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The Rockridge News

Sponsored by • The Rockridge Community Planning Council • 5856 College Avenue #130 • Oakland, California • 94618

Vol. 4 No. 5 Issue No. 39 ★ September 16, 1989 ★ Circulation: 4,500 Residences; 200 Businesses

Why Is RCPC Suing The City Of Oakland?

The RCPC Board released the following statement when the suit was filed:

On Friday, September 1, RCPC filed suit against the City of Oakland.

We are suing because we are alarmed by the City's response to the Dreyer's project. We see it as a serious threat to the future of sound neighborhorhood planning. Dreyer's convinced the Council that to put any meaningful conditions on this project would discourage business investment in Oakland. But it is really the future of residential neighborhoods — not business investment — which is at stake.

Project Would Transform Area

This project, as approved by the City, would transform the Rockridge neighborhood. Our main street, College Avenue, is zoned primarily for neighborhood serving businesses. The zoning does not envision a building anywhere near the size and design proposed by Dreyer's. This project would completely dominate College Avenue. It paves the way for Rockridge — which already has severe traffic congestion — to become a regional office building hub.

Our City's planners and traffic engineers both warned in June that the effects of this project had not been properly addressed. The Planning Director recommended then that the Environmental Impact Report not be certified.

Council Ignored Concerns

The City Council ignored all this. The Council also ignored the community's reasonable concern about commercial encroachment into residential zones, and the future character of the College Avenue retail shopping district. They ignored issues critical to the future of Rockridge and other residential neighborhoods in Oakland.

We have not taken our decision lightly. There are other major community issues which also need our attention. We would have wished this matter to be resolved some other way. Because of statements by councilmembers, we held out hope during August that the City would do something to address the community's concerns.

It became clear by the end of August that the City leaders had no such intent. The community was left with no choice, except a legal remedy.

Issues Cannot Be Ignored

The issues at stake in this project are too important to be ignored. Other major development projects will want—and are now seeking—the same kind of special treatment that Dreyer's obtained.

Already, only one month after the Dreyer's decision, the neighborhood is faced with major new development projects which raise the very same environmental concerns.

CEQA Standards Are Important

By approving the Dreyer's project, the City has shown that it is not serious about meeting the standards of the California Environmental Quality Act, or of its own zoning ordinances. The City must be shown that these standards do matter. Citizens must be able to expect that the City will do proper EIRs in the future. Citizens must be able to believe that they are well served by the planning process.

Neighborhood Support

We are proceeding with the encouragement and pledges of financial support from many neighbors in Rockridge and elsewhere in Oakland.

We are confident that, in the end, we will prevail.

As we have stated before, Dreyer's *is* capable of building an acceptable project in Rockridge. RCPC has proposed reasonable solutions to the parking, design and bulk issues, and commercial encroachment problems. Neither the City nor Dreyer's has taken these issues seriously. Until they do so, we will continue to oppose this project.

From The RCPC Suit

"Plaintiff Rockridge Community Planning Council seeks to compel Respondent, the City of Oakland, to meet its statutory obligations to prepare an adequate environmental impact report ("EIR") which fully discloses the project's adverse impacts and identifies alternatives and mitigation measures by which to avoid or reduce those impacts. Lacking an adequate EIR, the City was not in a position to make sound or justifiable decisions regarding the Dreyer's project.

"RCPC also seeks to compel the City to adhere to its General Plan and zoning policies, which are intended to protect residential districts with neighborhood-serving businesses, like Rockridge, from massive commercial projects that drastically alter and detract from their character or livability."

RCPC Launches Drive To Raise Legal Funds — See Page 3

East Oakland Neighbors Sue On City Decision

Apparently responding to a law suit challenging the recent approval of a 14 unit apartment building on an East Oakland lot zoned only for 10 units, the City Council has scheduled another public hearing on September 19 to reconsider the project.

The suit, brought by members of the Brooklyn Neighborhood Preservation Association, was filed after the Council voted February 28 to reverse the Planning Commission's denial of the variances requested by the developers.

Neighbors in the area expect the Council might either decide that the criteria necessary for a variance exist or entertain the developer's alternative proposal to erect the same building modified to contain ten units, including five bedroom/three bath apartments. The latter action would also be improper and premature, Association members say, since the developer has not applied for the conditional use permit needed for a ten unit structure.

BNPA spokesperson Marina Carlson, citing Section 9604 of the Zoning Regulations, said that the Council could not lawfully determine that the site, a level rectangular lot, has any "unique physical or topographic condition" that justifies the granting of a major variance.

The lot — currently zoned R-50, Medium Density Residential Zone — is located in the Brooklyn/San Antonio neighborhood at the corner of 5th Avenue and East 15th Street and was formerly the location of a funeral home. The developer is Ted Dang/Eastlake Associates.

The BNPA litigation is scheduled for trial on November 17.

— From information provided by members of the Brooklyn Neighborhood Preservation Association

City Takes Bold Approach To Revise Design Review Process

Developers, architects, neighborhood leaders, and City Planning Department staff have been working together over the last few months in a unique endeavor to create a design review process that would affect the more than 2,000 building permit applications submitted annually to the City.

Presently, for most alterations to properties under five units, owners can apply for separate permits for electrical, foundation, or plumbing work and not have the total project reviewed. This process frequently leads to buildings that are incompatible in use and/or design with the rest of the neighborhood. The design review program being developed would bring these kinds of projects under review.

In a slide show in July contributed to by the Brooklyn Neighborhood Preservation Association, Planning Director Alvin James showed extreme examples of the kinds of buildings that design review could prevent. The Brooklyn area of Oakland has been especially hard hit by incompatible projects.

At an August meeting of the design review planning group, proposals developed by concerned neighborhoods were presented for consideration by Planning Department staff. The City's proposal involves a two-tier process: 1) a quick yes/no checklist related to compatibility with existing nearby development; and, 2) a review under the existing general design review process which includes a public noticing component. If there are disagreements between applicants and city staff in interpreting checklist items, the case would be go to a professional advisory committee for recommendations.

Complete copies of the Draft Overview Design Review may be obtained from the City Planning Office.

The City Council will hear further comments from the public on this issue at its September 19 meeting.

— Janet Calkins and Don Kinkead
Reprinted with permission from The MacArthur Metro

St. Albert's Priory Hosts Wine Auction And Tasting

The fifth annual St. Albert's Priory Wine Auction and Tasting will be held on Sunday, September 24, 1989, from 1:30 to 4:30 pm at the Dominican House of Studies, 5890 Birch Court. The event is a fund raiser for the Dominican Educational Fund. Tickets, which include a commemorative glass, entertainment, *hors d'oeuvres*, and wine tasting are $15. Admission and donations are tax deductible.

Wineries hosting the pouring include Christian Brothers, Lolonis, Louis M. Martini, Korbel Champagne Cellars, Robert Keenan Winery, Revere Winery, Silver Oak Wine Cellars, Ernest & Julio Gallo, Baldinelli Vineyards, and Peju Province. California wines, some rarely offered for auction, as well as selections from private collections will be amongst the varied vintages available for bid. Denis Kelly will be the auctioneer.

Send your check payable to St. Albert's Wine Auction to St. Albert's Priory, 5890 Birch Court, Oakland, CA 94618. Ticket orders received by September 15 will be mailed and all others will be held at the door.

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Dates Calendar Events Calendar Dates

Tuesday	Sept 19	7:30 PM	City Council	RASP Contract; Design Review; Brooklyn Neighborhood
Wednesday	Sept 20	1:30 PM	Planning Commission	City Hall, Room 115: Aceland/Pizza Rustica
		7:30 PM	RCPC General Meeting	College Avenue Presbyterian Church, 5951 College Avenue
				MIEC/Blood Bank Building Expansion; Yoshi's; Aceland/Pizza Rustica
Wednesday	Oct 18	7:30 PM	RCPC General Meeting	College Avenue Presbyterian Church, 5951 College Avenue

RCPC Considers By-Law Changes, Board Vacancy

The RCPC Board of Directors has been reviewing the organization's By-Laws to be sure they are up to date, meet legal requirements, and serve the organization's current need.

The Board recently adopted a series of technical amendments and is considering other changes. Certain changes approved by the Board must be ratified by the General Membership. These changes will be considered at the October and November General Meetings.

The currently proposed amendments which would require ratification would:

1) provide that only natural persons (not entities) are eligible for membership; and,

2) eliminate proxy voting.

The text of the proposed changes, and a copy of the By-Laws will be available at the Rockridge Branch Library. Written comments from the Neighborhood are welcome. Please send them c/o RCPC, 5856 College Avenue, Box 130, Oakland, CA 94618.

Board Membership

RCPC Boardmember Michael Peltz announced his resignation from the Board effective September 11 because of increased professional responsibilities.

Persons interested in filling this Board vacancy through January, 1990, shoudl submit a letter of interest to RCPC.

CAMA's new RCPC Board representative is Peter Eng of College Avenue 24-hour mailboxes.

CAMA Presents Annual Fall Harvest Festival

The College Avenue Merchants Association is presenting its Annual Fall Harvest Festival to be held Saturday, September 30, 1989, from 12 to 4 pm on College Avenue between Broadway and Alcatraz Avenues.

Special Events include:

Sidewalk Sales, Raffles, Contests, Free Cable Car Shuttle, Food, Music, Fun for the whole family!

Many merchants will also feature special sale prices for this event.

For additional information:

Call Bill Chung 653-1567

RCPC Establishes Legal Fund

Goal:

$20,000.



Building Rockridge's Future With A Donation From Every Reader Of The Rockridge News

In spite of strong citizen support from Rockridge and Neighborhoods city-wide, the City completely disregarded the facts and community concerns surrounding the Dreyer's project. RCPC and Rockridge lost at the City Council. What next? Rockridge Neighbors overwhelmingly said, "Don't give up!" and "Yes!" to legal action. Our challenge will be very costly, estimated at $20,000, even with substantial *pro bono* assistance. We need all the help you can give — your time, effort *and* money!

We need **200 donations of $100**
or **1,000 donations of $20**
or **2,000 donations of $10**

Your support is essential to the success of the cause: to keep City leaders accountable and to ensure they apply the rules fairly to everyone. Contact the Fundraising Committee with your suggestions and for more information:

Liz Maxwell 654-5741 Steve Parmeleee 653-6020 (eve)
Julie Dewey 654-7136 Kathy Walsh 653-8594

Please make your checks payable to the RCPC Neighborhood Legal Fund.

Rockridge Community Planning Council Donation Form

Yes! **Enroll Me as a Supporting Donor** to the Rockridge Community Planning Council! I have enclosed a check payable to RCPC for my tax–deductible donation. I have indicated below how I wish my contribution to be allocated:

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☐ $_____ General Donation

☐ $_____ Rockridge News Donation

Mail to:

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5856 College Avenue #130
Oakland, CA 94618

Thank you!

From The Zoning Counter

In the last month or so, a spate of pending and new requests for use permits, design review and other zoning actions have been submitted for review. Three of the applications described below will be presented and discussed at the RCPC General Meeting on September 20, 1989, 7:30 pm, at the College Avenue Presbyterian Church.

5755 Broadway at Taft
Shell Station (CVMD 89-271)

The applicant requested approval for an expansion of the interior of the existing Shell Station. The proposed project would involve removal of interior walls to "enlarge the cashier's area," but, according to the applicant, no shelving or other display equipment would be installed in the enlarged area, and no items would be stocked for sale. Given (1) the past history of the site and the several unsuccessful efforts by the applicant to develop a mini-mart at this location, and (2) the continuing concern of neighbors nearby the site that this non-conforming activity not be expanded, enlarged or changed in use, RCPC proposed that conditions be adopted as part of any approval that would prohibit:

- an exterior transaction window and loud speakers;
- shelving or display equipment in the expansion area;
- the sale of retail non-gas products in the expansion area; and,
- any increase in the current level of non-gas retail sales.

At the Planning Commission meeting of September 6, 1989, the application for the Major Variance was withdrawn. The City will now re-notice the project under Design Review procedures.

Send all comments to Planning Director Alvin D. James, 1 City Hall Plaza, Oakland, CA 94612.

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5299 College Avenue
Aceland/Pizza Rustica (CMD 89-339)

The Planning Commission will hold a public hearing on this application on September 20, 1989, 1:30 pm, City Hall, Room 115.

The project requires two approvals:

1) Design Review for a second dome, similar to the new dome at the front of the building. The proposed second dome, located at the rear, adjacent to the parking area, would be encircled with neon lighting.

2) Major Conditional Use Permit for a Pizza restaurant, serving beer and wine, open from 7:30 am to 2 am. The proposed new restaurant would house Pizza Rustica, now operating out of a smaller storefront on the same property. The new facility would include approximately 2,400 square feet inside plus outside seating.

The applicant has been invited to the RCPC General Membership meeting scheduled September 20, 7:30 pm at the College Avenue Presbyterian Church, to discuss the project. Send comments on this application to the Planning Commission, 1 City Hall Plaza, Oakland, CA 94612.

6250 Claremont Avenue
Medical Insurance Exchange of California (ER 89-42)

An office building and parking garage is proposed for the open parking lot currently between the existing Blood Bank and the MIEC buildings. The proposal is for a 24,000 square foot garage structure including a basement and three above-grade levels for 52 cars. The third floor (fourth level) would house 6,000 s.f. of offices.

The City is preparing an Environmental Assessment pursuant to the California Environmental Quality Act. Staff will recommend the required extent of environmental review (Negative Declaration or Environmental Impact Report).

An RCPC Zoning committee meeting was held in August with the applicant, neighbors and RCPC Board members. Discussion focussed on areas of concern including noise, land use, and traffic impacts.

In addition, there was concern about the "piecemeal approach" to development of the site. Neighbors proposed that the applicant submit a master plan for the entire property owned by MIEC and the Blood Bank.

Approximately 50% of the proposed development would be located on property now owned by the Blood Bank. This area would be transferred to MIEC ownership. As part of this process, MIEC will seek a lot line adjustment.

The applicant will be present at the RCPC General Meeting on September 20, 1989 to present the proposal.

No public hearing has been set by the City.

6030 Claremont Avenue
Yoshi's Restaurant and Night Spot ABC License "Type 47" for Full Service Restaurant

The applicant is requesting an Alcoholic Beverage License for the portion of Yoshi's known as the "Night Spot." Notice of the application will be mailed to all property owners within 100 feet of Yoshi's. Yoshi's is also required to mail a notice to all property owners within a 500 foot radius.

ABC will review the application for compliance with zoning and health codes. The applicant has stated that this request would also require Planning Commission approval because of unresolved parking issues.

The applicant will make a presentation at the RCPC General Meeting on September 20, 1989 at 7:30 pm.

RCPC Committee List

Listed below are standing committees of the Rockridge Community Planning Council with their respective Chairs and Co-Chairs. Please call any of the individuals listed if you have questions or problems with what's going on:

Committee	Chair/Co-Chairs	
Clean Rockridge	Gity Baxter	652-8419
Design Review	Glen Jarvis	654-5953
Library	Marc Beyeler	654-6787
	Nancy Dutcher	653-6018
RASP	Andréa Walhof	420-1593
Rockridge News	Don Kinkead	655-7474
Traffic	Bill Manley	658-2419
	David Reinke	653-5312
Zoning	John Gussman	655-8817
	Brooke Levin	653-7522

Neighborhood Highlights

Rockridge Neighbors Work For Home Alert

Is the crime rate on your street increasing or decreasing?

If you had to stop and think before answering that question, you are probably a good candidate for the Home Alert program. And if you didn't have a ready answer, chances are your neighbors wouldn't have one, either. They would also be good Home Alert candidates.

Home Alert is a police sponsored program that can help make you and your neighbors alert to the potential for crime in your neighborhood and knowledgeable about ways to prevent or minimize it.

Carol Nelson and Kathleen Whitlow are two Rockridge Neighbors actively involved in expanding this crime awareness program.

Carol and her family have lived in Rockridge for four years. Before moving here, they lived in another Bay Area city for four years where their house was robbed three times.

Kathleen got involved after she and her neighbors witnessed a burglary in progress without realizing anything was amiss.

Carol and Kathleen are charter members of the Beat 13 Crime Resistance Planning Committee formed a year ago with a combined State grant and matching City funds. Because of its success over the past year, the program recently received funding for another year. The Committee, consisting of six Rockridge residents, is charged with developing crime prevention strategies and expanding the Home Alert program in Beat 13, the police patrol designation for Rockridge.

Should you get involved in Home Alert? It takes no money and not much time, according to Carol. "The program is manageable in terms of the time required by any one individual. They generally deal just with their own block."

What can you expect when you sign up for Home Alert? Police from the Community Services Division will meet with interested neighbors to discuss home and personal security. They will discuss an identification program for valuables that can help ensure their return if they ever are stolen. When 70 percent of the neighbors on a block have participated in the identification program, Neighborhood Watch signs are put up on the street and Home Alert window stickers are given to residents. The signs and stickers deter potential criminals because they know residents are on the alert.

The Police Department also presents a City-wide Block Captain workshop where can compare notes with other Block Captains. Captains learn how to network with their neighbors, how to build their Home Alert program, and about trends in drug use and actions to combat it.

Crime prevention is not the only benefit of the Home Alert program. In addition to the satisfactions of community service, Carol found a greater neighborhood camaraderie and wider friendships. "I've found it's real easy to talk to my neighbors, now. Plus, I have more of a sense of security in my own neighborhood." Kathleen says she was able to breathe real meaning into her favorite bumper sticker, "Think globally, act locally."

Call Dorlista Dawson of the Community Services Division at 273-3066 to join the Home Alert program.

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BART To Meet With RASP Steering Committee

BART Director Sue Hone and BART Joint Development specialist Terry Marjorum will discuss the transportation agency's commercial development and second deck plans for the Rockridge Station in a meeting with the Rockridge Area Specific Plan (RASP) steering committee Monday, September 18, at 7 pm in the College Avenue Presbyterian Church.

Plan to attend this meeting.

Call Andréa Walhof at 420-1593 for further information.

In My View...

Comments by Marge Gibson-Haskell
City Council, District 1

Permit Parking Brouhaha

I am becoming increasingly concerned about rather strong conflicts on certain Rockridge streets — specifically Birch Court and Ocean View — over the issue of permit parking.

In my wildest dreams I did not view this as an issue pitting neighbor against neighbor with allegations of fake signatures, vacant units and disguised commercial uses, but it appears to be coming down to this kind of thing.

Please, everyone, a little flexibility and common sense would be appreciated. Above all, please don't beat up on our city staff who are really only trying to do their job.

Permit Parking And The BART Lot*

Downtown, permit parking is viewed as having taken the burden of transient parking off of the shoulders of Rockridge residents. However, the clamor for additional parking at the Rockridge station is increasing from other Oakland residents who live in areas that are uneconomic for bus service.

This is a difficult issue because it pits the needs of Oakland residents against each other. Possibly, if this lot became a paid parking lot, it would cause people to seriously consider whether other transit alternatives really could be used. Thus, we would be certain that only those who had to use their cars to get to BART would be doing so.

Whether these parking demands and appropriate levels of development for Rockridge can be balanced will be a planning challenge for the forthcoming year.

The Specific Plan*

Speaking of planning, funds to continue the Specific Plan effort begun last year are under siege. The matter is scheduled for hearing before the City Council on September 19. Attendance at this meeting is needed from those who believe that Rockridge should be able to create a meaningful plan for its future.

If you have comments on any of the above or other issues, please call my office at 273-3266.

* ***See meeting announcement at top of page. — Ed.***

Neighbors Seek City Ruling On Manufacturing Activities

Residents in the neighborhood near 59th & Telegraph are concerned that a business in the Commercial zone near their homes is manufacturing steel security guards in a retail commercial zone.

They feel zoning officials have improperly reversed an earlier ruling prohibiting this activity at the locksmith and security device business.

The neighbors want a precise legal interpretation of zoning regulations from the Planning Department governing "accessory activities." They feel business owners and neighborhood residents throughout the City need to know what zoning regulations specifically permit in retail/commercial zones.

The Planning Commission will hear the matter at its meeting on September 20, 1989 at 1:30 pm. For additional information, call Henry Johnson at 655-4464.

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Thomas Smith, Branch Manager

Letters To The News

Tasteless Caption

Editor:

Your caption to the [photo of the] car over the railing at College Square was totally tasteless. This is NOT funny. I trust you will receive other comments to this effect.

The problems with parking and traffic and the attendant pollution and ever-present danger of accidents in Rockridge is a terribly serious one. It has been a disappointment to me that RCPC has taken a stance of almost endless encouragement of retail as long as it "fits in." The high quality of life we once had will never be recaptured. I think you ought to print an apology in your next issue for the insensitive caption to this photo.

— Nina Rosen

Ms. Rosen's point about the seriousness of traffic and parking problems in Rockridge is well taken. The caption was worded to emphasize that seriousness in an ironic and dramatic way.

The Rockridge News regrets that any reader found offense in the caption selected for the photograph on the front page of the July issue. No other written comments were received concerning the photo or the caption. Verbal responses heard by the editor were mixed between those who shared Ms. Rosen's indignation and those who did not.

— Editor

No Yoshi Liquor License

Editor:

Yoshi's has applied for a premise-to-premise transfer of its liquor license—the same move that was denied in December, 1986, by Administrative Law Judge Michael Cohn in a hearing involving the ABC, the neighborhood and Yoshi's.

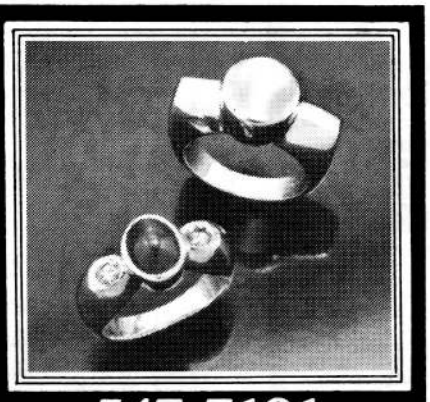
I for one spent an enormous amount of time seeking some relief for the neighborhood from boisterous, loud and occasionally violent activity that erupted during the time Yoshi's (illegally) served liquor in the nightclub area itself. I do not want a return to the situation that prevailed then. I hope enough of you feel the same way so that the denial...will continue to prevail.

What you can do: file a protest with the ABC citing the disruption of your residential peace and quiet should liquor once again flow in the nightclub area. Mention the trend at large public gatherings to confine the liquor...away from the central-public arena (e.g., ball games). Mention that Yoshi's Restaurant already enjoys a wine and beer license; it is the nightclub that is seeking liquor service. Nightclub patrons can at the moment enjoy alcoholic beverages with dinner or at the present lounge area.

Nothing has changed to cause the license to be extended to the cabaret. If we allow this to occur through disinterest, we will be sorry. Please. Let's get our protests in before the September 30 deadline.

— Michael Senturia
Claremont Avenue

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Babysitter To Share

We have a nice sitter for our 7 month old son (8 am-6pm; Mo., Tu., Th. & Fr.).

We would like to share child care with another infant of similar age.

Please call Roseanne or Ray Perman: 652-6523 or 658-0536 (eves).

Rockridge Rallies With Rummage

Our neighborhood can help send "untouchable" India children to school, feed the poor and homeless in downtown Oakland, and help an East Oakland shelter provide temporary housing. Donate your good quality, saleable rummage to the Third Annual College Avenue Presbyterian Church Rummage Sale. Your unwanted items can help support these and other ministries the church supports. The sale will be Saturday, September 30, in the Church gym, 5951 College Avenue.

To donate items for the rummage sale, first call 655-4519. Then, on Saturday, September 23, by 9:30 am, place your donated items at your curb. The Church will come by, pick up your goods, and give you a receipt for your donation.

Thank you for your help and support!

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Scrooged	Bill Murray	11/9
Cousins	Ted Danson	9/14
Bambi		9/28
The Dream	Michael Keaton	10/5
Lawrence of Arabia	Peter O'Toole	10/19
Lean On Me	Morgan Freeman	9/27
Major League	Tom Berenger	10/5
Who Framed Roger Rabbit	Bob Hoskins	10/12
Working Girl	Melanie Griffith	10/5

See You At The CAMA Harvest Festival!

New Sunday Hours!

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5642 College Avenue At Rockridge BART
428-9256

Specials good with this ad only. One coupon per customer/household. Expires in 30 days unless otherwise stated. This ad supersedes all others. Prices subject to change without notice.

The Rockridge News is published monthly in Oakland except in August and is sponsored by The Rockridge Community Planning Council.

*Got something planned you'd like to have **The Rockridge News** tell about? Call Don Kinkead at 655-7474 or write to 5626 Oak Grove Avenue, Oakland 94618 (of course!) and let us know.*

October issue deadline is October 8th.