

RCPC/NCPC Joint Town Hall

20 November 2008

RCPC General Meeting

Stuart Flashman opened the RCPC meeting at 7:02 PM. He noted that this is a joint Town Hall between the RCPC and NCPC.

RCPC Land Use Issues

The **Creekside project** will go in at the site of Global Video, just off Telegraph Ave. Due to the last 6 months of discussions there have been some changes in the project: it will be 55 feet tall, not 65, and will have 102 units instead of 117. The project will impact Telegraph Avenue traffic significantly. A resident asked about parking: Stuart F. explained that it will have 1 space per residential unit (102 spaces overall), including commercial spaces on 1st floor that will operate as "shared parking" - spaces used by businesses during the day, and by residents at night. If parking issues arise, they'll be caused by businesses open into the evening, and will need special arrangements: offsite parking or valet parking.

The Planning Commission heard this project last night (11/19/08); the RCPC board opposed it, as being not even close to the zoning for the area. The Commission approved it 5-0 under an "interim conditional use permit", as it matches general plan if not the current zoning. The general plan is 10 years old; neither the zoning nor environmental follow-up studies for a zoning update were ever done. The RCPC also wanted more mitigation of traffic and parking; several suggestions were ignored by the Planning Commission. One commissioner, Madeleine Zayas-Mart, said the more congestion in Temescal the better, so people will quit using their cars. The RCPC probably *won't* appeal this to City Council, which would be expected to approve it.

The **Montessori school**: Colby Lavin, a new RCPC board member, explained that Rockridge Montessori School is considering further expansion. They currently have 2 buildings, and propose to convert a residential building adjacent to the existing corner building at Broadway and Manila. The architect, Charles Kahn, is present, as are the owners of the school: Diana and Sid O'valle and their son Paul.

Mr. Kahn explained that the School occupies 2 buildings, the converted residence at Broadway & Manila, and a former church farther back on Manila. The owners want to add another residence and remodel it to add a story; they originally planned a structure connecting to the existing building on corner but have dropped that idea in favor of one additional building with a driveway for drop-off. He was aware that residents are concerned about density and effect of the school on traffic; he feels that schools and churches belong in neighborhoods, and the school is better placed on Broadway than farther back in the small neighborhood streets. The lot they intend to convert is a through lot, only one adjacent house is impacted.

A resident asked how long the school has been there. Dianna O'valle responded, since 1986.

Parking is an issue. The number of additional children will probably drop from 60 to 50, the ratio of teachers to students is required to be 1-12, they actually have a ratio of 1-8, or 6-7 teachers. Parking space for the teachers will be across the street at the church on Manila. The major concern is traffic generated during pickup and drop-off, especially along Kales. Many families come south on Broadway, turn left on Kales and then right again to drop kids off in front of the school on Manila. The school proposes a drop-off zone on Broadway, to eliminate the traffic through Kales. The drop-off zone will be "enforced by architecture". The entrance is on Manila now, which is why people pull around there; the new entrance will be on Broadway. The existing door on Broadway is only used for the infant class. A new entrance on Broadway will

accommodate all other arrivals. Ronnie Spitzer asked if there would be enforcement provisions if people don't use the zone? The parent handbook will require it, and violations will lead to \$50 fines and expulsion of the child from the school if there are 2 violations. A resident objected that it is unrealistic to think they can enforce the drop-off pattern via architecture: with an existing church school up the street, parents ignore marked parking. They park across street, and jaywalk to pick up their children. These are regular traffic issues with a school that's much smaller than the Montessori school. Dianna O'valle commented that no one had spoken to the school about this. The resident said she doesn't report it because there's so much, it would take up too much of her time. Ms. O'valle suggested reporting traffic issues to them, and they will fine the parents, and help enforce traffic. Neighbors inconvenienced by parents should report to school which will enforce its rules.

A resident asked, what if the neighbors just park there, as they likely will if it isn't painted out? The school wants to approach the city about painting a loading zone on Broadway, with support from the neighbors.

A resident objected that parents would do u-turns on Broadway; the architect responded that they intended to ask to have a U-turn on Broadway approved at the Manila/Broadway/Monroe light.

Mr. Kahn noted they are trying to preserve residential character of the buildings. They also plan to cut back an existing garage and add a garden facing Manila which will improve the street. A resident complained that the last expansion to the former church created congestion; this proposal, which involves a legal u-turn on Broadway, is appalling and they oppose it. They opposed it last time, didn't get support from city Traffic Dept., but that's a dangerous, irregular intersection and it shouldn't have this added to it. Mr. Kahn argued that they have a rolling 2 hour period for pick-up and drop-off, they aren't all there at once. Their own study found that no more than three cars were at the school at one time during drop off periods. They will discourage a solution that encourages people to go through the neighborhood. A resident opposed expanding a business in a residential neighborhood at all, as it erodes the residential character of the neighborhood. Schools should be located in the community served, but 50% of these students don't live in 94618 zip code.

At this point in the discussion Stuart Flashman noted that it was time to turn the meeting over to the NCPC.

Mr. Kahn said his phone is 841-3555 and asked residents to communicate with him.

NCPC General Meeting

Chris Jackson opened the NCPC portion of the meeting by asking Lt. Hamilton of OPD to report from the PSA. Lt. Hamilton argued that the presentation should actually be from PSO, that the PSO is more aware of what is going on in the neighborhood, and that OPD is trying to take the command staff out of the NCPCs. He turned the floor over to Officer Gerrans.

Chris Jackson asked, how is crime looking in the PSA generally? Lt. Hamilton said, generally good but there's an issue with robbery; the PSA is averaging 35 robberies per month. A resident asked what is "PSA"? PSA is Police Service Area - we're in PSA2, bounded by 40th and Berkeley south to north, and the Contra Costa border to lake east to west. Crime in that area is well down, which means command staff aren't really watching it.

Officer Gerrans introduced himself as the PSO for beat 12Y. Crime is well down in the area since last month. A general overview:

- Robberies: 5 last month vs. 3 this month
- Burglaries: about the same
- Vehicle thefts: 11 last month, 3 this month
- Assaults: holding steady at 1-2 per month

Last meeting NCPC was worried about recyclers going through people's garbage; also the areas around 57th and Telegraph (squatters) and 59th and Canning (drug dealing).

Recyclers should *not* be on your property; call OPD immediately if they go in your yard, they have no reason to be on your property. There's an actual city code that says, trash in a city recycling bin is *not* free and fair game, it belongs to Waste Management. The city can charge those citations, it's like a traffic citation. A lot of recycling action happens between 3 AM and 10 AM, when the PSOs are not necessarily out; he has asked the Patrol officers on dog and day watches (before/after 5 AM) to watch for it, they can cite people out if they catch them going through bins. Chris Jackson argued these people are casing homes for future reference.

A resident asked if OPD expects to see a seasonal increase over holiday? Officer Gerrans said he can't be sure. Vivek Bhatia, who does the crime statistics, added that trends do show crime increasing over the holiday through New Year's. Lt. Hamilton agreed that we could see an increase; OPD is trying to get ahead of the curve by warning the community to protect themselves, be safe. SDS has a robbery brochure which they'll send around. Nila Kim of Jane Brunner's office noted that SDS is *Service Delivery System*, which is not *just* OPD; SDS will be sending teams out to BART, and to shopping areas, to hand out flyers in early December. They'll go to commuter areas and put flyers on cars. Officer Gerrans said the holiday crime wave isn't starting up *yet*. Chris Jackson noted that we were lucky this summer, the expected crime didn't materialize. Let's keep it that way.

A resident asked if OPD distinguishes between recyclers with shopping carts and guys in pickups? Officer Gerrans said they're both illegal if they're on your property, call them in, probably to non-emergency unless you see them trying windows. The resident noted that the same truck, a silver Toyota with an extended cab, has been seen going through recycling in 2 different areas. Chris Jackson said NCPC is working on several fronts to reduce crime by increasing awareness. A resident asked, what if you take it in your own hands? They're on your property, can you take them down? Officer Gerrans doesn't recommend it. Call 911 if you have criminals on your property, they'll send multiple people. You don't know what weapons or skills the invader has. The resident asked whether a criminal could take legal action against a homeowner who injured him acting in self defense. Officer Gerrans said they probably could, but use your best judgment, and call 911 if at all possible.

The building on the SW corner of 57th - Telegraph is vacant, up for sale, and has squatters on the porch. Officer Gerrans is in contact with building owner, who is very cooperative, and she's working with them to get the squatters out. Looks like clearing up quite soon.

The area at 59th & Canning still gets a few calls, OPD made 1 arrest in the last couple weeks. On the whole, it's a lot calmer than it was, but we need constant vigilance still, there are still people hanging out. Chris Jackson noted that the NCPC sets 3 priorities each month for the PSO, plus a traffic priority.

Officer Gerrans said that in response to the traffic priority about people not stopping for pedestrians in crosswalks, OPD did a "night out" and in 2 hours gave over 30 citations. There was discussion of what's legal with pedestrians: if the pedestrian is in the crosswalk but past your lane, you can go.

A resident commented that people leave boxes and trash cans (even ladders!) under windows, make it easy to get into the windows, and suggested we should warn people about that.

Door-to-door solicitors have been coming by, they may be casing the area. 98% of the people who come door-to-door don't have official city permits.

Officer Gerrans reported on (Patrol) Officer Scott's project regarding speeders on Miles near the middle school – they've put in sidewalks, and better signage (children crossing). Officer Scott is issuing 20-30 speeding citations a week himself.

A resident approached the NCPC after the meeting, while we were setting priorities, to discuss a problem regarding suspected domestic abuse occurring at a neighbor's house. The NCPC advised

Officer Gerrans about the situation. It was to be one of the 12Y priorities but was later decided, considering the sensitive nature of the situation, that Officer Gerrans would look into the problem but that it would not be an official priority.

NCPC Priorities

12Y priorities:

1. 5700-5900 Telegraph to 5900 block Canning.

Drug dealing at 58th and Canning reduced, still under observation. Squatters in vacant building at 57th and Telegraph - PSO is working actively with the landlord to clear out.

2. Monitor neighborhood recyclers

13X priorities:

1. Continue to follow up burglaries from last month.

Traffic:

College Ave. traffic generally, people run red lights on turns, endanger pedestrians; special attention to College & Keith intersection.

John Russo, City Attorney

Ronnie Spitzer introduced elected City Attorney John Russo. After a few introductory jokes, Mr. Russo introduced his Special Prosecution Team. Under California law, the District Attorney (county) prosecutes crimes, the City Attorney primarily handles civil matters for the city. Mr. Russo wanted to get some of his staff deputized by the District Attorney, to handle cases the District Attorney doesn't have the staff to prosecute. He had tried this before without success, but the recent crime wave, including the takeover robberies, created outrage in middle-class neighborhoods and a different atmosphere in city hall. He asked the city, and got, permission to hire 3 experienced criminal attorneys to work closely with OPD. The Alameda County District Attorney's office is very highly regarded for its felony prosecutions. The City Attorney's office is closer to citizens; while the D.A. prosecutes major felonies, the City Attorney can concentrate on "broken windows" crimes, the quality of life crimes which make the area look welcoming to criminals, because nobody cares. Mr. Russo grew up in New York City in early '70s when Giuliani and Bratton set out to bust the squeegee men; his response as a law student was, "Why? These are minor crimes." But it worked. If you can turn NYC around, you can turn Oakland around. Mr. Russo used to lie awake at night in NYC thinking, "I gotta get outta here." Young people in Oakland are thinking that right now.

We see people committing these minor crimes all the time: illegal dumping, vandalism, graffiti, cruelty to animals, selling alcohol to minors. People know there are no consequences in Oakland for behavior that isn't tolerated in Palo Alto or Piedmont. It creates an atmosphere of fear and disorder that leads to bigger crimes. Mr. Russo created the Neighborhood Law Corps, which hasn't focused on Rockridge; they've been working in tougher neighborhoods. They have been successful dealing with absentee slumlords and problem liquor stores. The special prosecution team works throughout city; we have a special prosecutor for N. Oakland. It strengthens our hand when it comes to blight and crime. There aren't that many courtrooms, but most cases don't go to trial. Having the ability to prosecute lets us compel more appropriate behavior. The special prosecutors can tell problem liquor store owners, shape up or we'll get you on this code violation and that health code issue, etc. etc.

Mr. Russo introduced David Hall, the new Neighborhood Law Corps attorney for Area 1. He also encouraged residents to call him (Russo) direct, 238-3814 is Mr. Russo's direct line, he answers his own phone. The Special Prosecutor for the area is Reve Bautista, with 24 years experience as

a prosecutor, 20 in San Francisco D.A.'s office. These two are deputy city attorneys, who work closely with OPD, but they're *also* deputized by the Alameda County District Attorney's office. We'll be able to prosecute these minor crimes. They expect to take flack: why are you dealing with a case this trivial? We want to make people know, you can't break the law with impunity, even in a minor way.

The Neighborhood Law Corps, in late 2004, won the grand prize at League of CA Cities for best new program in state; it was the 1st time Oakland has won. In 2005, it won the grand prize *nationally*, also the 1st time Oakland has won. When he started it, he had a general idea what he wanted to do, but no clue how he was going to make it work. It took 12-18 months to work out all the bureaucratic struggles. Mr. Russo expects the same with this program: working with D.A., with other depts. It requires patience, and sticking to his ultimate vision: what's good enough in other communities is *good enough in Oakland*. He doesn't expect to solve everything or change everything all at once. He urged us not to let the best defeat the good. You can't solve everything all at once; solving some problems is better than solving no problems. He expects to make mistakes with this program; he need to hear from residents, if his team doesn't handle things in an optimal way. Any good, innovative program, that stretches, will make mistakes.

Following the formal speech, Mr. Russo took questions from the audience, which are roughly summarized below.

Resident: will the program be transparent? Will you publish statistics?

Russo: Absolutely, see our web site, it has a subsite on Neighborhood Law Corps. Because of budget issues, the annual report will *only* be online this year. We are the most transparent City Attorney in the state, on the civil side; they will continue to be transparent on the criminal stuff, at least *after* the case is settled.

Resident: Statistics just annual, or monthly?

Russo: Maybe quarterly? Compiling stats takes time.

Resident: Has the program started? Will you put out a brochure, and what are these crimes?

Russo: That's why I'm going around. You should have gotten a CSI-like flyer from me, about Neighborhood Law Corps; I ran unopposed and used campaign money to promote the program, that's why I'm here tonight. My expectation of the 3 special prosecutors is that they'll have been to every NCPC in the city. They'll already have handled 100 cases *each* by the end of the year.

R. Batista: We've already handled some 700 cases *since Sept. 15*.

Russo: They have filed 33 cases in court, they got a "not guilty" on a car keying incident. You win some, you lose some.

Resident: Contact Don Kinkead of *Rockridge News*, contact the *Montclairion*, contact *Oakland Trib*.

Russo: We do send all our material to Don Kinkead. I have a communications officer.

Denise Boisvert-Jorgensen: how do we as NCPC relate to this?

Russo: turn this over to Reve, she's accountable to you.

R. Batista: we've been really busy but we try to get around. Works with PSO, works on OPD reports, if any problems in area we work with him. She can't open a case without a police report.

Resident: How many defendants will end up represented by county Public Defenders?

R. Batista: Most of them, actually. In a criminal action there may be jail time in county jail or fines up to \$1,000. We want accountability, not necessarily jail. We talk to jurors after cases are over, we explain it's all about accountability. We're there to protect the victims.

Russo: We intend over time to create a community court system to deal with infractions; we're so litigious, we underestimate the power of shame. We'd like to bring that back.

Resident: What about solicitors, coming around door-to-door?

Russo: We're concerned about solicitors who are kids, selling magazines, who are casing on behalf of bad guys. We'd like to hit the bad guys for labor violations, increase their cost of doing business, make Oakland expensive to canvass.

Chris Jackson: We encourage people *not to answer the door to solicitors at all*. If they don't get money here, they won't come back. Capt. Toribio is working quality of life issues very hard, to keep problems from getting worse.

Lt. Hamilton: we've been arresting these people and then nothing happened. What Mr. Russo is doing is the missing piece, we can't make community policing work if there are no consequences.

Resident: what about ROAR?

Russo: Let me finish with that. Courtney Ruby and I talked about the issues she ran on, that have been frustrating me. The biggest issue is *records*; he's been trying since 2001 to get something done about records management. Second and third were whistle-blower issues, and nepotism. After Robert Bobb was fired, the City Attorney was systematically excluded from personnel issues. He's been fighting to be involved in the necessary areas: disability, equal access, hiring, etc. No response. C. Ruby told him, there's a committee about records management and you're on it; which no one told him. Go to his web site and click the lion for data on ROAR. Edgerly then took them off the records management committee; so they went to the city council about it and the clerk refused to schedule them. This never got in the news. Then there was a scandal, and they got attention.

The City Council *and* the state have both passed whistle-blower laws. Courtney Ruby worked on the state law.

Ethics – he's going to do that on his own budget.

Records Management – once Edgerly was gone, the city clerk could do what she wanted; it'll probably happen, although the resources to store the email are an issue.

Personnel – City Attorney is still excluded from personnel issues, can't stop city from doing stupid things. Fighting the good fight. Lindheim (interim city administrator) has told city dept. heads that they *may* call City Attorney on personnel matters; they were *forbidden* to!

Nepotism – there was a very principled fight in the council on the scope of the nepotism business. The charter says, no nepotism *for elected officials*. Nothing about lower levels. Now, there are rules, and City Attorney *will* be consulted when a nepotistic situation is uncovered.

Chris Jackson: What about the sidewalk issues? The City wants to throw all liability for sidewalks to property owners.

Russo: My job is to protect city (the corp. of which we are the shareholders). Most cities have ordinances, sidewalk liability *belongs to property owners*, unless the city does something to screw it up (city tree's roots mess up the sidewalk, that's the city's problem). This is what *most cities do*. He has advised the city to do this; they may or may not pass it, but he thinks it's the right thing. He is the attorney for the corporation of which we are the shareholders; he's not the attorney for the council, or the people, or whoever.

Chris Jackson: we need more information from your office about this.

Russo: there's a link on the city clerk's web site, it's the report he wrote.