



Rising together to make things happen....

## North Hills Phoenix Association

# NEWS

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### NHPA President Anne Seasons

### Claremont Canyon Conservancy

Dear Neighbors,

I feel like I'm on the KQED Pledge Drive except my cause is my own neighborhood – the North Hills. This year NHPA is a bit down on funds and we need to replenish our coffers. It is vitally important that we remain prepared to respond to future challenges in our neighborhood. If you haven't subscribed this year please do so now. If you would like to send more - we take donations (sorry, no t-shirt or coffee mug). We are including an envelope to make it easier for you to donate.

One example of what we do with your money: In the last two years we spent approximately \$1200 to enforce the Creek Protection Ordinance (CPO). Since there are many creeks in the North Hills, a timely response to this FIRST challenge of the CPO was critical. Having funds in our treasury made all the difference and the result of our effort was excellent! The Creek Protection Ordinance was upheld! The developer's building permit was granted on the condition that he abide by the provisions of the CPO.

What an excellent use of our funds! Although this was only one lot and one developer an important message was delivered – the Creek Protection Ordinance will be enforced. Hopefully this is a battle that won't have to be fought again.

We are working on a number of other important issues that will benefit our neighborhood. Some are addressed in the articles in this issue of the Newsletter. Help keep your Association strong and prepared for unexpected contingencies. Your support, expressed by your membership, makes the vital difference in our ability to take effective action for you.

Thank you

(The Claremont Canyon Conservancy is a community-based organization formed in 2001 to support the long-term stewardship of Claremont Canyon)

As of this date we have 104 Founding Sponsors, who have contributed or pledged \$1,000 over a ten year span, and about 20 regular members who have donated various amounts. We're half-way to our goal of 200 Founding Sponsors within the first year of our existence. We also completed all the legal requirements of being a non-profit organization from both the federal and state authorities.

We hired Amber Bach as Assistant to the Executive Committee to assist with administration and organization, to research grant and funding opportunities, and to develop a membership outreach campaign. She comes highly recommended and is much needed. She can be contacted by e-mail at: [claremontcanyon@earthlink.net](mailto:claremontcanyon@earthlink.net) or by phone 510-843-2226.

In order for you to learn more about the Claremont Canyon and the projects we are doing there we are constructing a web site, [www.claremontcanyonconservancy.org](http://www.claremontcanyonconservancy.org). You are encouraged to suggest how we can make it more attractive. Two of the Board Members are largely responsible for this volunteer effort.

The Conservancy has been instrumental in two major fuel reduction efforts, one conducted by UC and one by EBMUD. Last summer UC took out eucalyptus trees along a 500 foot stretch of Grizzly Peak Blvd, south of the Claremont Ave/Fish Ranch Road and Grizzly intersection (Four Corners). We have urged them to do more. This year they will return and do more eucalyptus removal starting from where they left off last year to the Marg property line. From the fire perspective, this ridgeline area is key, and the Conservancy is keeping pressure on UC so that they will reduce this hazard.

The second project involves EBMUD which agreed to work with CDC crews under CDF to reduce the fuel loading on about 6 acres of heavy chaparral immediately northeast of the Four Corners saddle. This area had been identified by CDF Battalion Chief John Elliff as a place firefighters could potentially take a stand against fires coming from the Contra Costa County side. The Conservancy helped scope the project. The CDC and EBMUD collaboration in January and February went smoothly in every respect. About 22 tons of fuels per acre were cut and then chipped or burned in small piles. The Conservancy formally praised the participants for their excellent work together, and both the project and the Conservancy's comments were noted in the Spring EBMUD newsletter.

Recently, two cars hurtling off Grizzly Peak Blvd into the Canyon within hours of each other (resulting in multiple injuries and one fatality) once again proved the need for better guard rails along this scenic drive. Believe it or not, UC planners tell us that 26 vehicles have gone over the edge and are still at the bottom of Claremont Canyon – and any one happening during critical fire weather could have been disastrous. We would like to see low stone walls along these dangerous spots, a step up from guard rails, and a city beautification project that would be appreciated by both local and visiting sightseers.

We are also encouraging UC to place felled eucalyptus logs to discourage Off Road Vehicles from their destructive driving on dirt roads off Grizzly Peak Blvd.

Also, both Claremont Ave and Grizzly Peak Blvd are favorite dumping grounds for vehicles. It is especially disconcerting when the dumpers feel that the best way to erase their tracks is to set the cars on fire. Again, we have just been lucky these incidents have not resulted in a conflagration. More vigilance is needed.

The Pacifica Foundation owns about 3 acres above Grizzly Peak Blvd and Gwin Canyon and to the south of EBMUD. We have contacted their "land steward" and have assisted him in finding appropriate resources to reduce the dense broom and eucalyptus on their property.

The Conservancy has assisted private land-holders in the Canyon in various ways. Working with Camille Rogers and the City of Oakland Fire Department, we have been able to mitigate some of the extreme clearing requirements. Bill McClung's firm, Shelterbelt, has been active in selective cutting of hillside lots, including some steep ones. We will soon have as part of our web site the "Making Decisions" segment from the East Bay Vegetation Management Almanac, to give landowners an idea of the choices they have in vegetation management.

Eight volunteer projects have taken place in Gwin Canyon working with the East Bay Regional Park District people on

clearing the trail, identifying native and non-native plants, pulling broom and other invasive exotics, and establishing a rapport with a group of knowledgeable and helpful Parks employees.

Two volunteer trail-clearing projects were also organized in Garber Park. The City of Oakland Fire Marshall Ed Geblein made three on-site visits and has promised some \$30,000 for fuel reduction efforts if the Parks and Recreation Manager, Martin Mataresse, can get the green light. Here is where much time is spent – trying to coordinate bureaucratic meetings, not offend anybody, and make things happen.

Another volunteer project involved about eight visits to an acre or so on UC land on Claremont Ave at the sharp turn where the UC Ecological Study Area sign is usually engulfed by hemlock and thistle in the early summer. UC has been cooperative and appreciative of our efforts, and the place does look better and is less flammable. Remember that most fires start from roadside ignitions

Several tours have enabled us to witness first hand wildfire hazard mitigation projects in the Bay Area. We visited Angel Island, where David Boyd, the State Parks resource ecologist, gave us a tour of the 80 acre, 1992-96 eucalyptus removal project. He explained the tactics they used, pointing out successes and pitfalls. We also went to China Camp to see his eucalyptus removal and broom control there. We toured Lawrence Berkeley Lab to see their fuel reduction program, and discuss fuelbreak/bufferzone strategy with Rich McLure, LBL's grounds manager.

We continue to meet with different specialists in botany, ornithology, entymology, hydrology, and fire on site in Claremont Canyon to get a better picture of the complexity of the Canyon in the midst of the urbanized Bay Area.

This year we are working on the first annual Fire Hazard Assessment Report of Claremont Canyon. This year's report is part of our initial grant requirement, but it is so important that we want to make it more detailed, and to make it an annual Report to you, our membership. We will post a copy on the web site later this summer when it is completed.

One of our Board members is reviewing the current status of the Alameda Whipsnake and its impact on projects we want to do within the Canyon. The preeminent Whipsnake expert, Carol Swaim, is conducting a study of this endangered species on UC and EBRPD land along the south-facing ridge of Claremont Canyon. You might have noticed the strips laid out on the hillsides to catch the snakes so they may be tagged and tracked.

We offered one educational seminar (with limited attendance, but we'll get to all of you with an invitation next time) with speakers Steven Edwards, Director of the EBRPD Botanical Garden in Tilden, and Richard Schwartz, a notable scholar of Berkeley history. Edwards outlined the pre-settlement

era landscape from the geology and other natural history of Claremont Canyon and its surroundings to the native peoples who lived here. From there, Schwartz took us through the times of the Spanish Land Grants to the settling by Easterners before statehood and up to the early 1900's.

The Conservancy acted as a client to a group of graduate students in Professor John Radke's class in the GIS Center at UC Berkeley. Our interest was to forecast the speed and extent of fires ignited at likely locations along Grizzly Peak Blvd. under a typical October Diablo Wind situation. We supplied the students with our vegetation map and weather data from the EBRPD Fire Chief, Dennis Reins. This project, while inconclusive, was the first step in learning how GIS and fuel modeling software can help us determine the most effective vegetation management strategies.

We have developed a map showing public and private ownership within the Canyon based on numerous sources, as well as a preliminary map of vegetation types in the Canyon based on a high-resolution 1999 aerial photo. In addition we are working on developing a GIS database so that we will have a spatial inventory of the canyon that we can work with and update over time.

Along with the maps we hope you tap into the photos shown on our website which show the Canyon in the 1930's, Claremont Ave after the eucalyptus clearcut of the 1970's, and the BAC views today. You'll see the Canyon is far from sleepy – it's dynamic, an ever-changing tableau of vegetation and human intervention. Without much intervention in the past few decades, the French broom and the eucalyptus have grown exponentially and so has the fire hazard.

We worked hard to obtain three grants for the Conservancy, but have just learned that we were unsuccessful. With the EBRPD and the Diablo Fire Safe Council, we identified and developed three fuel-reduction projects on the EBRPD land in the Canyon. With support from the EBRPD we applied for

\$126,000 in funding from the 2002 Community-based Wildfire Prevention Program to reduce dangerous fuel loads – especially French broom, eucalyptus, and other exotics – in strategic (for fire fighting) locations in upper, middle, and lower Claremont Canyon. We committed \$14,000 of funds raised by the Conservancy and other in-kind help to match these applications.

Now we need to find out why we failed, and do our best to return to these projects with the same or some other granting agency. It is critical that we reduce the fuel loads throughout the Canyon as soon as possible. If any of you know of any possible granting source, please let us know so that we can act on it quickly. We'll do the work if you can point the way!

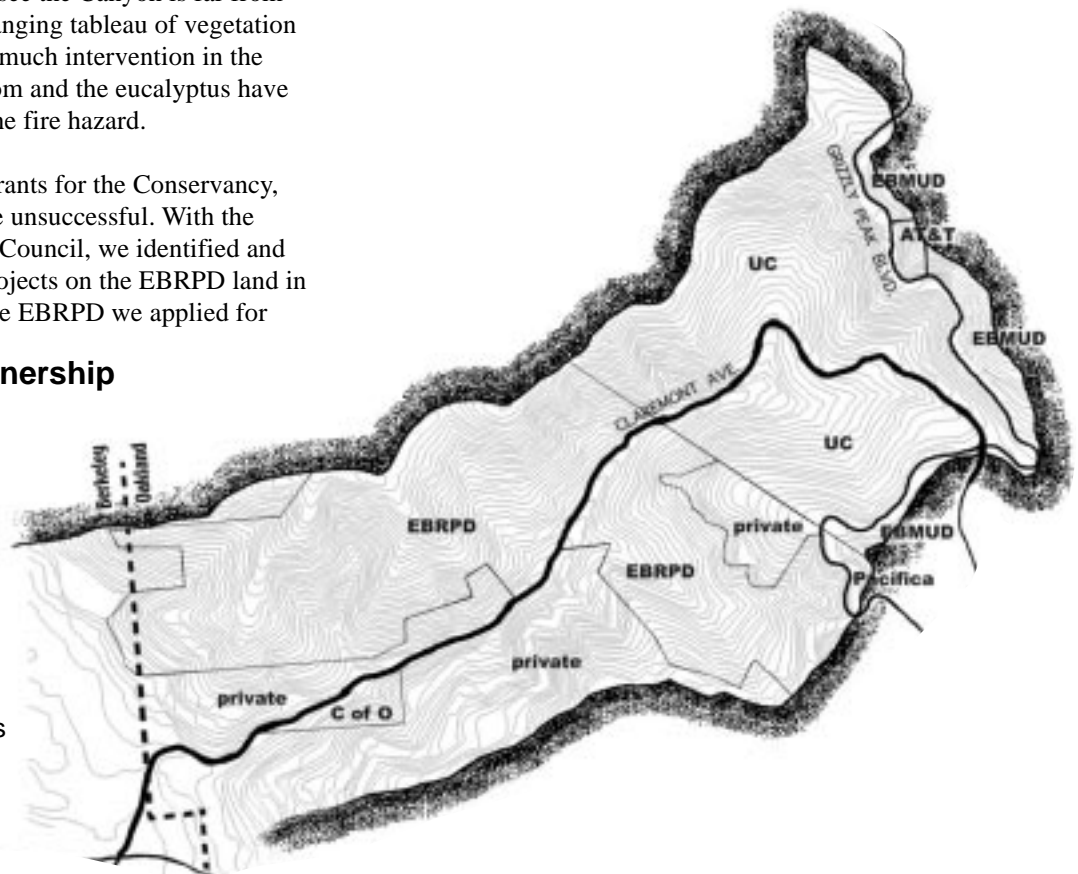
**In Conclusion:**

As you can see, the Conservancy has been busy and fairly productive. Our limiting factor is money to instigate the things that we think ought to be done to reduce fire risks, restore the Canyon, and make it more amenable to the public. It's a treasure, full of wonderful sights and sounds, and with a history that would take many newsletters to tell about. We must consider it's future now.

Tim Wallace, President, and Tamia Marg Anderson, Secretary, Claremont Canyon Conservancy

**Claremont Canyon Ownership**

- East Bay Regional Park District
- University of California
- City of Oakland
- EBMUD
- AT&T Communication Towers
- Pacifica Foundation
- Private



## Hills Resident Works for Safer Roads

Reprinted with permission from the Oakland Tribune

Sunday, June 23, 2002 – OAKLAND – A red sports car full of teen-agers screeches past Oakland hills resident Judy Proller as she stands on the edge of Marlborough Terrace pointing to its dangerous drop. A minute later, the car comes barreling past her again, an obvious joyride on the sunny afternoon. It is not the only worrisome car stunt she has witnessed in the last two weeks.

Proller, vice president of the North Hills Phoenix Association, has been working for more than year to get the city to fix the roads around her house. She met with city employees last week to discuss putting guard rails, stop signs, no-parking signs and light reflectors on the most dangerous roads.

Hours after her meeting, a car with five teen-age boys plummeted off Grizzly Peak Boulevard, leaving one McClymond's High School student dead and the others injured, police said. Although authorities said alcohol was a factor in that accident, Proller said hills streets are a disaster in the making. She and other North Hills Phoenix Association members are calling for the city to make the streets safer.

Proller takes extreme caution when she drives down Marlborough Terrace, a curving strip of road off Grizzly Peak. "I drive down the middle of the road and I drive slowly and I pull over if I see people coming," Proller said. The land gives way to a several-hundred-foot ravine only a few feet from the edge of the road. A guard rail costs \$80 to \$200 a foot and the city told her there is not enough money in the budget to install a 130-foot rail along Marlborough Terrace in this budget cycle. Proller and her supporters want reflectors along other hills streets so drivers can navigate safely in the fog.

One foggy night two years ago, Proller was driving up Tunnel Road on the way to her Westmoorland Drive home when she was blinded by the mist. She ran off the road and into someone's driveway on Hiller Drive. "I could have easily gone down an embankment rather than gone into someone's driveway," she said. Instead of trying to navigate her way home and risk death, she parked her car and walked the mile back home. Proller, is a retired personal injury attorney. She says she wants to help the city fix its streets before someone gets hurt and sues Oakland taxpayers for damages.

"Maybe there hasn't been an accident at certain intersections but how many people need to die to take this seriously?" she asked. Frustrations rise when construction trucks block the roads and parked cars create a tight squeeze for emergency vehicles. Her neighborhood turned to ash in the 1991 East

Bay hills fire. She and representatives from the City Attorney's Office and Councilmember Jane Brunner's staff brainstormed ideas to fix Oakland hills streets. The city cannot put reflectors or white stripes in each troubled area. Reflectors cost \$37,000 per mile to install and striping costs \$21,000. "We'd have to find out how many miles need to be done, and finding that money would be significant," Brunner said.

Last year, the city installed reflectors on Marlborough Terrace. Proller said they have been destroyed by the constant flow of heavy construction equipment. The city is checking if it can charge hills developers for the damage they do to roads. The city also asked Proller to identify the top five roads that need to be fixed between Tunnel Road and Grizzly Peak. Proller has some ideas but would like neighbors' help identifying the worst roads to navigate. Contact her at [roadsnhphoenix.ora](mailto:roadsnhphoenix.ora) to offer suggestions.

- Laura Casey Staff Writer

### Addendum

Since the time this article was written, representatives of the NHPA met and prioritized the road safety measures needed in the North Oakland hills. They include guardrails, striping, reflectors, blue line markings for fire hydrants, tow away zones, increased SLOW and No Parking signs, and parking enforcement. A meeting with representatives from the City Attorney's Office, Jane Brunner's Office, and Public Works will be scheduled shortly to establish a working plan.

- Judy Proller

## United Policyholders

United Policyholders was there in 1991 to help our community rebuild by educating us on our rights to get fair insurance claim settlements. UP remains a vital consumer resource and insurance industry watchdog. We encourage you to visit their website at [www.unitedpolicyholders.org](http://www.unitedpolicyholders.org) and support their work.

- Amy Bach



## Creek Protection Lawsuit Update

The North Hills Phoenix Association is a co-plaintiff (along with a number of Bristol Drive and Buckingham Ave. residents) in a suit to require the City of Oakland to actively enforce its Creek Protection Permit. The suit challenges the City's issuance of an "Emergency Creek Protection Permit" under which the entire foundation for a house was developed on a Tunnel Road site owned by builder John Allen. Mr. Allen has been leading a developer effort to eviscerate or eliminate the City's Creek Protection Ordinance (CPO), and this project has become a focus of their efforts. The NHPA and area residents are concerned that weakening or eliminating the CPO would lead to substantial new development on never-before-developed lots, adversely affect natural resources in the hills, increase downstream runoff and flood hazards, and subject the City to extensive liability claims when pipes fail. We also are concerned that the City staff has bent the laws to suit a politically powerful group of developers.

As a result of the lawsuit, the City Planning Commission issued a permanent Creek Protection Permit (CPP) with conditions requiring Allen to restore a creek on his property, if reasonably feasible. The CPP further required the developer to landscape the site and fully indemnify the City against all litigation arising from the permit. Although the NHPA and residents had appealed this permit and objected to certain inconsistent "findings" used by the City in approving the permit, the requirements of the permit as ultimately approved were viewed as a major step forward by the City in actively implementing the CPO.

Mr. Allen apparently agreed, and has chosen not to abide by the permit conditions. Specifically, Mr. Allen refused to sign an indemnification agreement with the City. As a result, on June 5, 2002, the City Building Services Department revoked the Creek Protection Permit issued for the project. This revocation is administratively non-renewable, and can only be challenged in Court. This revocation leaves the City in the odd position of having allowed the construction of a complete house foundation and filling of over 130 feet of creek channel with no valid permits. It is unclear what the City intends to do about this apparently now-illegal construction and creek filling. Options range from doing nothing to requiring restoration of the creek and/or removal of the structures from the creek.

Meanwhile, the NHPA and City have had intermittent settlement negotiations all the while moving along towards a trial on the "Emergency Permit". Several settlement meetings have been held, as well as substantial work on establishing the legal "record" upon which any trial would be based. So far these settlement meetings have not been fruitful – we have requested that a third-party expert determine the feasibility of restoring a creek on the site, as well as the feasibility of off-site mitigation, while the City has been attempting to work

out a solution that involves an agreement with Allen, who would rather litigate than cede control of the development to a third party expert. Our attorney also has been considering filing a second suit that accounts for the City's issuance and revocation of the CPP.

On a related issue, an ethics violation complaint has been filed against one of the main political opponents of the Creek Protection Ordinance, Councilman Henry Chang, based on his failure to disclose that he owns a property with a small drainage on it, a drainage similar to the one on Mr. Allen's property. Mr. Chang was outspoken in support of Mr. Allen, and was a major player in the Council's recent decision to revise the CPO to include a map of all subject creeks. Speaking of which, the City is proceeding to retain a consulting firm to map all creeks – a subcommittee of the Planning Commission held a public meeting on July 10 to solicit input on the scope of work for that effort. Several NHPA members testified at that meeting.

– Richard Grasseti

## Cautious Hope for Hills Emergency Forum

This is an update on the Hills Emergency Forum (HEF) based on their October 2001 report called "The Tunnel Incident—Oakland 1991 Ten Years After".

This Forum is our hope for coordination in the event of another devastating fire. At present HEF consists of eight agencies which are City of Oakland; City of Berkeley; City of El Cerrito; East Bay Municipal Utility District; East Bay Regional Park District; Lawrence Berkeley National Laboratory; University of California at Berkeley; and California Department of Forestry and Fire Protection. It is disturbing that those two key agencies, Pacific Gas and Electric Company and CalTrans are not listed in the report as members of HEF. However the fact that some of the responsible parties have continued to meet regularly since 1998 gives one confidence.

As stated in the earlier report in 1998, the primary mission of the HEF continues to be "to provide a sustainable framework for interagency communication, joint planning and coordinated response to the needs of our various constituents". In the October 3, 2001 report the mission was expressed in a more elaborate statement that is reflective of the additional needs that were later identified. It states "The mission of the Hills Emergency Forum is to coordinate the collection, assessment and sharing of information on East Bay hills fire hazards and further, to provide a forum for building interagency consensus on the development of fire safety standards and codes, incident response and management protocols, public education programs, multijurisdictional training, and fuel reduction strategies."

The new report also examines each of the categories identified in the 1998 report and evaluates the progress made and makes recommendations as to further work that needs to be done. In addition the 2001 report lists new areas that need to be addressed and expands on old areas.

A considerable amount of detail was developed on each of the areas of cooperation the members of HEF. Some of the old problems have been solved, such as hydrant incompatibility with equipment from other jurisdictions, and auxiliary pumping capability. The latter includes a permanent auxiliary pumping system for refilling all upper water zones in hill areas along with 12 portable pumping units with a capacity range of 159 to 2000 gallons per minute.

A Staff liaison committee, made up of representatives from all the member agencies, meets regularly as the working body that develops and monitors an annual workplan that is outlined in the 2001 report.

The report includes a long list of programs to implement. A number of areas in the report where cooperation would be crucial in the event of a fire that spread over a large area are two that stand out in my mind: Communications and Management of Resources. They have addressed the communications problems by providing dedicated phone lines as well as additional radio frequencies tailored to specific agencies within the agencies involved including police departments.

On prevention information involving weather is the use of Remote Automated Weather Stations (RAWS) to keep the various departments up to date on weather induced hazards.

If I have a concern, it has more to do with accountability. We have eight or more entities involved and they are entirely on their own except where they may be regulated by the State. Their voluntary cooperation is essential to the success of these programs. There is no agency with overall authority to hold them accountable. There is always the danger, for example, that budget restrictions could make it impossible for any one of the participating agencies to fall short in implementing their part in the program. Then there is the usual problem of turf protection that plagues public as well as private business. As mentioned earlier, the fact that some crucial agencies (PG&E and CalTrans) are apparently not involved as members of HEF is a serious concern.

– Bruce Black

Police Department Telephone Numbers  
Non-emergency contacts:

Oakland Police 777-333  
Berkeley police 981-5900

## Mailbox and Car Theft Alert!

Our mailman Jack Karn has informed us about a recent rash of instances of theft from home mailboxes in our neighborhood. For your own protection, please reduce your vulnerability to mail theft by depositing outgoing mail in drop boxes; by making your home mailbox more secure; and by picking up incoming mail from your mailbox as quickly as you can. Let the Post Office, and the Vicente Canyon Neighborhood Association, know if you have experienced this kind of crime. Jack suggests we look at the Rogers mailbox at 1220 West View as the best available model of locked mailbox. Use one of these, and you will minimize your risk of mail theft.

The NHPA and the Vicente Canyon Neighborhood Association have also been receiving letters, calls and E-mails about auto thefts and break-ins. Cars have been burglarized at night while the owners are at home as well as during the day. It is important to call the police when this happens. The NHPA is in contact with Lt. Green of the Oakland Police Dept. about this matter. The VCNA has created an ongoing Crime Alert E-mail notification. If you experience a burglary, first call the police, then E-mail Susan Mattmann at [Smattmann@mac.com](mailto:Smattmann@mac.com). She collects the E-mails and forward them to the police and councilmembers of Berkeley and Oakland.

– David Kessler  
– Vallery Feleman

## Open Space and Trails

Now is the time for aggressive efforts to zone for open space and trails in this area. Gordon Bermak and Bruce Black proposed that the executive committee of the NHPA become the organizing force to spearhead the creation of an important trail and area of open space. NHPA agreed to promote this project forthwith. They agreed to assume support and leadership with a previously established Trails group, and as well to participate in enlisting the aid of other important groups in the community. The proposed trail would connect Lake Temescal to Skyline Blvd. It would then proceed on to the Oakland open space park on the west side of Grizzly Peak Blvd. It would connect to the East Bay Regional Park system in the vicinity of the KPFA towers and enter into the Caldecott canyon open space. Much of the land above the Caldecott soccer field is a beautiful canyon and creek area. The adjoining ridges overlooking the south side of Hwy. 24 are forested. The general plan of the City of Oakland has already earmarked this area for open space and trails. It has also recognized the importance of this area for the migratory movement from the north and south of wildlife. It is crucial that the community makes its wishes known and that the city of

Oakland be fully supported in all efforts to keep this area a mixture of open space, and park land with trails. Again, the Oakland general plan recognized the need for this action several years ago.

– Gordon Bermak

## First Test of the Design Review Standards

As we go to press the jury is out on the City of Oakland's depth of sincerity in the implementation of the new Residential Zoning and Design Review Procedures. The question centers on the building approval under consideration for 141 Strathmoor. The new Design Review Standards were adopted by City Council on December 18, 2001 and reflect hard fought compromises of the members of the Design Review Committee. Wording of the Standards is specific and variances were only to be allowed if they conformed to guidelines and continued to reflect the intent of the standards.

A group of residents (50+) filed an appeal objecting to the permit being granted to 141 Strathmoor. The permit includes variances for maximum height, maximum width, maximum length, maximum garage width, and maximum percentage of paving in the front yard. Additional major issues also include:

- Discrepancies on the actual elevation of the front of the proposed house. (Several different heights are indicated throughout the proposal, obscuring the fact of how much this building will obstruct view corridors),
- Refusal to grant the placement of site poles, and
- Receipt of inconsistent explanation and supporting documents from the city staff.

The residents group worked through the new zoning amendments, hired an architectural firm to recreate the photomontages, calculated property characteristic comparisons of nearby lots and prepared a presentation package for each Residential Appeals Committee (RAC) member. Two of the three RAC members, Ms. Nicole Franklin and Mr. Collyn Jang, made a visit to the site and met with neighborhood representatives. All this work paid off. At the RAC meeting when the vote was called, the tally was 2 to 1. Ms. Nicole Franklin and Mr. Collyn Jang supported the appeal. Mr. Glen Jarvis, although in apparent agreement with the others in the open discussion forum, voted to deny.

At the RAC meeting it was stated that the permit was denied and that the Facts of Finding would be compiled by the city staff and presented at the July RAC meeting where the facts of finding could be added to the denial vote for the official record. The residents group was cautiously optimistic! Based on an alternative recommendation by staff, it now appears that the architect could be granted a continuance to revise his drawings/design and once again bring the project back to the RAC with the support of the Planning and Zoning department. This is a major point of contention. The written transcripts of

the audio-taped RAC meeting clearly demonstrates the motion that carried was very clear in seeking a new application. This maneuver by the City staff seeks to abrogate the RAC vote, changing the rules midstream. This action would deny the neighborhood due process by eliminating the appeals process which comes with a new design review application. It also has served as a notice to the developer/architect that the neighborhood concerns have no voice. It has changed the dynamics of neighborhood mediation.

If you have a particular planning and zoning staff experience you would like to share with us, please call or email: Jeff & Marcia Olsen @ [jbomso@aol.com](mailto:jbomso@aol.com) or 510-848-9277. We would like to investigate case-by-case examples to discover if there are any consistent patterns of abuse of discretionary powers.

– Marcia Olsen

### Addendum:

We won last night, July 24, on the FINAL & OFFICIAL vote of the Residential Appeals Committee. The City attorney nullified the straw vote from the previous month, saying it was non-binding. After arguments (which we hope were persuasive) a new vote was taken and once again we prevailed 2 to 1; but with different supporters. Collyn Jang & Glen Jarvis for the appeal and new design review, Nicole Franklin against. In the previous month's vote; Franklin & Jang were for and Jarvis was against.

Glen Jarvis and Collyn Jang both sit on the Design Review committee and I believe they supported us because they believe the appeal committee is just that, to decide on the merit of the staff's decision, decide for or against the appeal and not use the RAC for a design review committee.

– Marcia Olsen

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**Dues:** Dues for the NHPA are \$35.00 per calendar year. Since we are an organization that lobbies the dues are not tax deductible. We thank you for your support.

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## COMMUNICATING WITH THE NHPA

The NHPA is a community-based organization. We like and need to hear from you. There are several ways to contact us. Call the hotline to leave messages and receive recorded information. (510) 273-9111.

E-Mail: Use [info@nhphoenix.org](mailto:info@nhphoenix.org) if you have questions, ideas, suggestions etc. For membership inquiries use [membership@nhphoenix.org](mailto:membership@nhphoenix.org). To contact the newsletter use [newsletter@nhphoenix.org](mailto:newsletter@nhphoenix.org). The newsletter is always looking for article suggestions and for writers.

<http://www.nhphoenix.org>, our web page, is a great source for information about the NHPA, activities and links to other sites of interest to Oakland residents.

Postal address is NHPA P.O. Box 20784, Oakland, CA 94620

# High Speed Internet in the Hills?

The digital revolution has promised us many things: easy online shopping, “on demand” movies, information in a flash, telecommuting, etc. To benefit from these conveniences, we need a computer and a high-speed connection to Internet. While most people in our neighborhood have a computer, very few have a fast connection.

To determine how our computers connect, to the outside world, I sent a message to [OpenForum@nhphoenix.org](mailto:OpenForum@nhphoenix.org) asking whether anyone had a high-speed connection. What follows is a very unscientific survey of our neighborhood. I received replies from about 10 people. Therefore, this is not a comprehensive survey. For simplicity, I will not discuss some of the more exoteric methods of connecting and some other technical parameters. Furthermore, I will not fully describe all the features that come with these services. Based upon my experience and these replies, I can make several remarks about Internet service in the North Hills.

First, why would you want to have a high-speed connection? Let me give an example. Suppose you want to develop the pictures that you have taken with your new digital camera. In this case, upload speed is important. My pictures average 800 KB. If I want to send 20 of them to a professional photo printer, then I need to spend 82 minutes at 28 Kbps phone speed or only 16 minutes at 144 Kbps – the speed of my upload link. At the slower speed, I would stick with film. At the faster speed, I send my electronic pictures to be printed. Recently, I needed to download an update to Microsoft Office. The download of 12 MB took me 15 minutes. If I needed to use a phone line, then the same download would have lasted about an hour and 17 minutes.

People in our area generally get 28 Kbps, which is about 1/2 the maximum telephone speed. We cannot get the maximum speed since our telephone lines are far away from the PacBell substation. As our wires are so long, the signal degrades. Our modems see the degraded signal and lower the connection speed until an acceptable error rate occurs. From the survey, only one person adjacent to Hiller Highlands reports telephone communication bursts of 43 Kbps. Almost everyone reports the slower speed. Ironically, when our area was undergrounded, the founder of the North Hills Phoenix Association, Garrett Gruener vainly tried to persuade PacBell to install fiber optics. If he had succeeded, then we would have speedy phone Internet connections.

Now, what are the alternatives to connecting over the phone? First, many people in Berkeley are wired through cable. Even though our cable was installed around 1995, it does not allow signals to go from our homes to the world. Since Internet access requires two-way communication, we only can receive television signals. To access the Internet the cable system needs an upgraded. AT&T has not improved the cable

infrastructure, so no one in our area can get this popular service. The City of Oakland and we could put pressure on AT&T to service our area. So far, AT&T only services the Caldecott Condominiums.

Many people in Berkeley or Oakland have DSL service. The most popular DSL service is called ADSL (or Asymmetric Digital Subscriber Line) and the service requires that your phone be within 15,000 feet from the phone company substation. (The maximum number is very soft and might not apply to all cases.) PacBell (<http://www.pacbell.com>) provides this service and advertises a speed of 768 Kbps for downloading and 128 Kbps for uploading. Since most of us receive more information than we send out, these asymmetric speeds are very desirable. Unfortunately, the distances of most of our homes are more than ADSL maximum distance. For instance, my home on Sherwick is about 18,200 feet away.

One person responded to my survey from Hiller Highlands, Phase V. He is lucky to be within the magic distance. He gets half the maximum speed. If he wanted to get a faster DSL connection, he might be able to pay a little more money. The charge for this PacBell service is around \$50/month, which includes ISP service from MSN. While this charge might seem expensive, it includes the charge for the ISP. For instance, if you want to connect your computer with a dedicated phone line you would pay around \$20/month for the phone and \$20/month for an ISP such as AOL.

One neighbor on Norfolk, who has a line of sight to the San Bruno Mountains, has a fast 1000 Kbps connection through a wireless transceiver. This service, which is run by Sprint Broadband, costs \$50/month. Unfortunately at this time, Sprint is no longer accepting new customers. At first, this neighbor reported a 90% of uptime; now the uptime is close to 100%.

Finally, there is some hope for people who cannot see the San Bruno Mountains and live too far from the PacBell switchyard. The service is called IDSL, which stands for Internet DSL. This service requires a second dedicated pair of phone wires and costs about \$60/month. To allow for a longer path, ISDL slows down the communication rate. The advertised speed is 144 Kbps for both uploading and downloading information. The download speed is about 4 times slower than ADSL but a little faster to upload data. This service is more expensive because the ISP must rent a separate line from PacBell.

One homeowner from Sherwick and another on Buckingham near Norfolk have this service. The resident from Sherwick almost always gets the maximum speed while the Buckingham resident usually gets the required speed. Both residents report excellent service. The two ISP's that serve our area are Speakeasy (<http://www.speakeasy.net>) and Covad (<http://www.covad.com>). Speakeasy actually subcontracts part of its service to Covad.

Just as the Bay Area has microclimates, the North Hills has regions where only certain high-speed climates work. There is no magic formula to find out when is best for you. Nevertheless there is some help. You can check your street address at <http://www.dslreports.com> and find out which companies might give you service. If you want more information from these companies, then you really need to talk to them and not e-mail them. Talking to a real person and asking question really does help. Finally, most of them frequently offer free installation and equipment. You need a little persistence to get the best rate and a good installation package.

Yes, there is high speed networking in this area. It might not be very fast, but it certainly beats our slow telephone connection speed. If you want to upgrade, it is essential to examine all of the possibilities. Remember that the companies are modernizing. At some time, we will have cable connections and fiber optic connections. All of the companies say that they will upgrade. If you cannot get service today, you eventually will get faster service tomorrow. I would never go back to a modem connection.

– Howard Matis

## Performance

At the 10th anniversary walk, we became acquainted with a Mills College grad student who is working on a video performance project, the centerpiece of which is the 1991 Oakland Hills fire. †She was interested in our recollections of having lost our home on Buckingham Boulevard. †

The piece is based on the myth of the phoenix rising from the ashes. †It will include three projected videos representing the reality of the fire, the individual experience of the fire which includes excerpts from interviews of several survivors, and the subconscious experience of grief, loss, healing and rebirth. †The dance will begin with a healing circle based on some of the principles Anna Halprin used in her community healing circle. †Ray Gatchalian, the retired Oakland fire fighter and veteran of the Firestorm who composed and performed an original pipe piece at the Rockridge Bart Station Celebration in October has agreed to contribute his music.

Performances to date have been studio performances to critique and develop the project as the piece develops. †The video will premiere on the 11th anniversary of the Firestorm at Mills College and the final performance including dance, music and text will be performed next spring.

Joy Newhart is a second year grad student in Dance and Choreography at Mills. †She worked at Cal Performances for 5 years, owned her own production company and worked in New York and on Broadway. †She was a tenant in the house that burned May 2001 on Skyline Blvd in the North Oakland Hills, so has first hand experience with her subject material as well.

When performances of the completed piece are scheduled, we will be sure to inform the NHPA membership in the newsletter and online.

– Barry Pilger and Catherine Moss