlier by the city of Oakland redevelopment agency, at 20th and Telegraph). The history of Oakland in recent years would lead one to believe that locally-owned businesses are more likely to stay around than chain businesses (Carter Hawley Hale, K-Mart, Bank of America). Thus, we should support long time local businesses at least as much, and perhaps even more than national businesses, no matter how large they are. Small businesses are the workhorses of the local economy, yet the redevelopment agency persists in treating them in a somewhat cavalier fashion.

18

• SCENIC VISTAS, VISUAL CHARACTER, AESTHETIC RESOURCES

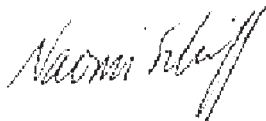
We hold that views of historic buildings can also be scenic (page 242–243). In fact, one of the things Oakland has to offer is an unusual and number of unique and intact buildings of several periods; here in the uptown area we are lucky to have excellent examples of several different styles of architecture. The discussion on page 242 is completely inadequate in ignoring this. In the immediate vicinity of the project, we see a nationally-known example of terra cotta art deco, two excellent examples of early-twentieth century movie palace styles, the unusual Western Power Building, the quaint vernacular commercial buildings at 20th and San Pablo, the 1940s furniture showroom behind the ice rink, the “googie” building mentioned above, the former Mel’s, and so on. These kinds of urban vistas set Oakland apart from some of our less interesting neighbors.

19

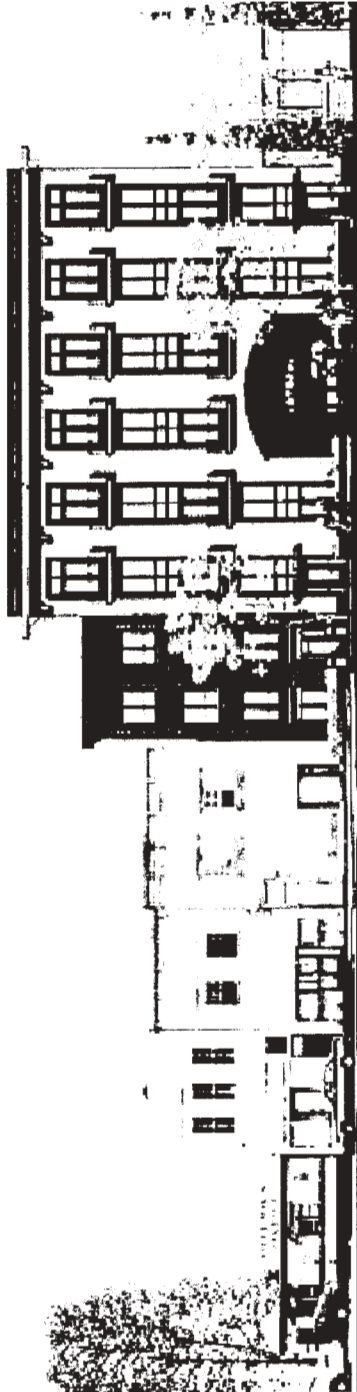
The art deco Floral Depot is so prominent and well-known that it has appeared in magazines, is on various walking tours. A replica was built for the Florida Disney World; OHA has photos available of this amazing reconstruction. The proposed project should be required to have a good design relationship to the important buildings at its edges.

We appreciate the opportunity to comment on this Environmental Impact Report; we look forward to an improved and emended report, and to an excellent Uptown project that allows historic buildings to contribute to its success.

Sincerely,



Naomi Schiff
Vice President—Preservation Action



View of San Pablo, Thomas Berkeley Way intersection, from the west. Incorporates small historic commercial buildings into proposed residential project.