

October 24, 2003

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Diane Henderson, Project Manager  
Planner, Community & Economic Development  
Oakland City Planning & Zoning Department  
250 Frank Ogawa Plaza Suite 2114  
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Re: Draft Environmental Impact Review/Case File Number ER 03-0004

Dear Ms. Cappio and Ms. Henderson:

The Lakeside Apartment Neighborhood Association (LANA) believes that the Draft Environmental Impact Report for the subject environmental review is an inadequate and incomplete study. Furthermore, we believe that the proposed mitigation measures are inadequate and that the proposed Site F1 should be relocated.

In particular, our comments address the Report's Section E. Cultural Resources and reiterates statements we have made at public meetings:

Respect for our historic and cultural resources is not confined within the parameters of a specific property line, a line on a map. A building adjacent to an historic and cultural resource impacts the setting and character of the historic building as well as the adjacent historic district.

It is a specious argument to suggest that "The proposed project would also not further adversely affect the aspects or qualities of integrity related to setting or association. The existing historic resource is currently an isolated building without any historic context. All of the buildings with which it was associated have been demolished over the years, leaving Heinold's as an individual relic of the past without integrity of setting and context of its former surroundings. As the surrounding environment has already been compromised, the proposed project would not further contribute to the existing loss of setting and context and

would not constitute a significant effect in this regard.” (IV.E-22)

An equally false but equivalent argument would be that the Camron Stanford House could be encased in a glass mall because it is the only Victorian building left standing along the banks of Lake Merritt and such a proposed project would not constitute a significant effect.

The most important factor is that Heinold’s First and Last Chance remains in its original location adjacent to the waterfront that is its former and current setting and surroundings. Instead of cherishing its relevance and significance as the sole historic survivor, “a stand alone, one story structure,” intact in its original location and giving it pride of place and setting on the waterfront, the proposal reflected illusions of Disneyland: tiny Heinold’s encapsulated in glass like a museum relic.

After community input and outcry City staff recognized its landmark designation which “applies not only to the building, but to an area extending 20 feet out from the building as well.” (October 22, 2003 staff report) I presume that this would protect the signs located above the line of the roof.

However, even a 20-foot setback is not sufficient given the out of scale mass and bulk of the proposed construction.

The vision of a proposed “retail centerpiece” called Harvest Hall is in the wrong location. As a concept it could be implemented to its full potential through the adaptive reuse of the 9<sup>th</sup> Avenue Terminal. Any new construction at Jack London Square, in the vicinity of Heinold’s First and Last Chance Saloon, if built in a similar scale and mass as Heinold’s or the 5<sup>th</sup> Avenue artist colony would have less of a negative impact on the historic building and its historic setting and location.

The proposed mitigation measures are inadequate in general and absurd in particular. Mitigation Measure E.3c states “If vibration during the construction on Site F or 66 Franklin would exceed this allowable vibration threshold, the Heinold’s building shall be temporarily relocated during

construction to a location where it would be protected from such vibration.”

If construction will cause damage to an historic resource it is not the historic resource that should be removed, temporarily or otherwise, but the proposed “Harvest Hall” that should be relocated. **I continue to be amazed at the lack of respect that developers demonstrate in their “vision.”**

Those of us who regularly walk to Jack London Square from the Lakeside Apartment historic district enjoy the open space and existing connection with the waterfront. We attend and enjoy public events such as Portfest and the Dragon Boat races and appreciate that Heinold’s First and Last Chance Saloon is the lone survivor of previous trends in “development.” Heinold’s is unique in Oakland, unique in California, and unique in the United States. It should be protected and enhanced not to the letter of the law, but to the full extent and spirit of stewardship of our historic and cultural resources.

In summary, the proposed mitigation measures are inadequate and the proposed Site F1 is inappropriate. Again we refer to the NYT article titled, “Planet Oakland” (August 29, 2003) when people throughout the world learned that Oakland is a place where developers “who seem to be running the town, continue to abuse landmarks and erase Oakland's history.”

Respectfully submitted,

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