

**CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
CALIFORNIA RECYCLE UNDERUTILIZED SITES REMEDIATION PROGRAM
CITY OF OAKLAND STRATEGIC PARTNER TO THE STATE**

Meeting Date: November 19, 2008

Request Infill Loan Approval

Prepared by: *Margot Lederer Prado, City of Oakland, and Ling Tse, CPCFA*

Applicant: 5110 Telegraph, LLC	Type of Funding Requested: Loan
Developer: 5110 Telegraph, LLC	Amount Requested: \$174,225
Project Name: CIVIQ	Amount Recommended: \$151,500
Project Location: Oakland (Alameda County)	Strategic Partner: City of Oakland

Summary. 5110 Telegraph, LLC (the “Applicant”) requests approval of a loan in the amount not to exceed \$174,225 to finance the remediation of a brownfields site located at 5110 Telegraph Avenue and 5107 Clarke Street. Staff is recommending an award of \$151,500. The .94 acres acre site will be developed into a mixed use site with 67 units of rental housing and 2990 square feet of commercial space.

Applicant. 5110 Telegraph, LLC is a developer established on October 19, 2004. The Partnership consists of Vicente Ventures, LLC (Managing Member - owned by Roy Alper), Lawton Development, LLC (owned by Ron Kriss), and Pdraig Enterprises, LLC (owned by Patrick Zimski). All three principals have substantial development experiences. .

The principal stockholders of the 5110 Telegraph, LLC are:

Roy Alper dba Vicente Ventures.....	33.34%
Ron Kriss dba Lawton Development.....	33.33%
Patrick Zimski dba Pdaiq Enterprises.....	33.33%
Total:	<u>100.00%</u>

Legal Questionnaire. The Strategic Partner and staff have reviewed the Applicant’s responses to the questions contained in the Legal Status portion of the Application. No information was disclosed that raises questions concerning the financial viability or legal integrity of this applicant.

Brownfield Project Description. The Brownfield site (5107 Clarke Street) was used for nursery greenhouses and plant storage from 1903 to approximately 1971. This site is currently a vacant lot/parking lot. Contaminants of concern are organic pesticides and arsenic that were detected in a 2005 subsurface investigation of the site.

Agenda Item - 4.C.11.

Description of Activity	Cost	Amount Financed by Infill Loan
Legal fees associated with contaminated land remediation	\$ 13,000	\$13,000
Excavation & off-hauling of arsenic contaminated soil	128,000	128,000
Additional costs of off-hauling 100 cu yd to Class I Landfill (hazardous)	10,500	10,500
Contingency	<u>22,725</u>	<u>0</u>
TOTAL ESTIMATED COST OF	<u>\$174,225</u> *	<u>\$151,500</u>

**Difference in Brownfield Infill Costs and the amount to be financed by CALReUSE is due to staff's determination that "contingencies" are not an eligible cost under the Program.*

Oversight Agency. Department of Toxic Control Substances (DTSC) in cooperation with City of Oakland Fire Department Hazardous Materials Program.

Infill Development Project Description. The development will be a mixed-use development with 67 rental units at market rate (but priced below existing housing costs in the immediate vicinity) and 2990 square feet of commercial space. The project is in the heart of a revitalized commercial district, increasingly being known as a hub or new restaurants and unique retail stores, with a neighborhood feel.

The development project will assist in revitalizing a larger urban area. A new public plaza will be created at the corner of 51st Street and Telegraph Avenue with a water feature that acknowledges Temescal Creek, which drains below the site. An existing greenbelt will be extended to 51st Street through this project development, and deeded over to the City. The project has and will result in 100 jobs during development and construction, and the commercial space will complement the very popular local retail stores along Telegraph Avenue.

Permits. The following permits have been granted, approved, or submitted for the CIVIQ project: Conditional Use permit, Vesting Tentative Parcel Map, Final Map, and Building Permit.

Anticipated Timeline.

- Cleanup to Begin: June 2009
- Cleanup to be Completed: June 2009
- Development to Begin: June 2009
- Development to be Completed: June 2010

Local Government Support. Several letters of support have been received for the project including:

Local Community Support.

- Neighbors and owners from the Temescal and Rockridge Neighborhoods
 - Brier Tomlinson (A-1), J. Brunner (A-2), Hugo Cornejo (A-4), Seyoum Kebede (A-5), Suzanne Mah (A-6), Joanne Martinez (A-7), Stefan Menzi (A-8), Jason Gardner (A-9), H.S. Naraghi (A-10), and Paul Valva (A-11)
- Mark Borsuk, Property Manager, 4881 Telegraph Ave. (A-12)

Agenda Item - 4.C.11.

- Joyce Roy, Executive Committee (Northern Alameda County Group), Sierra Club (A-13)
- Ethan Veneklasen, Executive Vice President, East Bay Workforce Housing Coalition (A-14)
- Rick Raffanti, President of Board of Directors, Temescal / Telegraph Community Association (Business Improvement District) (A-16)
- A petition with 103 signatures in support of the project (A-17)

Government Officials Support.

- Eric Angstadt, Interim Deputy Director, Community & Economic Development Agency, City of Oakland (A-24)

Application Score. The project earned a score of **95** out of **120** points in the following categories, due to the fact that this is a market rate project and therefore did not earn the 25 affordability points, and the need to update costs for the removal of the contaminated soil:

(a) Readiness to Proceed. TOTAL 40/40.

- (1) Applicant has demonstrated that environmental review can be completed and all necessary entitlements can be received from the local jurisdiction within two years if receiving the award- 10/10.** The Strategic Partner represents that the environmental review for this project can be completed within two years.
- (2) Funding commitments are in place, or financing applications are under review, for the Infill Development Project-10/10.** The applicant has identified sources of funds for the project.
- (3) The Infill Development Project has local community and government support-10/10.** Letters of support and a petition were provided from local community and a letter of support from the City of Oakland, indicating its support of the project.
- (4) Cleanup Plan has been approved by Oversight Agency-5/5.** The Remedial Action Plan has been approved by DTSC.
- (5) Applicant has building permits, and all other governmental permits (i.e. encroachment, ROW, etc.)-5/5.** Building permit has been submitted. Conditional Use Permit and Vesting Tentative Parcel Map have been granted. Final Map has been approved.

(b) Location within an Economically Distressed Community. TOTAL 30/30. Oakland is defined as an economically distressed community. The Temescal neighborhood adjoins a long time low income neighborhood. It is within the State Enterprise Zone for the City of Oakland and is within an area with median family income that is below the City of Oakland average.

(c) Location within a Priority Development of a Local Governmental Entity. TOTAL-10/10. The City of Oakland recently submitted a request for Priority Development Area

Agenda Item - 4.C.11.

designation for a large portion of its infill urban area, and the Temescal Neighborhood and this project in particular, is within Oakland's approved Priority Development Area.

- (d) **Depth of Affordability.** TOTAL-0/10. Market rate but expected to be priced below the median home price of the Temescal Neighborhood.
- (e) **Percentage of Affordability.** TOTAL-0/15. See above.
- (f) **Utilization of Green Building Methods.** TOTAL-5/5. Exceeds Title 24 standards and achieves minimum 60 GreenPoint Ratings.
- (g) **Cleanup Plan for the Brownfield Infill Project does not require Ongoing Operation and Maintenance.** TOTAL-10/10. No Maintenance and Operation is required.

Tie-Breaker.

- (a) Total Brownfield Infill Project Cleanup Plan Cost: \$174,225
- (b) Total no. residential housing units produced and/or promoted by Infill Development Project:
67
- (c) Tie-breaker ratio [(a) / (b)]: \$2,600/ housing unit

Financing Details.

- Expected Interest Rate on Loan: 3.53% or lower, but not less than two percent (2%). Interest fixed at the time of the execution of the Loan Agreement.
- Amount of Overall Financing to be Leveraged: \$27,120,725
- Sources of Financing for Brownfield Infill Project: CALReUSE
- Sources of Financing for Infill Development Project: Owners' Equity, Third Party Investors, and Bank of Alameda

Staff Recommendation. Staff recommends approval of the attached Resolution 5110 Telegraph, LLC for a loan in an amount not to exceed \$151,500.

**A RESOLUTION OF THE CALIFORNIA POLLUTION CONTROL FINANCING
AUTHORITY APPROVING EXECUTION AND DELIVERY OF LOAN FUNDING FOR
5510 TELEGRAPH, LLC
CALIFORNIA RECYCLE UNDERUTILIZED SITES REMEDIATION PROGRAM**

November 19, 2008

WHEREAS, the California Pollution Control Financing Authority (the “Authority”), a public instrumentality of the State of California, is authorized by the Regulations adopted to implement and make specific the statutory provisions of the California Recycle Underutilized Sites (CALReUSE) Remediation Program;

WHEREAS, the statutory provisions of the CALReUSE Remediation Program authorize grant and loan funding for the purpose of brownfield cleanup that promotes infill residential and mixed-use development, consistent with regional and local land use plans;

WHEREAS, the Authority solicited applications for the CALReUSE Remediation Program and such applications were evaluated and scored pursuant to the Authority’s Regulations;

WHEREAS, 5110 Telegraph, LLC has submitted an application for the CALReUSE Remediation Program for a loan in the amount of \$151,500 for the CIVIQ Project;

WHEREAS, the Strategic Partner City of Oakland has reviewed the application and determined to recommend the CIVIQ Project to the Authority for funding consideration;

WHEREAS, the Authority staff has reviewed the Strategic Partner’s recommendation and has determined to recommend the CIVIQ Project for funding; and

WHEREAS, approval of a loan for the 5110 Telegraph, LLC (“Applicant” and “Borrower”) by the Authority is now sought;

NOW THEREFORE BE IT RESOLVED by the California Pollution Control Financing Authority, as follows:

Section 1. Pursuant to the Regulations, the Authority hereby finds that the CIVIQ Project (the “Project”) is eligible for financing and hereby approves the loan described in the staff summary for the Project described in the Applicant’s CALReUSE Infill Application to the Authority.

Section 2. The Executive Director is hereby authorized for and on behalf of the Authority to take all steps necessary with respect to the Applicant including notifying the Applicant that its Application has been approved for funding, preparing a commitment letter that contains the terms and conditions of funding for the Borrower, preparing and executing the final form of loan agreement and disbursing funds pursuant to the loan agreement and the Authority’s Regulations.

Section 3. The Executive Director is hereby authorized for and on behalf of the Authority to approve any changes in the Project described in Exhibit A of the loan agreement as the Executive Director shall deem appropriate and authorized under the Regulations (provided that the amount of the loan may not be increased above the amount approved by the Authority).

Section 4. The Executive Director is hereby authorized and directed, for and on behalf of the Authority, to draw money from the Proposition 1C (2006) funds allocated to this Program not to exceed those amounts approved by the Authority for the Project approved in Section 1. The Executive Director is further authorized and directed, for and on behalf of the Authority, to execute and deliver for the Project identified in Section 1 any and all documents necessary to complete the transfer of funds. The authority of the Executive Director is limited to payment of claims made by the Borrower in accordance with the Regulations and the loan Agreement.

Section 5. Any notice to the Applicant approved hereunder shall indicate that the Authority shall not be liable to the Applicant in any manner whatsoever should such funding not be completed for any reason whatsoever. Notice to the Applicant shall include a provision making it clear that continued funding under the program is not guaranteed but is entirely dependent upon funds being available to the CALReUSE Program and the Borrower's continued compliance with the loan agreement and the regulations governing the CALReUSE Program.

Section 6. The Executive Director of the Authority is hereby authorized and directed, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to effectuate the purposes of this Resolution and the transactions contemplated hereby, and which have heretofore been approved as to form by the Authority.

EXHIBIT A

TERM SHEET

Name of Project:	CIVIQ
Maximum Amount of Loan:	\$151,500
Strategic Partner:	City of Oakland
Borrower:	5110 Telegraph, LLC
Financing Structure:	Fixed Rate Loan
Maximum Loan Term:	Not to exceed 6 years from first draw on funds
If Loan, Maximum Interest Rate:	3.53% or lower, but not less than two percent (2%). Interest fixed at the time of the execution of the Loan Agreement. Six-month LIBOR
Oversight Agency:	City of Oakland Fire Department Hazardous Materials Program and DTSC
Project Location:	5107 Clarke Street and 5110 Telegraph Ave Oakland, Alameda County, CA 94609
Infill Development Description:	67-unit mixed-use development will be constructed with 67 rental units at market rate (but priced below existing housing costs in the immediate vicinity) and 2990 square feet of commercial space including a new public plaza.

Project: Description of Activity	Estimated Cost
Legal fees associated with contaminated land remediation	\$ 13,000
Excavation & off-hauling of arsenic contaminated soil	128,000
Additional costs of off-hauling 100 cu yd to Class I Landfill (hazardous)	<u>10,500</u>
TOTAL ELIGIBLE BROWNFIELD INFILL COSTS	<u>\$151,500</u>

Attachment A

Bill Lambert

From: Brierton1@aol.com
Sent: Wednesday, November 16, 2006 3:20 PM
To: asmith@oakland.com
Cc: bill@shastapro.com; dmiles@prodigy.net
Subject: Proceed project at 5110 Telegraph Avenue

Dear Mr. Smith,

I am writing to indicate my full and unqualified support for the proposed project at 5110 Telegraph in its current form (per the presentation on November 14th at the Temescal Library).

I was greatly impressed by the elegant and thoughtful project presented. I thought the design to be exceptionally sensitive in its response to a site with many faces and considerations, while still managing to gracefully achieve a project that was handsome, coherent and exciting.

I think the neighborhood is exceptionally fortunate in the developer and his choice of architects. Ron Kris has long term and deep familiarity with our neighborhood, and knows what good urban infill projects are all about and has a local development track record that clearly demonstrates that. Rick Williams, as a recent resident, also knows our neighborhood well. He takes neighborhood concerns seriously, and he and his firm consistently produce sensitive designs of the highest design standard.

It was clear from the meeting that the single greatest concern being voiced by some - and I emphasize the word some - members of the community was regarding the issue of the proposed building height. In particular, some neighbors were concerned that the height would create a new precedent encouraging 65' buildings all up and down Telegraph.

I think that the new building at 48th and Telegraph, which at the street line is 4 stories with some 5 story elements, and nearly 8 stories further back, demonstrates both that taller buildings along Telegraph not inappropriate to the wide scale of the street, and, at the same time, that the height of that building is about the limit that the scale of the street can handle.

That said, the scale of the intersection at Telegraph and 51st is very large. Given its importance and its scale, I think it is more than appropriate to have a tall building at that corner, creating a landmark and a presence that announces and identifies that part of Telegraph. I particularly like the lantern-like effect of the elevated corner tower. In the exciting and beneficial impact of the proposed building, its height and scale play an important role. I feel strongly that a shorter building would represent an opportunity missed, not a calamity avoided.

The issues presented at the meeting made it clear to me that an amended Telegraph zoning ordinance, with careful attention issues of height and building element setbacks, should be done as soon as possible so that both the community and future developers know what the design and planning intentions are and where the bars are set. And such a planning vision could include taller buildings at intersections that have neighborhood, civic, and transit village importance.

Thank you,
Brier Tomlinson

4104 Webster Street
Oakland, CA

5110 Telegraph LLC_Civiq_exhibits

Attachment A

Bill Lambert

From: Briertom1@aol.com
Sent: Wednesday, May 03, 2006 7:37 PM
To: jbrunner@oaklandnet.com
Cc: trs51@pacbell.net; bill@shastapro.com
Subject: About development in Tamescal

Dear Jane,

I'm sorry I wasn't present for your initial meeting regarding planning for Telegraph Avenue in Tamescal.

My understanding is that the big issue has to do with height and bulk of new development, and that Jeff Norman is leading the charge to cap development as low as possible.

I realize that with issues like these, the people who have negative feelings tend to be much more emotional and impassioned than those who are positive on the issue. So I think it's important that I weigh in as one in favor of a more urban, and urbane, approach. I apologize if, in my response below, I "went on" a bit. But:

I think:

1. The proposed development at the old Pussycat Theater site should not be viewed as setting a new standard. The site is atypical. It is at a large, pedestrian-unfriendly intersection of two arterial streets carrying heavy traffic. It is isolated by both 51st Street and Claremont from any other commercial space, except for the Global Video.

2. Telegraph Avenue is a much wider street than either College or Piedmont, and will benefit from development of greater height. College and Piedmont are both much narrower streets, carrying a dramatically lower volume of traffic moving at much lower speeds than Telegraph. Telegraph is much wider, a major arterial street, and the second most important street connection between downtown Oakland and the Berkeley center. A two-story street wall is not sufficient to "command" the street; even if infilled, development limited to one and two stories will look "weak". A three-story limit at the sidewalk for Telegraph should be considered the minimum.

3. We need incentives to development for Telegraph that will make new construction more attractive - and profitable - than existing uses. People seem to think that the height the developers are pushing for represents greed, and some huge windfall. They should be reminded that until recently, the economics of Telegraph were such that no development happened at all. For decades. Additionally, we are entering a period of softening real estate prices, which will increasingly stall all economically marginal projects.

And, above all, if we want to see any of the fast foods go away - an essential component of a better Telegraph - then we need to allow for development that will be profitable enough that the fast food owners will say, "Hey, I'll make more money if my property is developed." Otherwise, we'll be stuck with Fast Food Plastic Architecture, and their big parking lots, for the rest of our lifetimes.

The best way to provide those incentives is to allow the maximum height and bulk of development that will still be in good scale with the width and importance of Telegraph.

4. The new condo building at 48th and Telegraph provides two important lessons:

a) The building could well serve as a model for planning guidelines regarding maximum height and bulk. 4 stories at the Telegraph, with further stories set back within a 45% setback line starting at the top of the 4th floor, to a maximum of 6 stories inside the block, looks like the appropriate maximum envelope, at least as far as Telegraph frontage goes. I think that, as on that building, elements at the sidewalk plane could extend higher than 4 floors, as long as they are not habitable spaces and not roofed solid, or at least for some percentage of the length of the facade (in other words, trellises, unenclosed freestanding pavilions, railings, parapets, etc).

5110 Telegraph LLC_Civiq_exhibits

Attachment A

I drive by this building constantly, and I've spent a lot of time looking at it and its relationship to the street and the neighborhood. It seems, at the moment, large but not out of place. I think it's size is acceptable, and does, in fact, do some rather nice things for the street and the surroundings.

b) Make the planning guidelines require design review if any habitable part of building exceeds 4 stories - and make sure permit approval is contingent on no changes from the approved design. The condo building at 48th and Telegraph is not, in the end, a very attractive building. I've seen the original renderings for the building on the architect's website, and the building as built is a corrupted version. I suspect that what happened was that the builder took the architect's designs and then freely changed many features for construction.

The result is a building that is, architecturally speaking, messy and unattractive. The same thing happened with Temescal Plaza (Walgreens); the designs shown to the community were very significantly more elegant than what was actually built.

If we want quality design along Telegraph, then it is critical that the buildings live up to the promise of their approved design.

5. The greater the density of appropriate development along Telegraph, the healthier, richer and more vibrant the pedestrian retail environment will be. During the planning for MacBART, one planner emphasized that fact that North Oakland has 4 arterial streets - Broadway, Telegraph, MLK, and San Pablo - that are all relatively close together but run through areas that are mostly low density residential areas - much of it detached single family. His point was that the key reason the commercial along these streets has been so anemic is because there is too much commercial strip serving too small a population.

We can't wave a wand and remove much of this existing fitful commercial development; our best strategy is to make it work. The best way to do that is to increase the size of the population these streets serve. Especially when trying to create a pedestrian and neighborhood-serving development of Telegraph, our best friend is greater density.

6. If we are to do our share and help protect our greater Bay Area environment from endless sprawl, then we must find ways to let our cities grow in ways that are healthy, dynamic, and sustainable. Cities lead the way toward a sustainable future for our growing population. We in Temescal can help; a more urban vision for Telegraph will help more. Telegraph can profit from such development. Let's do our part and make it count.

Urge my neighbors not to get all NIMBY and precious about it, the way College Avenue is. Let's not freeze the picture at the lowest common denominator, which could easily stall development indefinitely. We have, on one edge of our neighborhood, an important urban artery that needs lots of new construction to realize its potential, both for us and for Oakland. Let's allow our vision to expand, and so remake Telegraph into a dynamic, rich, and elegantly urbanized connection to our revitalizing downtown.

Attachment A

Bill Lambert

From: HugoMCon@aol.com
Sent: Wednesday, April 05, 2006 11:50 AM
To: bill@shastapros.com
Subject: Permit

Good Morning:

Hugo Comejo here just to let you know that I received your letter dated March 13, 2006 unfortunately I was not here to support your project at the City meeting from being out of the country.

Did you get a permit to develop? If there is anything I can do please let me know. My business phone number is 510-843-4776

Hugo M Comejo

Attachment A

Bill Lambert

From: Seyoumcekl@aol.com
Sent: Monday, March 20, 2006 8:22 PM
To: bill@shastapro.com
Subject: 51st Street and Telegraph Ave. Project

Dear Roy & Judith Alper:

Sorry I can not attend the City Council hearing on your project. however, I totally support the proposed project for the site. That land has been an eyesore for a long time. Everytime someone brings a great idea like yours to improve our city, somehow a group comes up to oppose it.

Such groups hardly spend their own money on projects that would help the city of Oakland. We have been losing tax dollars to other cities. That trend should stop, and replacing an eyesore with project like yours is a good start.

Sincerely,

Seyoum Kebede
(510) 763-1281

Attachment A

Bill Lambert

From: Suzanne Mah [suzannemah@yahoo.com]
Sent: Monday, March 20, 2006 8:45 AM
To: bill@shastapro.com
Subject: 51st & Telegraph Project

Hello,

We are owners and residents of the Temescal Neighborhood for almost a decade. We understand there is some opposition to the proposed project at 51st & Telegraph Ave. Although we may not be able to attend the meeting tomorrow, we would like the opportunity to respond.

We feel the project would be a great benefit to Oakland as well as the Temescal neighborhood. The higher density housing is much needed in the area, and the commercial spaces would help the Temescal immensely. We don't feel the proposed height of the building is inconsistent with the vision of the Temescal neighborhood but would add to the aesthetics of the community. We support the proposed project and hope to see the project break ground soon.

Thank you for your time.
Suzanne, Godwin, and Eileen Mah
4629 Shattuck Ave
Oakland, 94609
510-206-3681

Attachment A

Bill Lambert

From: Joanne Martinez [jcmz@charter.net]

Sent: Friday, March 17, 2006 1:30 PM

To: Telegraph Business group

Subject: Business plan

We live in Los Angeles so are unable to attend your meetings but I am writing to let you know we support your efforts in your latest quest to convert the Pussy Cat Theater. Joanne & Al Martinez 20881 Waveview Dr. Topanga, CA. 90290

Attachment A

From: stefan menzi [mailto:smenzi@pacbell.net]
Sent: Tuesday, November 15, 2005 10:16 PM
To: bill@shastapros.com
Subject: Re: Project at 5110 Teleg

Bill,

thanks for doing a fine job with community outreach for the project, I feel I am in good hands. And it was good to see familiar faces from the time of the charrette again.

I am in support of the project pretty much as designed (after all, it is almost identical to one of the charrette schemes!) with a few "I wish this could be different"..... very briefly: 1) extending pedestrian, public access from Redondo park to Telegraph & 51st should remain a priority & can happen if design is slightly reworked. I do not really understand the issues the owner or condo association might have with insurance coverage if the access, path layout, size of open space, podium and front yard fences (security barriers), lighting, landscaping, etc. are well designed for it's intended function. 2) The project brings to mind that the area - not just project site - is currently not pedestrian/bicycle friendly. For ex. there really is no pedestrian crosswalk on 51st between Telegraph and Broadway. I am not sure what, but at least something ought to be done to improve experience when walking across 51st. Many european city governments would have put in an under or overpass long ago in a case like this.

Finally my suggestion for commercial space: Feet's coffee (certainly someone has thought of that, yes?)
thanks,

Stefan

////////////////////////////////////
////////////////////////////////////
Stefan Menzi, AIA
526 44th Street
Oakland, CA 94609
phone (510) 652-0252
fax (510) 652-0252
////////////////////////////////////
////////////////////////////////////
c/o William Coburn Architects
1224 Center Street
Oakland, CA 94607
phone (510) 893-8826
fax (510) 465-2637
////////////////////////////////////
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Attachment A

Bill Lambert

From: Jason Gardner [townsat@sbcglobal.net]
Sent: Tuesday, November 15, 2005 10:33 AM
To: bill@shastapro.com
Subject: 51st St. development

Hi Bill --

I attended tonight's meeting at the Temescal Library and although I didn't get a chance to speak, I wanted to voice my support for your project as it is currently designed. As a homeowner in Temescal for the last five years, I strongly feel that this is the kind of "elegant density" that Jerry Brown has been talking about. Reasonable density along transit corridors like Telegraph -- within walking distance of BART stations -- is clearly what Oakland and the entire region needs.

The height seems entirely appropriate for the lot and the design handles the height very thoughtfully by scaling back as it approaches Clarke St. (If this were ten or twenty stories, obviously I would be concerned, but six stories, especially with the rather ugly Global Video building next door, makes perfect sense.) And I really applaud your emphasis on sustainable design and solar technology. I wish all developments in Oakland exhibited this kind of forethought.

Feel free to use my comments in your communication with the city. Thanks much.

Best,

Jason Gardner
545 43rd Street

Attachment A

September, 2005

Heather Klein
Community and Economic Development Agency
Planning & Zoning Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612-2032

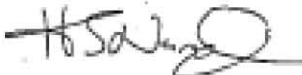
Dear Ms. Klein,

I own property at 5138 Clarke Street. Recently I reviewed information regarding a new mixed use (residential / commercial) development project at 5110 Telegraph Ave and 5107 Clarke St. in the Temescal neighborhood. I would like to express my support for the project.

The proposed 68-unit building plus 3,000 sq ft of commercial space will be a positive addition to the Temescal area. The project will convert a vacant and an underutilized lot at a prime Oakland intersection into productive uses. The landscape and design will be a welcome improvement to the neighborhood. The site is also near a variety of public transit options as well as many commercial services. Telegraph Avenue businesses will benefit from the increased commerce that the 150+ additional residents will bring.

The neighborhood will benefit from this project. I look forward to this addition to Temescal.

Sincerely,



H. S. NARAGH

(415) 298-1095 (CELL)

Attachment A

December 18, 2005

Mr. Darin Ranelletti
Community and Economic Development Agency
Planning & Zoning Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612-2032

RE: 51st and Telegraph Avenue Proposal

Dear Mr. Ranelletti:

I own property at 5264 Locksley Avenue in the Rockridge neighborhood of Oakland.

I am writing to express my support for the 5110 Telegraph Ave/5107 Clarke St. project in the Temescal neighborhood.

I believe the proposed 67-unit building plus 2,900+ sq ft of commercial space will be a positive addition to the Temescal area. The project will convert two lots, one vacant and one underutilized, at a prime Oakland intersection, into productive uses. The landscape and building design will be a welcome improvement to the neighborhood. The site is also near a variety of public transit options as well as many commercial services, therefore appropriate for dense, infill housing. Telegraph Avenue businesses will benefit from the increased commerce that the 150+ additional residents will bring.

The neighborhood will benefit from this project. I look forward to this addition to Temescal.

Sincerely,

PAUL VALVA

Paul Valva

Attachment A

Bill Lambert

From: Mark Borsuk [mark@borsuk.com]
Sent: Thursday, March 16, 2006 7:41 AM
To: bill@shastapro.com
Cc: markborsuk@aol.com
Subject: Temescal/Telegraph project

March 16, 2006

Bill:

We strongly support your 51st & Telegraph Ave. project for many reasons including:

1. It promotes home ownership. Home ownership strengthens a neighborhood.
2. It increases foot traffic for local businesses. Prospering merchants attract new and novel goods and services to the neighborhood.
3. Quality neighborhoods discourage crime. Reducing crime benefits everyone.

Regards,

Mark Borsuk
Property Manager for 4881 Telegraph Ave.
Mark Borsuk, Inc.

Mark Borsuk
mark@borsuk.com
www.borsuk.com
(415) 922-4740 / CELL 264-8364 / FAX 922-1485
1626 Vallejo Street
San Francisco, CA 94123-5116

Attachment A



**SIERRA
CLUB**
FOUNDED 1892

Northern Alameda County Regional Group

(Alameda-Albany-Berkeley-Emeryville-Oakland-Findon-San Leandro)

2530 San Pablo Avenue, Suite I, Berkeley, CA 94702

510-848-0800 (voice) · 510-848-3383 (fax)

January 18, 2006

To: The Planning Commission
City of Oakland

Re: CIVIQ, Mixed-use project at 51st & Telegraph

The Sierra Club supports infill, mixed-use, relatively dense development within existing urbanized areas that encourages transit, walking, and bicycling and that minimizes private automobile use.

This project proposed for a vacant lot within a chain link fence and an adjacent surface parking lot would remove blight and add to the vitality of this neighborhood. The scale of the project respects its context with the greatest height at the major intersection of 51st & Telegraph and decreasing its height and massing to reflect the scale of single family residences on Clark Street.

This project meets our Urban Density Guidelines as follows:

- Encourages transit use: It is located within an existing urbanized area on a major transit corridor, Telegraph Ave., which will have even better transit service with the future implementation of Bus Rapid Transit (BRT.)
- Appropriate urban density: The project has an overall density of more than 20-30 units per net acre.
- Pedestrian-oriented design: The project is planned to integrate with existing street patterns, walkways, and bicycle paths, and provides easy connection to services and public transportation. The two small plazas provide community-gathering places and connect to the adjacent FROG Park.
- Community input: The developer has made good faith efforts to address and, where appropriate, incorporate, neighborhood concerns about the project.

However, the project may fall short of our goal of 20% affordable. We encourage the developer to meet this goal in implementing mortgage financing for low-income homebuyers.

Energy conservation is a foremost concern for the Sierra Club so we laud this project's proposed use of solar panels as an energy source and "green" building practices through use of sustainable and/or recycled materials.

Joyce Roy
Member of Executive Committee
Northern Alameda County Group

Attachment A

East Bay Workforce Housing Coalition

Working to achieve increased affordability and a balanced supply of housing in the East Bay

January 18, 2006

Darin Rasoletti
Planner
City of Oakland
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Darin :

I am writing to offer our support for the "Civiq" mixed-use project proposed at 5100-5110 Telegraph Avenue.

The East Bay Workforce Housing Coalition is made up of business and economic development groups committed to increasing the affordability and balanced supply of housing in the East Bay. Our members include the Contra Costa Economic Partnership, Contra Costa Council, Economic Development Alliance for Business (EDAB) and the California Alliance for Jobs. In order to maintain the strength of our East Bay economy, we must be able to continue to offer a wide range of housing options to employees of East Bay companies. This means housing at all levels of size and affordability.

The "Civiq" project will provide 67 units at a density of 72 units to the acre. Given the proximity to both BART and AC Transit lines, we feel that this type of higher density is consistent with the effective use of the surrounding transportation amenities and limited land resources. While we understand the concerns of local residents, this type of density cannot be achieved without a variance to allow for the increased height proposed in the application.

The East Bay Workforce Housing Coalition is committed to the production of housing stock that will meet the needs of all segments of the workforce. This project will provide a mixture of unit sizes ranging from studios to three bedrooms. We are further encouraged by the current projections being provided by the developer that will allow for a portion of the units to be eligible for sub-market rate loans that will help provide housing for a wider range of income levels. We will continue to track this as it is finalized and our continued support will be predicated on the continued commitment to the provision of workforce housing as part of the project.

When possible, the Coalition gives priority to projects that put to more appropriate use underutilized land and provide additional amenities that improve the local area. The project before you reutilizes use two parcels, including one previously an adult movie theatre and the other an employee parking lot for Oakland Children's Hospital. Further, it will provide for two community plazas, a pedestrian walkway and 2990 sq. ft. of community retail space. We have found that amenities such as these work in the long run to revitalize neighborhoods, increase property values and enhance the quality of life for surrounding residents.

1355 Wilbur Way, Suite 250 Concord, CA 94529 (925) 248-8800

Attachment A

Page 2

We are pleased to offer our support for this project and are convinced that it will provide a worthwhile enhancement to the adjacent neighborhoods. We commend the developers for their attempts to address issues of affordability, both through creative financing and by design and a mixture of sizes of units.

Sincerely,

Ethan Veneklasen
Executive Vice President
Contra Costa Council

Attachment A

December 14, 2005

Mr. Darin Ranelletti
Community and Economic Development Agency
City of Oakland
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

RE: Proposed Civiq Project

Dear Mr. Ranelletti:

The Board of Directors of the Temescal / Telegraph Community Association (Business Improvement District) considered the proposed Civiq project at 51st Street and Telegraph Ave. at its regularly scheduled board meeting on November 28. The Board voted 10-1 to support the project.


The proposed project is squarely in the middle of our district. Despite the fact that the site is located at one of the busiest intersections in Oakland, it has been a vacant lot for 7 years, before that it was the site of the infamous Pussycat Theater. The proposed project will fill a long-standing need in our District to bring more life and activity to Telegraph Avenue on the north side of 51st Street and will add many new homeowners to our neighborhood within easy walking distance of many of our shops.

There was enthusiastic support for the attention to architectural and landscape detail the developers are bringing to the project, and much appreciation for the public plazas the project will create. Placing the parking underground, while costly, will allow most of the ground level units in the development to be entered directly from the street; this will encourage a more pedestrian-friendly environment that will benefit the entire neighborhood.

Our District is concerned about parking. As our neighborhood resurgence continues, parking has become more of an issue at certain times during the day. The Board does not feel the proposed Civiq project is the cause of our parking situation, but the Board used our consideration of the Civiq project to commit ourselves to work with property owners in the neighborhood and the City to develop more parking facilities that can serve our District.

We urge the commission to approve a Conditional Use Permit for the Civiq project when it comes before you for consideration.

Sincerely,



Rick Raffanti
President, TTCA

Attachment A

Exhibit 27.

Support the Continued Revitalization of the Temescal District

For years the corner of 51st Street and Telegraph Avenue was the location of the Pussycat Theater, an X-rated movie house. In the 1990's, residents in the Temescal District and North Oakland joined together to close the theater and eventually it was torn down.

A year ago, four local residents purchased the site and the adjacent Clarke St. parking lot with the goal to improve the neighborhood by building housing and retail business space at this vital intersection. The resulting project has the support of the Sierra Club, East Bay Workforce Housing Coalition, Temescal Merchants Association, Temescal Telegraph Business Improvement District, and many longtime community activists. The project's extension of the FROG Park Greenbelt to 51st Street is strongly supported by Friends of the Rockridge Temescal Greenbelt.

In January, the City of Oakland Planning Commission unanimously endorsed the plans, now the decision goes to the Oakland City Council. Your signature will help ensure this important neighborhood improvement is completed. We will present these signatures to Councilmember Jane Brunner and the Oakland City Council at the March 21 City Council Meeting.

Improve the corner of 51st and Telegraph Avenue, formerly the site of the Pussycat Theater! We support the continued revitalization of the Temescal District.

Name	Address	Signature
1. Phil McLaughlin	858 44th St	Oakland
2. Vaughn Lopez	5333 Telegraph	Vaughn Lopez
3. M. Spore	1195 Tenth St	M. Spore
4. Suzette Bennett	OAKLAND	Suzette Bennett
5. Charlotte Caswell	443 Forest St	Charlotte Caswell
6. Yvonne LePina	4325 Rivalry #4	Yvonne LePina
7. Louise Adash	5945 Harbor St	Louise Adash
8. Alice Ficht	2041 Bennett St	Alice Ficht
9. Alan Keldord	2495 2nd St	Alan Keldord
10. Katy Brown	3020 Union	Katy Brown
11. Andrew Parsons	3020 Union	Andrew Parsons
12. Susan Johnson	442 43rd St.	Susan Johnson
13. Angelo Nierba	159 Santa Fe Ave	Angelo Nierba
14. Donna Vee	2125 12th St	Donna Vee
15. Nancy Lee	448 4th St	Nancy Lee
16. Catherine Shields	492 37th St	Catherine Shields
17. Ted Lambert		Ted Lambert
18. Alyce Sheld	930 Bratt	Alyce Sheld
19. [unclear]	51st Street Ave	[unclear]
20. Asher Davison	1800 Lakeside Ave	Asher Davison

Attachment A

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Name	Address	Signature
21. DEBORAH MIZERS	3900 Gen Park Rd	Deborah Mizers
22. Josie Orant	6225 Shattuck Ave	Josie Orant
23. Haddish Michie	1580 majors st apt 102	Haddish Michie
24. Donnell Rex	8642a Vicente St	Donnell Rex
25. Chris Reidenauer	881 Eric Blvd Oakland	Chris Reidenauer
26. Alice Reidenauer	same as ↑	Alice Reidenauer
27. KATH RAY	463 TJS St.	Kath Ray
28. Mary Marsh	4325 Market 94608	Mary Marsh
29. CHARLE ALLEN	6225 HAYES ST #6	Charle Allen
30. Sue Merriman	1302 Adman Rd 94610	Sue Merriman
31. Julie Stempin	6115 Hiramwood 94611	Julie Stempin
32. Elus Yankovich	" " "	Elus Yankovich
33. Jaclyn Wagon	248 62nd St 94618	Jaclyn Wagon
34. Mia Lee	5760 Channing Oakland	Mia Lee
35. Bruce Dorsey	5817 Shattuck Ave	Bruce Dorsey
36. GARRETT ROGERS	478 CUPID ST	Garrett Rogers
37. LIQUE VAILLANT	5217 LAWTON	Lique Vaillant
38. John Jackson	725 Market	John Jackson
39. RANDON SAUS	664 41st OAKLAND	Randon Saus
40. Margaret Cahalan	5366 Miles Oak	Margaret Cahalan

Attachment A

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Name	Address	Signature
121. Randy Reed	4432 TELEGRAPH AVE	[Signature]
122. Dorene Drapkin	4430 TELEGRAPH AVE	[Signature]
123. A. Keith S. [unclear]	5220 [unclear] Ave	[Signature]
124. HANS BOEY	6400 TELEGRAPH AVE	[Signature]
125. FLORIE NUNEZ	2555 Bufada St	[Signature]
126. Ed King	792 Santa Ray	[Signature]
127. Matt Lask	7110 Vista Ave	[Signature]
128. Bruce Walker	157 Oakhill Dr	[Signature]
129. Estera Padilla	6363 Chynoweth Ave	[Signature]
130. MARIO HARPER	43 rd St	[Signature]
131. JOHN SUMNICH	930 ROSE AVE	[Signature]
132. Cooree Rudolph	5204 Marshall St.	[Signature]
133. Catherine Norton	1305 Carrison St, Apt C	[Signature]
134. SUE GRAY	2911 Aden Rd	[Signature]
135. J. LOWE	2113 Jones St	[Signature]
136. MARK INGRAM	1285 147th Ave Suisun	[Signature]
137. Louise Spier	150 Moss Way Oakl	[Signature]
138. Sheryl Hill	5901 Ruby St Oakland	[Signature]
139. Jessica Wilson	60 Admiral Drive Emeryville	[Signature]
140. F. Johnson	6401 Shellmound Dr. Emeryville	[Signature]

Attachment A

EXHIBIT 4.C.1

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Name	Address	Signature
141. Jean Roggenkamp	2305 Russell St Bah.	Jean Roggenkamp
142. Catherine Mendy	3025 Dana	Catherine Mendy
143. Jimmy Lee	6363 Christie Ave	Jimmy Lee
144. Nefekale	1069 URBAN ST	Nefekale
145. Susan Rodriguez	10451 Galwin Dr.	Susan Rodriguez
146. Jan Merritt	250 Parkin St. #108 alt	Jan Merritt
147. Adrienne Smith	1086 55th St.	Adrienne Smith
148. Katherine Johnson	2721 Market St	Katherine Johnson
149. Janice Yentassok	205 LIQUID SUGAR DR	Janice Yentassok
150. JAMES JOHNSON	2721 MARKET ST	James Johnson
151. Dimitri's Simaris	14 WHITMORE PL	Dimitri's Simaris
152. Saidah Asanu-Brooks	85 Vermont St. #101	Saidah Asanu-Brooks
153. Balkam Tilahun	705 46 th Street	Balkam Tilahun
154. Michael Stephens	2310 Valley St, Berk.	Michael Stephens
155. DM 99 NELSON	1375 GROVE ST	DM 99 NELSON
156. Bob Satter	450-D 42 ND ST.	Bob Satter
157. Elissa Richy	4844 Telegraph Ave	Elissa Richy
158. Joan Shapiro	4844 Telegraph	Joan Shapiro
159. Merritt B. Shapiro	4844 Telegraph	Merritt B. Shapiro
160. Judith M. Slater	4844 Telegraph Ave	Judith M. Slater

Attachment A

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Name	Address	Signature
161. <i>Alisa Assafa</i>	<i>4844 Telegraph Ave</i>	<i>[Signature]</i>
162. <i>Jim Sweetman</i>	<i>4844 Telegraph Ave</i>	<i>J. Sweetman</i>
163. <i>Adam Teacher</i>	<i>4844 Telegraph</i>	<i>[Signature]</i>
164. <i>Graham Arnold</i>	<i>4844 Telegraph</i>	<i>Graham Arnold</i>
165. <i>JOY LIM</i>	<i>4844 Telegraph</i>	<i>[Signature]</i>
166. <i>ROBERT F. SWENSON</i>	<i>4844 TELEGRAPH AVE</i>	<i>[Signature]</i>
167. <i>AL STEPHENS</i>	<i>4844 Telegraph Ave.</i>	<i>[Signature]</i>
168. <i>Jon Shabarian</i>	<i>4844 Telegraph</i>	<i>[Signature]</i>
169. <i>Paul Lambert</i>	<i>5021 Webster St</i>	<i>[Signature]</i>
170. <i>Mania Lambert</i>	<i>5021 Webster St.</i>	<i>[Signature]</i>
171. <i>Daniel Ande</i>	<i>5021 Webster St.</i>	<i>Daniel Ande</i>
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Attachment A

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Name	Address	Signature
321. Mivo Emerson	5095 Telegraph	
322. Ron Callo	408 ORANGE ST	
323. Pana Mahani	929 KAMIS ST.	
324. Kim Nunley	3160 Oak Rd	
325. Rick Hooten	17 Lincolnshire Dr	
326. Morgan McDowell	401 Martin St. Alameda	
327. Habi Orman	78 Cesar Chavez Blvd.	
328. Don Mangayman	2528 Rame Place Fremont, CA 94558	
329. Andie Kenter	2404 Waring St. Berkeley, CA	
330. MICHAEL McDONALD	5419 Locksley Ave Oakland	
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Attachment A

Exhibit 27.


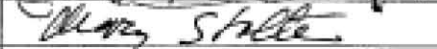
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Name	Address	Signature
141. John Givens	1799 Shattuck Av.	
142. MARY STOLTEN	" "	
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Attachment A

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

October 17, 2008

California Pollution Control Financing Authority
CALReUSE Remediation Loan and Grant Program
Office of the Treasurer, State of California
PO Box 942809
Sacramento CA 94209-0001

RE: CIVIQ / 5110 Telegraph Avenue Application for CALReUSE Remediation Loan

To Whom it May Concern,

I am writing to confirm the support of the City of Oakland for the CIVIQ development project at 5110 Telegraph Avenue in Oakland. Civiq is a proposed 67 unit mixed use development project, with 3,000 sf of retail, in a mixed use infill area of the Temescal neighborhood in North Oakland. Civiq will be located in the Neighborhood Center general plan designation, which encourages the development of both commercial and medium density residential uses along a major transit corridor in North Oakland. On March 21, 2006 the City of Oakland approved the Conditional Use Permit, Design Review entitlements as well as the adopted the CEQA findings for the project. The project will revitalize and important gateway into the North Oakland Area and in particular the Temescal neighborhood, and provide new market rate housing for this growing commercial mixed use neighborhood. We support the development of the project as approved by the Oakland City Planning Commission and City Council.

If you have any questions in regard to the entitlements at this site, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Angstadt".

Eric Angstadt
Interim Deputy Director, Community & Economic Development Agency