LANDMARKS PRESERVATION COMMISSION MEETING

REVIEW OF DRAFT EIR FOR 1900 FOURTH STREET
Thursday, December 1, 2016
7:00 p.m.

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, California

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BY APRIL DAWN HEVEROH, CSR NO. 8759

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COMMISSIONERS IN ATTENDANCE

TOM BEIL (Chairperson) - District 5
DMITRI BELSER - District 1
KIRAN SHENOY - District 2
CHRISTOPHER LINVILL - District 3
STEVE FINACOM - District 4
PAUL SCHWARTZ - District 6
CARRIE OLSON - District 7
SHANNON BROWN - District 8
KIM SUCZYNISKI SMITH - Mayor Appointee

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TOM BEIL: Item 7 is review of the Draft EIR for 1900 Fourth Street, which most of you are here for, and we will have a brief introduction by staff, a presentation by the authors of the Draft EIR, the commissioners will have an opportunity to ask questions of the applicant and the EIR folks, we will open it up for public comment, and if you can try to please keep it around two minutes -- there are a lot of people that want to speak, and we'd like to hear all of you -- we will then close public comment, the commissioners will have their opportunity to comment and discuss, and all those comments, yours and ours, will be forwarded to the -- to the EIR.

So with that, Charles.

CHARLES ENCHILL: Item 7, 1900 Fourth Street is Review and Comment of the Draft EIR Report of the construction of a proposed mixed-use development containing 155 dwelling units and approximately 30,000 square feet of retail and 372 parking spaces.

This came before the Landmarks Commission in March 4th's initial scoping meeting, and today it is before you to collect comments for the record, public comments, as well as Commissioner comments, as the Chair stated. And additionally, comments will be collected at
the Zoning Adjustments Board on December 8th.

I'd like to note that the comment period has been extended one week from January 5th to January 12th, and the focus of tonight's LPC meeting is cultural resources, the cultural resources section of the EIR. However, there are additional items, such as air quality, traffic and noise that will also be addressed at the Zoning Adjustments Board meeting.

And to facilitate tonight's meeting, there is a stenographer in the back, and she will be keeping a record for tonight's meeting, and I've requested that she hold up her hand if she can't hear Commissioner comments or public comments. And now I will let -- I will let the consultants, LSA, Theresa Wallace and Tim Jones.

THERESA WALLACE: Thanks, Charles.

Good evening. I am Theresa Wallace with LSA, the City's consultant for environmental review of the project. I am the project manager for the EIR, and with me tonight is Judith Malamut, LSA principal, and Tim Jones right next to me, LSA archeologist. I'm going to just go over briefly the key findings of the EIR analysis as it relates to cultural resources.

So first, I should mention that there is an existing building on the site. However, the analysis in
the EIR concluded that this building is not a historic resource for the purposes of CEQA and there would be no impact to historic architectural resources.

So regarding historic archeological resources, as you're aware, the project site is part of the West Berkeley Shellmound, a City Landmark. The EIR analysis determined that there would be an impact to this resource, but that the impact could be mitigated to a less-than-significant level. So I'm going to just briefly discuss the process for making this determination and then outline the mitigation measures that would be required.

To establish baseline conditions for archeological cultural resources in the Project site and vicinity, LSA conducted background research, consisting of records searches and an extensive literature review. We consulted with local Native American individuals and groups, and we also thoroughly reviewed the 2014 archeological investigation conducted at the site by the Project applicant's consultant, Archeo-Tec.

The 2014 Archeo-Tec report included excavations at the site and was conducted to determine whether or not archeological deposits are present on the site. The investigation concluded that there was no evidence of intact primary Shellmound deposits anywhere within the
Project site.

LSA peer-reviewed the methodology used in the Archeo-Tec investigation and determined that the methods used are consistent with standard archeological practice, and it is the opinion of LSA that the study represents a reasonable and good-faith effort to identify archeological deposits in the project site.

After we established baseline conditions, we began our analysis. So generally, for the purposes of CEQA, the significance of a historical resource is impaired when a project demolishes or materially alters, in an adverse manner, those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register, or other officially recognized register.

As described in the Draft EIR, while National Register or California Register-eligible Shellmound deposits have not been identified within the project site during previous excavations, ground-disturbing activities associated with project construction could unearth previously unidentified intact Shellmound deposits that contribute to the resource's significance under the National or California Registers. If such resources are not appropriately treated, this could
affect the critical aspects of integrity that qualify this site as a City Landmark and for listing in the National and California Registers. Therefore, the Draft EIR identifies a four-part mitigation measure that would require -- that would be required to reduce the impact to a less-than-significant level.

So first, before construction-related, ground-disturbing activities can begin, the project site is required to be surveyed by a qualified archeologist using ground-penetrating radar to identify those areas where it is most likely that any Shellmound material that may exist is either concentrated or dispersed in order to focus the monitoring efforts.

Second, prior to project ground disturbance, all construction contractors shall be required to participate in cultural awareness and sensitivity training.

Third, a qualified archeologist shall review a utility plan provided by the applicant to assess and document whether trenching for utility connections adjacent to the site have the potential to impact intact deposits.

And finally, all project ground-disturbing activities will be required to be monitored by an archeologist and a representative of an Ohlone tribe and
all work shall be halted, the City shall be notified, and the appropriate measures shall be implemented should archeological deposits be encountered.

Collectively, implementation of these measures would reduce potential impacts from the project to the City Landmark and intact archeological deposits to a less-than-significant level. On-site monitoring of ground disturbance by an archeologist and an Ohlone representative would ensure two things: One, that if archeological deposits are identified during excavation, that they would be treated, evaluated, documented and studied in accordance with standard archeological practice; and two, that archeological deposits and human remains will be treated in accordance with appropriate State codes and regulations and according to culturally appropriate norms acceptable to the Ohlone Most Likely Descendant.

So as I mentioned before, during the preparation of the EIR, the City consulted with interested members of Native American Tribes, as is required by Assembly Bill 52. In addition to the mitigation measures I just mentioned, two measures resulting from AB-52 consultation and one recommended measure are identified that would further lessen the impacts to historic archeological resources through
compensation, avoidance and public outreach. These measures are not required to reduce the impact to a less-than-significant level, but will be incorporated into the conditions of approval for the project. So the project applicant will be required to donate money to the Ohlone Indian Tribe for improvements and maintenance of the Ohlone Cemetery in Fremont, create a GIS database designating areas of archeological sensitivity to be used for future project planning purposes within the City of Berkeley, and to fund and maintain a publicly accessible, permanent display within the City Landmark boundary that describes the archeological and cultural significance of the site.

So finally, the Draft EIR looked at alternatives to the project. The Draft EIR is required to evaluate a reasonable engage of alternatives to the project, which would both feasibly attain most of the project objectives and avoid, or substantially lessen, any of the significant impacts of the project. The Draft EIR looked at three alternatives. Other than the No Project Alternative, the Reduced Building Density Alternative is identified as the Environmentally Superior Alternative because it would reduce certain traffic impacts. However, this alternative would not eliminate or substantially reduce the cultural
resource-related impacts of the project.

So those are the conclusions of the Draft EIR analysis. Back to Charles.

CHARLES ENCHILL: Commissioners, you guys have questions for the consultants?

CHRISTOPHER LINVILL: I do.

For the archeological team member, I think I know what "intact" is. What is an archeological deposit?

TIM JONES: So an archeological deposit consists of artifacts that were deposited in the space during prehistory by Native American groups who inhabited the area. It includes things like flake stones, some are Obsidian, spear points, ground stone tools, potentially human remains. We know there were human remains associated with West Berkeley Shellmound, those kinds of materials.

CHRISTOPHER LINVILL: So it could be an object that has somehow been manipulated or transformed by human hand?

TIM JONES: Correct. Yeah.

CHRISTOPHER LINVILL: So in your definition, it would not be the midden component of the Shellmound?

TIM JONES: Well, midden is an archeological deposit. So midden is soil that's been chemically
altered for intensive use, including burning of fires, hearths, those sorts of things. So that would be part of an archeological deposit. So the conclusion of the EIR and the findings of the applicants' archeological consultant, Archeo-Tec, is that there are archeological deposits in the project site. However, those deposits have been redeposited through mechanical or other natural processes.

CHRISTOPHER LINVILL: Okay. And because of that, the notion is that the integrity of the components no longer exist; is that --

TIM JONES: Correct, from an archeological perspective, that would be an accurate assessment. But again, there is -- and this is acknowledged in the EIR -- ultimately, all archeological excavation is a sample, and we can't say and the conclusion of the EIR isn't that there's no potential for archeological -- or intact archeological deposits in the project site. And that's the reason why there are recommended mitigations for monitoring and work stoppage in the event that intact deposits of human remains are identified.

CHRISTOPHER LINVILL: Okay. Thanks.

TOM BEIL: Anything else? Any other questions from the commissioners?

STEVE FINACOM: I might have some questions,
but I would like to hear what the public has to say.

    TOM BEIL: Yeah, do we want a motion to open
up public comment period?

    SHANNON ALLEN: Pardon me, Chair. I'd like to
add one thing.

So my name is Shannon Allen, and I'm the
project planner with the City of Berkeley. And just as
a point of clarification, as Charles mentioned, there is
a stenographer here this evening who is recording the
comments that we receive both from the public and from
the Landmarks Preservation Commission. The comments we
receive tonight, verbally and in writing, as well as
comments we receive at the Zoning Adjustments Board, as
well as any comments that come in before close of
business on January 12th, those comments are compiled
and responded to in a document called a Response to
Comments document, and that response to comments
document, along with the Draft EIR, they become the
final EIR which is then reviewed and certified before
any project -- any approvals could be made, before ZAB
could approve any of the use permits or before the
Landmarks Preservation Commission could approve a
structural alteration permit.

    So we are hearing tonight -- hearing
information or hearing comments on the Draft EIR. Later
there will be a formal response to comments/documents that responds to those.

    TOM BEIL: Thank you.
    CARRIE OLSON: I do have one.
    TOM BEIL: Please.
    CARRIE OLSON: Why was this released just before a holiday, a major holiday? Isn't there some way the City can be more sensitive to our time than to take our time away from Thanksgiving and Christmas holidays and whatever else comes up?

    SHANNON ALLEN: It's a balance between moving projects, proceeding projects forward and --
    CARRIE OLSON: Well, this is a --
    SHANNON ALLEN: If I may finish.
    So the document was released -- there is, under CEQA, one can extend the 45-day public review period to a maximum of 60 days. The City has extended it to 57 days because the City is closed on Sunday, and so working backwards, that's the longest that we're legally able to extend the comment period.

    CARRIE OLSON: Well, you may have heard, but I think we had a seismic shift in Berkeley, and I know one of my comments to those council members I know is that this is wrong. Like allow us --

    (Applause)
CARRIE OLSON: -- a time of year when we can actually do this, because I know I didn't get to read it until today.

SHANNON ALLEN: Well, that's terrible.

CARRIE OLSON: And even though we'll have one more period to comment because it's been extended, that is absurd. And so I hope that the Planning Department takes that to heart and realizes they can't do it, and that goes for summer vacation, too. Council gets to take their time off. So should we. So anyhow.

TOM BEIL: Do we want a motion to open public comment?

CARRIE OLSON: I would like to hear public comment. I am so impressed by the group that's come out tonight. This size is very unusual for us. This speaks to how many people are paying attention to this project, so thank you.

SHANNON BROWN: And please use the mic.

TOM BEIL: Yeah, motion? No motion?

KIM SUrzyNSKI SMITH: I'll make a motion.

TOM BEIL: For the public comment period?

KIM SUrzyNSKI SMITH: I move to open.

CARRIE OLSON: I'll second.

TOM BEIL: All in favor. All right.

Corrina Gould and Marsha Feinland, do you want
to go first?

(Applause)

CORRINA GOULD: (Speaking in native tongue.)

I -- I am disturbed that I'm here, actually. I am here trying to preserve a sacred site of my ancestors. I have always lived here in the village or the territory of Huichin. Huichin is actually a large territory that encompasses most of Oakland, Berkeley, Emeryville and Alameda, and we know that here in the city of Berkeley, that the Landmarks Commission was actually set up to preserve and protect sacred sites, as well as historic sites.

And as I was sitting back there listening to this woman talk about the beauty of the house, right? And this house that had been here since 1894, and the reason why this should be protected, I said, "Wow. This historic site of my ancestors, the very first place that people ever lived in the entire Bay Area is up for destruction."

Now, I know that you guys have been down to Fourth Street before, and Fourth Street right now is booming with all kinds of developments. Right across the street from Spenger's parking lot, or the West Berkeley Shellmound, five of my ancestors' remains were pulled out just this last spring. We know that there's
a large part of the Shellmound that is in -- is across
the way from the parking lot in the railroad tracks. We
know these things.

We have these archeologists now saying that
there's nothing -- there's stuff on both sides, but
right here in the middle, there's nothing there, right?
So it makes me curious to find out why isn't that there?

And even if there's nothing there, that does
not mean that this place is not sacred. We're talking
about an entire landscape where there was a village
site, where there was burial sites, where my ancestors
lived, first place in the entire Bay Area. Why should
we not preserve that? If we're willing to talk about
small things like nuts and bolts in a different house
that had been here for less than a couple of hundred
years, for thousands of years my ancestors have been
here.

So what I'm saying or what I'm asking for this
council to do is to actually do what you have been put
in place to do, is to preserve and protect these sacred
places, to begin to think about how we can work together
to actually create something that's different here. And
Berkeley is a wonderful place to do that. We have the
opportunity to do something different. There's housing
down there that's being developed all over the place.
No one wants these big box stores to come in. Nobody wants more traffic down there. What we need to do is have an open space where people can actually see something, where people can actually (inaudible).

Two or three weeks ago we actually had an interfaith prayer service there. 200 people showed up to pray right there at that site. There's going to be an interfaith service there this coming weekend where people are going to be praying there, just like my ancestors did for thousands of years, this place where the water came up, this place where we have fresh water, this place that held us and this land, this place that was designated by our Creator as a point of reference for us to be at.

Now, we are here, but we are almost totally annihilated. When we look at Ohlone people, we're invisible-ized. We're taught that we are in the past in our history books. Children still, in California, are taught that missions were a good thing. They almost entirely annihilated our people.

So what I'm asking, really, is for you to, as a commission, to not allow this to happen, to uphold what this commission is saying, to preserve and protect what is right here. Not just for Ohlone people, but for people that have been here for the last couple of
hundred years; that everyone deserves to know that this
site is a special place, a place that deserves to be
protected, a place that still has significance, not just
for my people, but the people of Berkeley and the people
of California.

(Applause)

TOM BEIL: Thank you.

MARSHA FEINLAND: Hello. My name's Marsha
Feinland, and I live here in Berkeley, and I am learning
a lot about what has happened in history, both long ago
and more recently.

So I read this report, and it just seemed to me
that this is -- this is a historical Ohlone Shellmound
and that it has been disturbed. And so when you ask are
there any items of archeological significance, they
might not be of significance to those of us who are used
to just going to museums and looking at things that we
can see, but they are of significance of the people who
were here before and the people who follow them and the
people to whom they are important.

And I think we need to respect that, and I
think we just -- we need to not just think about the
things that we can see and enjoy, but think about what
is of cultural and spiritual significance to the people
that we haven't really treated right, and maybe it's
time to start.

(Appause)

TOM BEIL:  Jane Perry and Annie Banks.

PERRY MATLOCK:  Perry Matlock?

TOM BEIL:  Jane Perry and Annie Banks.

JANE PERRY:  First off, I feel shy about speaking when there's many leaders and elders behind me and I'm merely standing with them, but -- so here I am in the lineup.

I was here in June of 2013 in support of my co-authored landmark application for the Harold E. Jones Child Study Center, and so I really appreciate the Commission for its ability to protect.

I'm deeply saddened to have learned that my co-author Susan Cerny has died because she was a mentor and a tutor for me on how to do a landmark application inclusively to attend to all the voices that had to do with a site and the users of the site. And so I come to you tonight from having received that landmark application and to encourage the Commission to think as inclusively as Susan Cerny would encourage us to do in understanding this application, which was a phenomenal thing to try and get a hold -- try and appreciate -- it's all online, but to understand it, I first started with the Environmental Impact Report. That sent me to
the initial study, which I reviewed, then I had to go to the NOP to get the comments, which told me that there was a lot more information that was contextualized in regards to this landmarked site than was included in the EIR.

I then had to go to the CEQA, figure out what was being referenced, and that -- then I went also to Archeo-Tec to learn that this was a singular voice and not a complete picture of the architectural understanding that we already know. So I encourage you to look in the NOP comments to find out that Richard Schwartz's extensive research to landmark the site was referred to but not included, which was bizarre. And that the 2004 Dove, Boyne, Fall and Running paper confirmed 33 deposits on this landmark site, 16 of which were undisturbed. And that was not -- that didn't reveal itself when I read the EIR.

So then that led me to think about, okay, who's propelling the EIR? And it is a project that has objectives to do retail, housing, green construction and revenue for the City. So that's the story that's being told, versus the story of the Ohlone people. We are guests on that land, and that's, to me, the story that needs to be told. That's not mentioned at all. There is an Ohlone designate, but it's not the Indian people
organizing for change, which LSA is aware of because you've been communicating with them on another sacred site. So for you to not be communicating directly with them as consultants because they are the guardians of this land. So, I mean, I could go on and on, but I think it's the story of the guardians of the land that needs to be told, and to respect that this is already a landmark site. And to mitigate it and just not attend to preserving in place as a possibility and to consider not the alternative of No Project Alternative is disregarding the whole reason why it was landmarked and what the land is telling us, which is something very different than the commercial reason that the project is being brought.

(Applause)

ANNIE BANKS: Hi. My name is Annie Banks. I'm a resident here in Berkeley. I just live a few blocks away and work just a few blocks away, as well.

Similarly to Jane, I feel humbled by the number of people in the room who can better speak to this than I, but I feel passionately about it and appreciate the opportunity to come and speak.

I'm a settler here, I'm a guest, an uninvited one at that, and I very much appreciated being able to be on these beautiful territories of the Ohlone people.
I think it's clear in so many ways we're not in right relationship as it stands, and I think that things like this are one small way to move towards being in right relationship with the original inhabitants and the continued protectors of the land.

I think we can see throughout the country all over the place there are movements towards justice being led by indigenous people, and I think it certainly proves all of us who want to live in a society of justice and right relationship to respect when people are asking something like respecting a sacred site. I think it's just a very crucial shift that needs to happen, and so, you know, I saw the Berkeley City Council came out in support of Standing Rock, and I think this is an example of a sacred site right here at home that we can --

(Applause)

ANNIE BANKS: -- and also, people look to Berkeley, you know. People that I know in other places look to Berkeley as a progressive place, as a place that makes changes that sets a meter for what other places do, and so I think this doesn't only reflect on Berkeley, but has the potential to encourage other places to respect when local indigenous nations ask that their sacred states be respected and that we live in the
relationship and forge a different path because the
one behind us has not been good. Thank you.

    (Applause)
TOM BEIL: Ari Sahagún.
ARI SAHAGÚN: Hi. I'm also a settler. I grew
up in Illinois. I want to acknowledge that we're on
Ohlone land, and I don't have much to add. I just want
to voice my opposition to continuing with the project.
So in support to continuing, consistent to the landmark,
and I also support the long-term work that's happening
here and in other places all over the world to protect
sacred sites. Thanks.

    TOM BEIL: Thank you.
Claire. Claire Greensfelder.
CLAIRE GREENSFELDER: Good evening. My name is
Claire Greensfelder, and I'm a third or four year
resident of Berkeley and property owner here in the
city.

    First of all, I'd just like to thank you for
holding this hearing, and I appreciate -- again, echoing
of my fellow Berkeley residents, and I just want to turn
also just to offer my respect to everyone who's come
here today in support of something that is phenomenally
important, not just to us as a site, as a location, but
as an entrance into our soul of who we are as a people
and why we are here on this planet, and the opportunity that preserving this site would award us as humans, as members of the global species that live here in Berkeley, California. So I just want to start with that and offer my respect to all the indigenous peoples of this territory and others who are here in support.

Now, having said that, excuse my back. So I can also address my fellow Berkeley Commissioners, having formerly been a commissioner on a couple of commissions myself. The Environmental Impact Report has 32 pages that are devoted to cultural resources. How does one encapsulate 4,000 years of continuous habitation at a very important sacred site in 32 pages? It's not easy. I know you tried, but it doesn't convey the impact and the importance of what the possibility is here. It's not just a question of what's being proposed and being in opposition to that. The question is what is the possibility here? The campaign to save the landmark historic site of 1900 Fourth Street is part of larger movement nationally and worldly to save the preserved site's historic, cultural and spiritual significance to indigenous people. Wow.

Is that my time?

AUDIENCE MEMBER: Can I give her my time?

TOM BEIL: Thank you.
CLAIRE GREENSFELDER: When I think of our historical water protectors following the Dakota Access Pipeline on Standing Rock Sioux Reservation, the cultural heritage protectors here are fighting to save the site at 1900 Fourth Street from the proposed development. We're determined to preserve a site that is sacred and sacred to the ancestors of our local people. The site of 1900 Fourth Street is within the zoning land base designated as the City of Berkeley Landmark on February 7th, 2000. The site of 1900 Fourth Street is listed in the California State Registry of Historic Places. The site at 1900 Fourth Street has been deemed eligible for the National Registry of Historic Places. In addition, in relation to the United Nation Declaration of the Rights of Indigenous People, a declaration that was adopted by proclamation of the City Council of Berkeley on May 19th, 2009, stating that UNDRIP should be adopted as a municipal policy for the City of Berkeley and implemented, it also recommended that it become a convention globally. That is a bold step that Berkeley took, and it's one that we can continue.

With Berkeley's official endorsement adoption of UNDRIP, the City of Berkeley should respect the provisions as outlined under Articles 11 and 12 which
call for, among other items, for the right of indigenous peoples to maintain, protect and develop the past, present and future manifestation of their cultures, such as archeological resource.

Rejecting the proposal for development of 1900 Fourth Street would give the City of Berkeley, together with local Ohlone indigenous descendants, an opportunity to save the site's true historical and spiritual significance that has the potential to educate thousands of people who already come to Fourth Street every year, as well as local Berkeley residents, school children, university students all about the deep and abiding presence of Ohlone people who are believed to be the first Ohlone Village site; in fact, the first human inhabitant site on the San Francisco Bay.

At this point in time, the only recognition of this site in the first village in sacred Shellmound is a set of very striking artistically beautiful murals underneath the freeway next to the parking lot, and a small plaque. Surely Berkeley, as a city of progressive and visionary ideas, can benefit by creating a truly meaningful public recognition of its Ohlone past by wonderful working with local and other people and interested citizens, residents and others to develop a major memorial and educational site at 1900 Fourth
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TOM BEIL: A lot of people want to talk.

CLAIRE GREENSFELDER: Okay. So I'll just say one more thing. This is a great opportunity. We need to change how we're thinking about this. In California, we often refer to ourselves as first generation or second generation, and people will say, "Wow! You're a third generation." Well, forget it. That is looking through a long window. The Ohlone people are 200 generations, 4,000 years of habitation. We need to walk through this differently and realize that we are guests on this land, we are latecomers, but we can love this land and the site, too, and we can do what's really important, change our understanding of what can be done at this place. Don't be tied to a proposal that appears to support economic development at the cost of our own spiritual and cultural heritage. Thank you.

(Applause)

TOM BEIL: Thanks, Claire.

Ruth Orta.

RUTH ORTA: I guess I have to take this because I'm too short.

My name is Ruth Orta. I'm an Ohlone native. I'm sorry that the City of Berkeley is trying to destroy another spot in California where we've tried to fight to
save our land. Those are my ancestors, and I am a grandmother -- I'm a mom, a grandmother, a great grandmother, great, great grandmother. I have five generations living. We are native Ohlones. Whoops, what did I do? You get old.

TOM BEIL: We can hear you.

RUTH ORTA: Can you?

TOM BEIL: Yes, we can.

RUTH ORTA: Okay. Good. I'm glad.

We're still here. The blood is running from my grandmother, who was a full-blooded native from Pleasanton. My mother was half. She had Spanish on the other half, the ones that came and really took a knife to us. So -- but we have that blood. We're mixed, but I still have Ohlone blood in me. My children do, too. My grandchildren, great grandchildren, and great, great grandchildren, and hopefully, the Creator will let me see six generations. It's possible. The oldest great, great grandchild is going to be seven this year, so maybe if she starts young or --

So to get back to the point of our land, we have fought so much to save our sacred sites. The last one was in Mission San Jose that turned us down. It wasn't a big, big deal for those -- the people that go up there. They could -- they could have got
transportation and walked part of the way to go up the hill. But we were shot down.

Now, Berkeley, you have -- you have a chance here, like everybody says -- is it working? Maybe I have too much electricity in me or something.

So you have a chance here, like everyone said before me, to be a model for the world, not just California, to pay attention to the people that nobody even knows lives here. The education system has never taught about us. The history has never put us anywhere that we're here. In fact, I thought I was extinct in the '70s when I seen an article in Kelly Park at San Jose said that the Ohlones were extinct. I went home -- my mom was still living. My mother was born in 1902, and she was raised in an orphanage run by the Dominican Sisters. She always told us to be proud who we were, who we are.

And I told her, I said, "Mom, they've got us extinct."

She said, "That's what the government wanted everybody to think, that we're gone. We're still here."

(Applause)

RUTH ORTA: Thank you for letting me speak, and hopefully, Berkeley will be a model for the natives.

(Applause)
TOM BEIL: So I'm going to call four names. If you all can queue up and try to keep it to two minutes, we have a lot of people to get through, and I want to hear everybody.

Beverly Dove, Stephanie Manning, Kathleen McLean and Perry Matlock.

BEVERLY DOVE: I'm just going to say, as a resident of this planet, my little rabbit slingshot hip-hop has been out and is an animal-wide protector, stands out for sacred sites and wants to say that the animal's connection with the earth and his affinity with the Ohlone people is strong, and he urges you to protect the sacred site.

Thank you.

STEPHANIE MANNING: Hi. I am a former commissioner, Stephanie Manning, and I wrote the landmark's application for the Shellmound, and I have several objections to the EIR, but the one that really bugs me the most, since we only have two minutes, is on page 83, it says, "Occupation of the site prior to 2000 -- occupation of the site began prior to 2000 BCE, and it was occupied for an estimated span of 1300 to 1500 years."

This is terribly inaccurate, and anyone who provided you with this information should have their
credentials questioned. Indeed, if the report preparers were admittedly prejudiced in their preparation and actually prepared the report with approval of the project in mind, they might have made such a statement, keeping in mind the importance of the Shellmound, but they wouldn't do that, right? Many shellmounds are this age, 1300 years, but this Shellmound is the oldest of them all. In 1997, U.C. Berkeley geophysicist B. Lynn Ingram presented a paper which details a more exact age of West Berkeley Shellmound entitled "Differences in radiocarbon age between shell and charcoal from a Holocene shellmound in Northern California." That Shellmound is West Berkeley Shellmound, and it goes on to describe the site's beginnings as 5700 years ago, and the occupation period as 45 centuries, not 13 centuries. 45 centuries.

I would go on to say that the recognition and the preservation of this mineral site remains intact or with no remains is part of a global movement to preserve sacred sites. Site after site can be listed where an ancient site is allowed to sit without modern developments on top. The ancient city of Ur in Iraq is approximately as old as the West Berkeley Shellmound. The human remains at Ur were removed along ago and yet no shopping mall, no apartment houses, no beer garden in
its midst.

Thank you.

(Applause)

KATHLEEN McLEAN: Hi. I'm Kathleen McLean, and I live at 1824 Fifth Street, which is a landmark building, the da Silva House, which was built in 1874 on Ohlone land, and I represent the community of people who live in single-family houses and condos and mixed-use residential houses, not large apartment buildings, within 200 feet of the proposed site, building site. We are probably the only homeowners within a block or two of that site, and there's a little cluster of us right there.

So there are two issues --

One other thing I want to say before I finish, quickly before I -- I'm introducing myself. I've had 40 years of working in museums across country and in South America and Latin America, often on historic sites and often with Native American people, including people at the National Museum of the American Indian, and I've had the privilege of working with a number of Ohlone people here in the Bay Area, and it's been a very enlightening experience for me. And I think that the understanding of native culture, and particularly in California where most native -- we have the largest number -- the largest
genocide of native people in the entire United States happened in California. And I think that -- and that's just now coming into the education, into the public education textbooks. We're learning that we have to actually rethink our relationship and our understanding of history. And as historic preservationists, you need to support our reconstruction and rethinking of this history.

I think the -- this notion that we need another big-box apartment building all of one-bedroom and two-bedroom apartments, by the way, and some studios, is really misguided. And as other people have said, we've had this really long history, and now because there's this West Berkeley plan, we need, you know, seven stories, five stories and that many buildings. I think that -- I've been to many of the meetings with the developers, and they have said --

Just one more sentence, please.

-- and they said they're willing to work with us, and I think our original speaker, the woman who spoke first, said we have an opportunity here in Berkeley to do something different, to do something unusual, to be a model for the rest of the world, and I want to say not just a model for Ohlone people, but a model for us all. So please, please help us do that.
Thank you.

PERRY MATLOCK: Good evening, Landmarks Preservation Committee and everyone here. And yes, we're on Ohlone land. My name's Perry Matlock. I've been a volunteer with the International Indian Treaty Council for over 25 years, more than half my life. I also volunteer with the American Indian Movement and Corrina Gould's group, Indian People Organizing For Change.

I am just a volunteer. I'm not a representative, nor a spokesperson. I'm the one who gave you this packet of information with the Muwekma Ohlone Nations fact sheet on the cover.

Before I go through that, just very quickly, I haven't had a chance to read the whole report, and I do agree with Member Carrie Olson. We need more time to diagnose this. We need several months, at least. Maybe up till March. But it's an inadequate report, and I ask that you reject it.

First of all, on page 80, Item 3, Native American Consultation, why has not the Muwekma Ohlone Nations Tribal Council been consulted with? They may not have what's so-called "federal recognition", but they have been federally acknowledged, except the federal government refuses to follow through with the
process of giving them federal recognition. They have a tribal council which represents dozens and dozens of families and hundreds and hundreds of individuals and they have not been consulted. I don't see the word "Muwekma" in here anywhere, and that right there makes this completely inadequate because if you were to work with the Muwekma Ohlone Nation, and the City of Berkeley has had a relationship with Rosemary Cambra, who is their elected tribal chairwoman, they met with the City of Berkeley soon to say acting as a representative of the United States Government can have a relationship which is nation to nation with the Muwekma Ohlone Nation, and I bid you to please contact the Muwekma Ohlone Nation, work with Corrina Gould, reject this development, and basically, find designs how this can be kept as, I don't know, dare I say a park or an open space. To build on it is just -- to me, it's just Trumpism. It's just more of this disaster. We have an opportunity to provide that.

And very quickly, if you look at this packet, you'll see some of the information about the shellmounds, a map of Randy Milligan's work, an article by Rosemary Cambra about the ancestors, which are still in U.C. Berkeley, and the University refuses to relinquish them for reburial.
There's also in this packet, just very quickly, one last piece here is the 1852 survey map which actually shows the West Berkeley Shellmound as a geographical feature. It's a wonder of the world. It's actually a feature on this map. It was used as a navigational aid, and I was here before this commission some 16, 17 years ago with Richard Schwartz and Stephanie Manning when the Shellmound was made a landmark. Please do not allow any development on it.

Thanks.

(Applause)

TOM BEIL: All right. Next up, start with John English and --

JOHN ENGLISH: No, I think I have another technical, which I think I'll make my case in writing.

TOM BEIL: Okay. All right.

Then Billy Trice, Kelly Hammargren, Richard Schwartz and Antoinette Gaggero.

BILLY TRICE, JR.: Hello, Commissioner. My name is Billy Trice, Jr. I am an African-American with Cherokee ancestry. I am both an artist and a musician. I am urging you to not give a permit to developers who want to build condominium and mall on top of Ohlone Shellmound site on Fourth Street. The burial site is a resting place in which the Ohlone people are
buried as far as 2,000 -- I mean 5,800 years, and it should be off limits. If the human remains were Christian, Jewish or Mormons, I don't think there would be any plans to build condominiums and a mall. I urge you --

(Applause)

BILLY TRICE, JR.: I urge you, Commissioners, to reject a proposal that would desecrate the Ohlone Shellmound in the name of development.

Thank you.

(Applause)

KELLY HAMMARGREN: Kelly Hammargren. We have heard, already, mention of Standing Rock, and I'm sure many of us have heard of the Dakota Access Pipeline, and last evening a friend forwarded to me, or I saw on my Facebook, of international attention, German press talking about the Dakota Access Pipeline and the treatment of our indigenous peoples. So the world also looks to Berkeley to lead, and here we are hearing from our cultural heritage protectors, and I would like to remind us that we may also get international attention to how we treat this site and how we respond to it.

Thank you.

(Applause)

RICHARD SCHWARTZ: My name is Richard Schwartz.
There is no mitigation to destroying this site because it gets destroyed forever.

(Applause)

RICHARD SCHWARTZ: This is the birthplace of human habitation, not only in Berkeley -- and Berkeley has a very special responsibility here -- but the entire San Francisco Bay. This is the first place people made a village. No one lived anywhere else in the entire Bay Area but this site for a thousand years. And whatever is down there, way down there, is the rarest of rare knowledge, life, culture. We need to honor this, we need to respect this, and most of all, we need to protect it. And we've entrusted you, commissioners. You've landmarked this to protect Ohlone culture.

Please, if you -- Berkeley is at a crossroads. Its heart is on trial here. If this project goes through, Berkeley will have no more heart.

(Applause)

RICHARD SCHWARTZ: In 2003, the federal government determined that this site was eligible for national historic landmark status. In 2003, the State of California determined the same thing. At that point in 2003, the site boundaries were determined by law, okay? They're much larger -- the site boundaries were determined by the latest studies that were at the state
repository called CHRIS, northwest information center.

This parking lot is in the middle of that site, and we keep hearing the people who did this preliminary EIR talk about there's no Shellmound, there's no Shellmound. CEQA says it's not about the Shellmound; it's about the site. You have a head, a very nice head. But it has no meaning if it's not in relation to your body. The Shellmound is just the head. The village is the body. So don't -- stop looking for the Shellmound. The boundaries were determined. I think it might have been a CEQA violation that the City allowed digging on that site in 2013 because what did it accomplish? They were looking for the site? The site was determined 10 years prior by the federal government. It's on record. I think that's a violation.

(Applause)

RICHARD SCHWARTZ: If you read the report, the big basis, the big basis of that report that there's "nothing there" is ground-penetrating radar.

Now, I've talked to a lot of archeologists, and I've been in that pit that was dug. I've been in the unit that was dug there while it was being dug, and it filled with water. It's near the Bay. And archeologist after archeologist after archeologist, independent archeologists, not on someone's payroll, said that
ground-penetrating radar on a wet site is very inaccurate, and yet that archeological report, that was the biggest thing, that we did ground-penetrating radar and there's nothing there. Inaccurate.

TOM BEIL: Richard, I'd like to let other people go.

RICHARD SCHWARTZ: You got it.

TOM BEIL: Thank you.

(Applause)

ANTOINETTE GAGGERO: Hi. My name is Antoinette Gaggero, and today I've decided that the Mountain View Cemetery, also known as the Piedmont Cemetery, is mine. It's just mine. And I have great, great plans for it. The views are tremendous, so along the top of it I'm going to put an amazing condominium complex. First rate. First rate. Property taxes are going to bring in so much revenue, but the rest of it is perfect. It's perfect for a commercial shopping center. I'm going to bring in big corporation businesses, along with boutique shops. It's going to be great. Of course, we'll have to excavate. We'll have to make room for commercial footings, and then also, there's going to be an underground garage. So we're going to have to bulldoze all the cement structure things there, and we'll have to dig up some graves. But don't worry, we'll put them
somewhere.

To mitigate this minimal impact, I've decided
to leave the Cogswell Monument. After all, he was a
philanthropist, and I'd also like to convert the chapel
up front into the cultural center to talk about the
people who used to be there, including that Crocker guy.
You know, the Crocker Bank family. Yeah, we'll make
sure we put in a wall for him.

Are we excited about this? No. Are we
bristling? Can we -- can we imagine doing that? No.
No. That is appalling. That is appalling. People, in
general, would never conceive of this idea, yet, as it
was brought out because we can't see what's there, you
know, like there's no beautiful houses that have, you
know, like the people in them still, there's not all
these monuments and obelisks, you know. So that's why
I'm going to put the museum up front.

Anyway, if we're feeling bad about this project
that I have in mind, then I really, really hope and urge
you to feel just as bad as building all that I wanted to
do on that cemetery on this sacred land. I think that
it is really, really important to remember that building
businesses, any kind of capitalism, all of that, this is
manifest destiny. This is manifest destiny. And to
allow, to approve the continuation of this project is
perpetuating manifest destiny.

    TOM BEIL: Thank you.

    (Applause)

    TOM BEIL: Loa, Angel Heart, Jessica Abbe and Carol Thompson.

    LOA NIUMEITOLU: My name is Loa Niumeitolu. I'm an immigrant from Tonga. Much love and gratitude to the Ohlone of this land.

    You will see, Commissioner Tom Beil, that I have an Emeryville address there, but I raised my son here as a single parent in Berkeley. I fought to live here with the high rent rates and high cost of living, and gratefully, he's gone to Berkeley public schools, and today he's at U.C. Santa Cruz. I mean, these are really humble things for me and my family coming from the Pacific. And so it is with great gratitude and humility that I also just am part of this group, and with the Ohlone and under the leadership of leaders like Corrina Gould and Ruth.

    So why I fought to have my son go to Berkeley public schools is because when we came, we grew up in Utah, and lots of love to Utah. It's a beautiful place with really good people, but there were many things that I wasn't able to get there when I was growing up there that I got here in Berkeley.
Berkeley is a place that's worth fighting for. It's a place that people care about social justice. I mean, to be here is just so humbling, that people care about indigenous issues. So that was something worth giving my son, and in coming to Berkeley, I was able to have the opportunity to work with and to meet indigenous people, to meet the Ohlone, and to follow their lead and to see what's going on with them and to learn about -- as an immigrant coming to this country, being that it was so overwhelming, to learn what it means to be a person of a land, to learn what it means to be with people, and to come together on a Thursday night and to meet with the Commission and to talk about how we could save this sacred site.

So I just stand up here -- my time is done. I just stand up here and urge you to reject this, and Standing Rock has come here to Berkeley, and to continue this tradition that we have in Berkeley, to stand for social justice and to stand up for each other, and especially to make it right with our indigenous people, the Ohlone.

Thank you.

(Applause)

ANGEL HEART: Hello. My name is Angel Heart, and I'm here on behalf of Sacred Sites Protection &
Rights of Indigenous Tribes addressing the Commission today.

First of all, I'd like to thank the Ohlone people for allowing me to be on their land. Sacred Sites Protection & Rights of Indigenous Tribes is an organization of an indigenous and earth peoples dedicated to preserving traditional Native American cultural and spiritual freedom, and this includes the protection of sacred sites.

I had written some stuff out, but I don't want to say the same thing over and over that's already been spoken, so I echo that in my letter which I will provide you a copy of.

But I would like to reiterate that on December 15, 2015, Berkeley City Council signed Resolution Number 67328 implementing the United Nations Declarations on the Rights of Indigenous Peoples. I'm sure they were speaking of something specific, maybe, at that time, but I'd like to reiterate, too, that the UNDRIP, an article in here, number 6, says that everyone has a right to recognition -- that everyone has a right to recognition everywhere as a person before the law. That doesn't mean that the Ohlone peoples should have recognition for you to hear them when they're talking about their sacred sites. They're not -- "recognized"
doesn't mean that that place is not a sacred place or that it's not historical.

Therefore, Article 12 says that, "No one shall be subjected to arbitrary interference with his privacy, family or home." When you're disrupting -- if you are considering disrupting the sacred site, you're going against the very article that you're representing on number 12 here, which says that, "No one should be -- have to deal with interference of their family or home."

Those ancestral remains are the Ohlone people's family, and if you could please remember that, and to also think how would you like it if your ancestral remains were being disturbed in the name of progress, especially on somewhere where the City has already designated as a landmark.

Thank you.

(Applause)

JESSICA ABBE: Hello. My name is Jessica Abbe. I'm a Berkeley resident. I don't enjoy public speaking, and I -- but I feel this is so important that I had to speak tonight.

I'm a graduate of U.C. Berkeley's Graduate School of Journalism for many years. I was a producer of a show called Bay Area Backroads. I'm an independent documentary film maker. My children went to Berkeley
High. My husband and I work together as filmmakers. He would be here tonight, but he's at Standing Rock. And the subject of our films is native people's sacred sites and their conflicts with modern uses. And I think we use the wrong criteria to judge projects like this. It's a little bit backwards for Berkeley to take a project brought by a developer and try to figure out if there's significance to this site.

I think Berkeley should decide that this site is significant, and it's difficult to do this because to do this, we have to confront our own relationship with the California genocide, and that is very hard for all of us. It is really hard to realize that our settler ancestors in this state killed really good people, and we have not had a process of truth and reconciliation in this country, and I think there's a tremendous hunger for it. So I hope you will listen to these pleas as people are saying for Berkeley to be a leader. This is an important moment.

I also want to say something about the word "sacred" because this is not an Indian word; it's a word that comes from Europe, and its use to describe this site, I think, is a little problematic. It's a deep cultural significance that I'm going to leave to Ohlone people and others to try to convey to the commissioners.
but I appreciate you letting me speak, and thank you very much.

(Applause)

CAROL THOMPSON: Good evening. My name is Carol Thompson. I am not a resident of Berkeley, but I am a planning commissioner for the City of Pinole, and I couldn't help but say something about this project.

First of all, I don't need to remind you people, because you deal with this, that a developer buying a piece of property in California, or I think in the United States, doesn't give them a right to build, especially if it's a project that is so wrong for the city of Berkeley.

There is numerous inadequacies in the CEQA document. I'll file a letter and submit it.

I also wanted to mention that some of you may be aware, but the City did hire Garcia & Associates in 2002 to find the West Berkeley site, and there are undisturbed cultural remains in the parking lot. Again, the reference to the body and the head, you know, there are things there, and we can't zero in on this one little area and say there's nothing there.

Another point: I am Chickasaw, and my great, great grandma was Choctaw, and we were forced off our lands in 1837. And in Tupelo, Mississippi, they put
freeways and buildings and schools and desecrated our homeland, and in Native American culture, we try to look seven generations ahead. Our decisions aren't based on what's happening today; it's down the road. And you people have an opportunity to change history in this particular instance, and I hope that in 150 years, there's not someone like me standing before a commission saying, "Gosh, I wish you would have done something different." So if anything's going to happen, it's going to happen in Berkeley, so you guys have got to do this.

(Applause)

TOM BEIL: Chris Oakes, Rebecca Crump, Shay Sullivan and Lisa Dettmer.

CHRIS OAKES: Hello. My name is Chris Oakes. I'm from the Chahta Foundation of Oklahoma. My ancestors come from Oklahoma, and before that, from Mississippi. We have a burial mound there, and it's called Nanih Waya, and it's a state park. It's more than any sort of landmark; it's a protected place. No building anywhere around it. It's got a huge circle that goes far beyond the mound site that's protected. We even have fences that are set back hundreds and hundreds of feet from the mound, itself, so that people can see it and enjoy it, they can pray there, and they
can go there, but the whole area is protected. That's Mississippi.

    My father moved here when he was a young man and he came to Berkeley, and he came to Berkeley specifically because this is a beautiful place. This is a place that was one of the most progressive places in the entire United States. Me and my brother were the first generation that was born outside of Choctaw Nation in as long as since our origin story, and he was okay with that. My granddad had a hard time with it. He was okay with that because it was Berkeley. It was a special place. It was a place that was just the cream of the cream. It was the best of the best. It was progressive. It was somewhere different. It was somewhere that he was proud to have us born, even though we weren't born in our traditional territory.

    Now, I'm going to read this. Since I have 14 font, I'll be done in no time. There's a lot of things in the EIR. There's a lot of different comments. I'm practically writing a dissertation for the comment period. This is just a short bit because it's important.

    It is my opinion, and I believe, that there's conflict of interest with Mr. Andy Galvan who appears to be sitting on all sides of the table for this project.
Mr. Galvan wears several hats. He is not currently wearing a hat right now, I might add.

The first hat that he wears is that of the monitor for this site by the Native American Heritage Commission, as per the guidelines of CEQA and AB-52. It is Mr. Galvan's job, while wearing his NAHC hat, to keep an eye out for cultural remains, and to oversee the excavations to make sure that human remains, artifacts, or culturally significant items are not unearthed.

Mr. Galvan then wears another hat, which is the hat that he wears as the paid consultant for Archeo-Tec, the archeological consulting company that wrote a report for this, which is the report that is in the EIR. Not what Richard Schwartz says, not all the other documents, not the other ones that people have quoted here tonight about the varying ages of the Shellmound, about the Garcia & Associates report that was pulled out.

TOM BEIL: I'm sorry. Can you --

CHRIS OAKES: It will be -- I've just got to get through this. All right.

They attempted to disprove that this is the location of the Shellmound, convenient for the developers that hired Archeo-Tec, when they paid them for their report.

The third hat that Mr. Galvan wears, without
counting that actual hat that he might be wearing, is the hat that he wears as a member of the Ohlone Tribe, Incorporated, which his father founded, and I believe he plays a leadership role currently. When it is part of tribal consultation process under CEQA and AB-52, he proposes a part of mitigation for the site that the Ohlone Cemetery, through Ohlone Tribe, Incorporated, accept $75,000 towards their cemetery. It appears to me, and it is my opinion, that this constitutes a clear conflict of interest.

Mr. Galvan's organization started by his family, the Ohlone Cemetery, is the recipient of the mitigation project for this project, which is money, cash, which Mr. Galvan proposed, as opposed to the other options presented by the developer for language or for scholarships. He proposed this option.

The other two hats, though, are the most troubling. On one hand, he is the one who is looking out for cultural remains, bones and artifacts, and on the other hand, he is paid by the firm that, in my opinion, is there to prove that those are not there. One could suspect this for the reason -- for this being that they do not want to cause problems by encountering these artifacts. It is my opinion that this is a very troubling conflict of interest.
The City of Berkeley has been approached by other people who have current applications for the Native American Heritage Commission and who have also talked to LSA on other projects. They have also recently met with, but not been officially consulted by, the City and by the developer, and it is my belief that another party without these conflicts of interest, especially one who is not paid on multiple sides of the table, should be the monitors and should be the ones who are involved in this project. My monitor language has a lot of things going on, but thank you for your time.

(Applause)

REBECCA CRUMP: Hello. Thank you for listening to us. My name is Rebecca, and I want to acknowledge that I am a settler here on Ohlone land. My ancestors just happen to be European and Malmok, and I want to second what Antoinette said. If there were a cemetery of people like me, white, this would not be happening. There's just no way this would be happening. This sacred site is older than the pyramids. That just blows my mind. I didn't know that before I moved out here.

And this place is sacred. You have heard that from the Ohlone people that are still here that have come today to speak out, from their allies that are speaking out. You know what is underground there.
Bodies have come out, ancestors are there, and there's no question about it. And it should not matter that these artifacts are not intact anymore. That is ridiculous to even consider. Of course they're intact. The settlers that disturbed them before harmed them. It just is appalling, and I just want you to use your hearts and do the right thing, protect this sacred, sacred place.

(Applause)

SHAY SULLIVAN: I'm going to speak to the European descendants because I'm not going to speak for the Ohlone. They can speak for themselves.

I'm a dispossessed Fitzsimon Sullivan. I am an Island person that came to Ireland. Our land was dispossessed and we were taken off our land and moved. When we got to this country, we were, in a lot of ways, alike. We set for colonialism was to help remove indigenous people, and that's a history we have to stand still, as was already mentioned. That's our history, and we are into dismantling, we are into our future. If we are wanting to be the people that we ask ourselves to be in the mirror every morning, then we have to look at the reflection back in our own histories, and our own histories displaced, murdered and helped anticipated genocide, and to undo that, holding up the sacred
project and this land as sacred land and belonging to
the Ohlone people is what you need to do.

(Applause)

LISA DETTMER: Hi. My name is Lisa Dettmer. I
work at 1929 Martin Luther King Jr. Way in Berkeley.

I don't want to just repeat what other people
have said, but I do want to say that historically, the
land was stolen from the native people by committees,
much like this one, who sound very civilized and believe
they are simply following neutral bureaucratic rules.
But it seems to me that the language you're using is
being used to obscure what is really happening.

You have set it up so that the cultural history
of the Ohlone won't qualify within the now grounding you
have laid out by claiming there are no archeological
remains because they have been removed is like saying
there's no pollution that can occur because the land has
already been polluted.

The real question should be: What is it that
Berkeley can do to honor the Ohlone? I guess I want to
know from this committee, is this a rubber stamp for the
economic interest of developers? And is this public
comment section just a formality?

Thank you.

(Applause)
TOM BEIL: Beverly Shalom, Matt Bernarding, Morgen and Claire Bohman.

BEVERLY SHALOM: Hi. My name is Beverly Shalom, and my grandparents are Jews from Syria, and everybody really said what I was going to say. I guess, you know, I just want to emphasize the point that people of all faiths -- of any faiths would be devastated to have the burial grounds of their ancestors desecrated.

As a Jew, my people know that kind of pain, and actually, there is a prohibition in Jewish faith around moving ancestral remains from one place to another. There are a few exceptions, and condos and -- condos and malls is not -- are not those exceptions.

So I really -- you know, I really feel like each one of you, you know, ought to think about how you would feel if a sacred site of your -- of yours or, you know, of your ancestors, you know, was, you know, desecrated because of some big money-making endeavor and, you know, I just want to voice my opposition to this and -- and I want to thank the Ohlone people for this beautiful land that we live in.

(Applause)

MATT BERNARDING: I just want to voice my respect for Corrina Gould and Ruth Orta, who spoke earlier, and acknowledge you as their original
inhabitants of this land and as elders, and I follow your leadership and I respect your example, and I learn from it every time I see you and you speak, so thank you.

In terms of this commission, I don't really understand what your powers are, or what authority you have, but I urge my voice in support of the other voices here and of the Ohlone to use all -- everything at your disposal to block this project and to return the stewardship of the land to the Ohlone. That includes whatever vote you have as part of this body, as well as showing up at City Council or Zoning Commission, speaking on behalf, as well as any lawyers that you know, any framework within the apparatus that can block this desecration and return rightful stewardship of this land.

It's more than -- it's about -- at this point, we're just trying to stop the bleeding in terms of the genocide that's ongoing, and it's in Berkeley and it's across the United States and it's across the world, it's so many places where people are being removed from their land where their sites are being desecrated, where the waters and the natural life of the planet is being attacked, and so it's happening here. There's not a lot of TV cameras here, but everybody should be very
concerned about this, and stopping the bleeding is the first thing, and then beginning the real healing will take generations, but I think we can do it. And I'm always heartened by all the people that I meet and I see at these type of gatherings, and I pray for this.

So thank you.

(Applause)

CLAIRE BOHMAN: Good evening. My name is Reverend Claire Bohman, and I'm the President of the Temple of the Waters. We're a multi-faith organization here throughout the Bay Area, including here in the land of Huichin, and so I want to take a moment and give thanks to the elders in this room, Corrina, Ruth, and all the Ohlone elders here. Thank you for the honor of doing worship on your land. Thank you.

As a person of faith, I want to voice my opposition to this development. I think this is really devastating that this is even being proposed. This is a sacred site. If this was a historic church, if this was a Christian institution, if this was, you know, a Jewish sacred site, a Muslim sacred site, even, would this be happening? Would this even be proposed? No. I think the answer is no. And so I -- as a person of faith, as somebody who honors and respects the faith of many people, all people, I think it's important for us to
recognize the sacredness and the devastation that any
further development on this site would cause.

In addition to being a pastor, I'm also a
chaplain at a local hospital, and I want to tell you
that every day, every day, I see how important it is for
human beings to have the right to touch their loved ones
when they die, to be with them. For those traditions
that they've practiced to be honored, to have a place to
go to honor the dead is so key for so many people in
healing, in grieving and surviving.

And so I want to invite everyone here,
including the representative from LSA here, I really
want to invite you to just take a moment and think about
those you love who have died. Think about what it might
be like if somebody wanted to develop and build condos
where they're buried.

So I lift up prayers for you, my brother, and I
lift up prayers for all the people that you work with,
and I lift up prayers for everyone here on this
committee, for the City of Berkeley, that we may do the
right thing and block this development and honor this
sacred site in the way that the Ohlone people have asked
us to. Amen.

(Appause)

MORGEN: I am Morgen with IWW, Industrial
Workers of the World. We represent recycling workers, textile workers here in the Bay Area, as well as movie theater workers, and I am here as a member and a delegate to say that I'm opposed to this project, and I've been going around and talking to different construction workers, union and non-union, that do not want to work on this development. And if -- you know, I -- this is just disgusting that this is even proposed. I'm trembling right now in sorrow and rage that this has even come up.

You know, Corrina is a great friend of mine. Ruth, I know her, and I have respect for all Ohlone people here, and I'm a settler here. It's a blessing to stand here on this land, and to know that these people want to desecrate, like, what was so spoken to be the heart of Berkeley to -- you know, the Shellmound, it's -- like, we, as settlers, can't even comprehend how sacred this is. Like the feeling of sorrow and rage that we have, or discomfort that we have, that I have right now, is nothing compared to the discomfort and rage and the terrible atrocities that have happened on this land.

So I urge you to do whatever you can in your power, like some of you said earlier, you know, even beyond this meeting, you know, vote, but also -- in
opposition on this project, but also join the community and labor to say no to this development and do everything, even outside of your position today, to stand to protect this historical site and this cultural landmark. And if you don't, then we're going to have a big movement to make sure that you don't -- that this development doesn't happen anyways. And I'll get every union worker in the Bay Area and non-union worker that I can to make sure that we picket and shut down this site. I will not allow this project to happen, and I don't -- I don't think anybody with a good heart will. So -- and like -- yeah. And I'm going to end it on that.

(Applause)


SQUIGGY RUBIO-HALE: Hi. I am also an uninvited settler and guest on the land for which I am grateful to be here and to live on, and I thank everybody who has spoken so far, and I really appreciate and agree with everything that everybody has said so far, and I don't have anything, really, to add, but I just want to reiterate that I really believe you really need to protect the Ohlone sacred sites and respect the Ohlone people as caretakers and guardians of their land.

Thank you.
(Applause)

TOM BEIL: Thank you.

JILL MIAKODA TAYLOR: My name is Jill Miakoda Taylor. I am a settler. I am a settler because my people are Cherokee and Blackfoot, and thanks to the trail of tears, we left our land and had to find a new place to live.

I am also a settler because my people are of African descent and were forcibly taken in the name of profit to be here in this country. I am also a settler because my people are Irish and Italian and they came here as immigrants in order to pursue opportunity. So the legacy of all of this I'm responsible for. I'm accountable to it, and I am here to speak from that place.

I am also a resident of Berkeley, California. I am a business owner. My company is called Fierce Allies. I teach groups how to have fiercely honest dialogues about all of the things that we need to know and talk about but we are avoiding because they are uncomfortable.

We cannot afford to avoid these conversations anymore, and I am so proud to be in a room full of people. This is why I moved to Berkeley, because of people like this. I could not find a place where I
could speak and be who I am until I came here, and I am afraid that this is going to make me not proud to be a resident. So I am here to make sure I stay proud.

The two things I want to add is, as I heard people speaking how -- they were determining whether or not this has a less-than-significant impact, and I'm curious to know how we're measuring less than significant when we're talking about uprooting, you know, ancestral and sacred lands. I think that if anything is uprooted, it's significant. So I don't know where the "less" gets measured. I invite you to look at the math on that.

I'd also like to say that the wealth of the city is built on stolen land. The least we can do is honor the land upon which our wealth is built.

Thank you.

(Applause)

EMELIA MARTINEZ BRUNDAHG: Hi. I'm Emelia Martinez Brundag. I live in Oakland right now. I previously lived in Berkeley, but I'm not a resident; I'm a settler. I'm a young person. I've kind of been -- I've been, actually, following the footsteps of my ancestors trying to figure out where to land, and one of the first things that made sense for me to do when I moved to the Bay Area -- when I moved to the
Bay Area was to find native leaders, to find the native folks that lived on this land to offer up my services. I don't know how to be on this earth without trying to be in right relationship to the people that lived here before me, to my ancestors, and I don't think any of us really know. So I'm not asking you all, or you all, or anybody to really know, but I need us, I need us -- we all need us to be listening and to create more space, more time. It doesn't matter who was referenced having given permission, whatever. We've heard so many voices here today that are in opposition. If one person, if one body was found, if -- we all need to go and stand behind that person. So this shouldn't be even a question.

Thank you for listening.

(Applause)

TIM LEE: Dear honorable council members, thank you for letting me speak, and I think it's a noble thing that you guys are listening to everyone's voices, especially in this day and age with the past election. First of all, I want to ask, where are the developers? Where are they in this room? They're hiding. They're hiding behind greed and money. They know what they're doing, and they know that it's wrong, and we know what's good and we know what's right and
what should be done.

   And I want to thank the Ohlone people. I'm honored to be in the presence, and I just want to say that, you know, we have to do what's right, and like Richard said earlier, Berkeley's our crossroads. The heart is on the line, and we stand as a model for the rest of the nation in terms of doing what's right and what's noble.

   Thank you.

   (Applause)

   TOM BEIL: Krystof, Pennie Opal Plant, Effie and Ya-Nah.

   KRYSTOF LOPAUR: My name is Krystof. I want to say, first, I'm honored to be in the presence of Ohlone people here, and I also want to say I'm an organizer of the Gill Tract. That's up the road. We have something of very recent experience with CEQA and lawsuits where we seek to try to stop the development on our land, so I want to go back.

   I said I'm honored to be in the presence of Ohlone people, and I said "people". That's plural. I want to point you -- let me just preface this quickly. I am saying this all because in a CEQA process, it's very important to get legal objections to Draft EIRs on record so that, for purposes of future litigation, you
know, objections have been entered into the record.

So I'm going to give you three objections to the CEQA right now. All of them are based on AB-52, which is referenced over there by the presenters, which I think has been drastically unmet. I want to also point out it's a new law, so it's also untested in terms of, you know, the legal system and the courts. So this would be a very interesting thing for you all to take to court.

I said, "Ohlone people." There's a sentence here on page 81, and it says, "Therefore, the City and the Ohlone Indian Tribe consider this consultation process to be complete for this project." That's based on two people: Shannon Allen, right, and Andrew Galvan.

Now, you have more Ohlone people here and you have more people from Berkeley here telling you they don't think this consultation process is complete. I think you can project this on the Draft EIR and not Ohlone.

But the second thing is the purpose of that consultation is to establish tribal cultural resources, and the purpose of that law was to put into practice the reality that you cannot have an archeologist or a ground survey or radar establish what is the cultural significance of a piece of land or a resource. Now,
that's in the law. It's not just a matter of opinion; it's in law, and that consultation is supposed to establish it.

Now, in this document, you have mitigation measures, you have a consultation, but you have no listing of the actual tribal resources, the tribal cultural resources you're obligated to have listed in here that came out of that consultation process. So what did they talk about? If there's no tribal consultation resources in here for me to evaluate, how do I know there's not going to be a significant impact?

Last, the purpose of this, again, AB-52, you can read through the -- you can read through it, but over and over people talk about an ongoing consultation process. How do you finish the process? How do you consider the process complete after three meetings with two people that haven't established any tribal cultural resource, and you have a whole community here telling you, "Hey, there's a lot of tribal cultural resources there. There's a lot of significance to the community and the tribe"? So I think you need to do a careful review of AB-52. I don't think it's been properly met -- the requirements have been properly met in the EIR, and I think you open yourself up to a lawsuit if you approve this EIR.
(Applause)

PENNIE OPAL PLANT: I don't know if I'm going to use this 'cause I have a pretty big voice and it keeps going on and off.

So my name is Pennie Opal Plant. I own Gathering Tribes on Solano Avenue. I'm Yaqui, Mexican, Choctaw, Cherokee and European. My family's been in the Bay Area since the 1930s, and I also want to pay my respects to my Ohlone relatives, who are friends of mine.

You have an amazing opportunity, each one of you. You have the opportunity to do something at this historic moment in time when the whole world is looking at Standing Rock and understanding the indigenous horrific things that have happened to our relatives here for 500 years. People are becoming educated. People are starting to understand what's been happening, and they're rising up. There are thousands and thousands and thousands and thousands of people at Standing Rock. There are a couple of thousand veterans on their way there right now. And to miss this opportunity, this moment in time, to step forward and do the correct and proper thing would be such a shame for each one of you, as individual people, to choose capitalism and commerce in that cycle that is so
damaging to the world, that cycle that is premised on endless war when we live on a finite planet. That system is what's destroying the very earth, the air, the water and the soil that we need to survive.

You have a wonderful opportunity to do the right thing, and if you don't do the right thing here, I can tell you that my Ohlone relatives will be heartbroken. They have been heartbroken already by things that have happened in their lifetimes. They're right here. Look at them. Do you want to break their hearts?

My other role as a woman, as an indigenous woman, is I'm a cofounder of Idle No More SF Bay. We organized, in support of Standing Rock, a couple -- three different actions in San Francisco. The one on November 15th had 5,000 people there. The one the day before yesterday -- was that yesterday? It was on the 30th -- had over 300 people there. This really busy time flows in a big river, and I can tell you that if you -- if this project goes through, we will have thousands of people there. We will stop the machine from working because we understand that -- we have a job to serve and protect, and I promise you, and I pray that you do the right thing so that I don't have to take on another big project, because I will, in defense of my
relatives.

Thank you.

(Applause)

EFFIE RAWLINGS: Good evening. My name is Effie Rawlings, and I am a preschool teacher at the Gill Tract Farm, and I am here to tell you a story on behalf of my class, our class.

A few weeks ago, our friend, Frank Herrera, who is also an Ohlone person who couldn't be here tonight because he's on his way to Standing Rock, came to the farm to tell us about his people, and he lit sage and he blew it, and we smelled it, and we felt the people of that place with us there in that moment, and we were all so quiet, much more quiet than we usually are. And we felt our roots going down into the soil and the roots coming up into us.

And he told us about how he lived, how they lived, his people, and he told us that they call the animals "sister" and "brother", and it was so amazing because right in that moment, a turkey came down, and we couldn't help it. We shouted, "Sister turkey, brother turkey!" And we thought about them differently from then on, and we thought about our place differently, and we thought about ourselves differently, and we knew how special that place was for us and for a long time
before. And we felt a lot of love for that place, and we wanted to take care of it, and we want it to be well. And we still call out when we see the turkey, and we say, "Sister turkey! Brother turkey! Sister/Brother turkey."

Please use the power that you have to help me and everybody here and the future generations who are connected to their place.

(Applause)

YA-NAH MANDUJANO: My name is Ya-Nah, and I came from Sacramento. I was born in Berkeley, but I came here because I figured the Shellmound is a cemetery, and I'm Wintun and Miwok, and my grandmother was Miwok from Amador County, and she's the first one to not be allowed to be buried in the cemetery of the family there because somebody wants to build a casino, which is so similar that I thought, "Well, I have to come here and see what's going on," and you guys all seem reasonable.

I'm really grateful that this group, you're the Cultural Commission -- Preservation Commission, and not the Archeological Preservation Commission because it really has to do with the entire culture of California Indians, and I think that we have seen -- well, not just California Indians, because we have seen what happened
in Standing Rock and we're seeing what's on the table, what's planned, what's happened in California. And, of course, laws in California started out making it easier to completely crush our cultures, our nations, and so that's the direction that the momentum has our laws and everything going.

So I would like to encourage you guys -- you seem sensible, like I said -- to use things like the UNDRIP to really shift the tides on that so that the cultural place, for instance, I don't -- I don't know how to convey, but, like, something that seems insignificant to non-natives can be incredibly significant to a native tribe or a native nation. Like if you take one person, they might not represent any kind of measurable percent of California, but if you take one person, it might be -- it might be an entire tribe, or it might be, you know, a very significant portion of a very unique and irreplaceable tribal culture.

So those kinds of things truly activate the change that has happened. I'd like to encourage you guys to listen to people here.

Thank you.

(Applause)

TOM BEIL: Okay. Janice, Tiny, and if we can
finish up with Elliott and Denny Abrams, if they're still here.

    TINY: Yeah, hello, everybody.

    So first of all, the whole concept of landmark is rooted in the center colonial laws that perpetuated the genocide. Who gets landmarked? What gets landmarked? My elder Ohlone sister, Corrina, talked first about how you spent the first part of the meeting talking about a house, a house that was built with wood and concrete, and how those kinds of things get landmarked, but what's a landmark? What is a landmark, really?

    And I'm just curious on how we can talk and say a lot of words and talk about a lot of things, but we're talking about people's elders and ancestors who are buried in the ground, which is -- the word "desecration", it rolls off our tongue so easily, but what does it really mean? It means the destroying of the people who came before us, the people that birthed us, and we're talking about the destruction and the perpetuation of, basically, thousands of years, and hundreds of years of settler colonial genocide.

    So as many people have said before tonight, this topic has already been very deeply discussed, but I am speaking here as a person who was homeless on these
streets with my mom, who was criminalized and
police-harassed for years, and that happens again down
at another Ohlone site, down at the Gilman on-ramp.
There are guns being drawn on unhoused people.

Why am I bringing that up? Because the concept
of landmarking is an elitist, rich sector, colonial
concept that has nothing to do with the protection of
humans or the protection of poor people or the
protection of indigenous peoples who were the first ones
here. So this entire building, this entire structure
and this entire meeting, to me, feels like a
desecration.

Now, I know that you all probably are more
conscious people. I have a sense that because you're
related to the university and you're conscious and you
know some stuff, and maybe you're part of academia,
you're not going to continue that perpetuation. But I
also wonder how many of you have your hands in the
pockets of the developers, and I wonder how many of you
are sitting there questioning these lines on papers and
these ridiculous ideas when we're talking about the
deaths and the desecration of lives.

And as so many other people have said, as
Krystof has said, and the brother over here talking
about the CEQA, that's just a piece of paper, and the
lies that have been perpetuated on indigenous peoples by pieces of paper has been for hundreds of years.

So let's stop that now. Now. You have the ability to do that. Am I right? Please speak back to me. I need an answer. Do you have some kind of power in this process, Landmark people? Yes? Can I get a nod, please? 'Cause I can't talk to people and nothing. You have no power? As an advisory?

CARRIE OLSON: We cannot --

THE WITNESS: Oh, you can't talk to me. Okay. That's right. This is a settler colonial structure. You can't talk to people.

Okay. Well, anyway, I hope you have heard me, and I do believe -- I guess I'm the last person.

Maybe all of you could put your hand on Mother Earth on this Ohlone land as an act of respect to our Ohlone ancestors upon whose land we are standing and to have a moment of silence as we close this night for people who can't speak for themselves.

Thank you.

(Applause)

DENNY ABRAMS: Hello. My name is Denny Abrams. We're the developers down the street.

It's interesting you learn more and more about the Ohlone Tribes which, like many of us in the town, we
are not aware of.

There's two issues I'd like to address.

One that Carrie brought up, which is with regard to the notice. I agree with you, Shannon, about how unfair it is to get a notice on Thanksgiving week. I called the director of planning. Of course, she was out for Thanksgiving week.

CARRIE OLSON: Of course.

DENNY ABRAMS: I tried to go to the permit center, and it was closed for 10 days. Who are you kidding? This is not a 60-day, normal period that we would have from February through March, and I ask you right now to ask Mark Rose to increase that period to something like February 1, February 15 so we can hire our consultants to read this massive book on traffic, on all kinds of things.

And I ask you, Mark, will you increase that period? Okay. There is your answer there.

So I think it's highly unfair that this was presented Thanksgiving week. It's almost devious. You've got Thanksgiving, you've got New Years. Half the staff -- the staff doesn't work on Fridays. I mean, this is ridiculous. Anyway, that's one point.

The second point is I think the Landmark staff -- Committee has to explain to the public what
happened here. Is this landmarked or is it not? I know when we approach a landmarked house, it's like we can't even touch the thing. So what is going on here, and why was the developer not informed about the monumentality of this landmark status on the land? I don't get it. Why did you let the developer spend a million bucks designing this thing when, in fact, it's landmarked? If we have --

(Applause)

DENNY ABRAMS: If we ever were approached to buy or purchase a house that was landmarked, I mean, we would jump through hoops trying to figure out what cannot be done to this thing. So I don't know why the developers thought that they could just overturn this landmarked status, and I wish you would address that, how it came into being, how solid is it, what is it about.

Second issue, if you do happen to overturn it and let them build, you made us jump through hoops. We designed the other side of the street, and I think we delivered the city a beautiful design in keeping with the rest of Fourth Street, keeping the skies open, making a beautiful place for people. We respected the Spenger building. We didn't build higher than the Spenger sign. That was conscious to make the Spenger
building --

ANDREW GALVAN: But you got an exemption from CEQA in dumping five human remains --

TOM BEIL: Please.

ANDREW GALVAN: -- on that project that you were the architect on.

DENNY ABRAMS: Yes, that's right.

ANDREW GALVAN: And you got an exemption from CEQA.

TOM BEIL: You're out of turn.

DENNY ABRAMS: We didn't have to do CEQA 'cause we only added 7500 square feet. Do you understand that? Maybe you don't.

So --

ANDREW GALVAN: You dug up five people.

TOM BEIL: Please.

Denny, can you finish up and see if anybody else wants to speak?

DENNY ABRAMS: Yeah, yeah. Five people.

Right.

The other issue I want to address is this EIR does nothing to address the buildings across the street. They are 75 feet high. And the Spenger building is -- the sign is 30 feet. 31 feet. The new building that we built on the corner is 30 feet. So there it is. You're
paying no attention to a building that you were emphatic
about landmarking, and they're causing shadows to it and
minimizing its significance. You need to address that.

Thank you.

(Applause)

TOM BEIL: Anyone else? Mr. Galvan? Do you
want to say something?

ANDREW GALVAN: No.

TOM BEIL: All right.

What's your name?

MICHAEL HORSE: Michael Horse. Respects to the
elders here.

I've been listening to all this. I can see
that there's grandfathers and grandmothers and
fathers --

AUDIENCE MEMBER: Could you speak in the
microphone?

MICHAEL HORSE: -- and uncles and aunties here.

I've been a youth worker for most of my life,
and I found out that kids, sooner or later, they'll find
out the truth. If this city allows this to happen,
one day your grandkids and your great grandkids or your
nephews, they're going to say, "Really? You allowed
them to build condominiums and designer soap stores and
$12 snow cone places on the holy land of these people
that are still here?" And they will feel great shame.
Trust me, and you will never get that back.

(Applause)

JANICE GLOE: I had a card in, so -- how does this work?

I am Janice Gloe. I have lived in Oakland and the Bay Area all my life. It's a beautiful place, and we should honor the history and not make major changes as this development.

But first I want to acknowledge my dear friends, the Ohlone elders, Ruth Orta, Corrina Gould, and all of the Ohlone people here and everywhere.

We are on Ohlone land. We are guests on this land, so let's be good guests. Let's be good guests. Please, don't develop that land. Please keep it the way it is. Let's do that. Let's show respect to all the Ohlone people who are here now, here in the future, in the past. Please consider this in your hearts, honor the Ohlone people, work with the Ohlone people, and please honor the ancestors.

Thank you.

(Applause)

TOM BEIL: I think with that, we might close public comment, and if commissioners want to take a break.
CARRIE OLSON: I would like to make a motion that we continue public comment to the next meeting and that -- but we close comment for this evening.

Is that okay language with you?

PAUL SCHWARTZ: I'll second it.

TOM BEIL: All in favor?

Opposed?

Abstained?

CARRIE OLSON: But I'd like to make a comment to the public while they're here. Would that be okay?

Okay. So I want to talk about process and what our part in this is, but first of all, I'd like to thank you so much for coming out tonight. Listening to each and every one of you was special to each and every one of us.

I've lived in Berkeley all my life, and I honor this earth. And I probably am about as Berkeley as you get. So I really, really thank you for coming. I thank Denny for coming. I'm not sure that all of you are aware just what Denny has done for our city, but Fourth Street is his baby. So he is very -- has been very respectful of the street and very careful about how it has developed, and it's really quite interesting to watch how that happened.

So we have in front of us a document. We
are -- this document is guided by the California Environmental Quality Act, and there are specific things that the City has to do to move this document through its process. We have to comment. We are charged with commenting on this document. It's a draft. A final version will eventually come out. Once the final comes out, there's no more commenting. The only time to comment is now, between now and January 12th.

I encourage everyone to contact their council members, our new mayor, and request that the time period be continued, if that's what you think should happen. We don't have the power to change that, not our commission. In fact, the comments that we make, they don't even become -- we aren't a decider in terms of this document. That's the Zoning Adjustments Board.

There will be a meeting of the Zoning Adjustments Board --

Anyone know the date?

Next Thursday night. I encourage folks to go out and comment to them because they will be the deciders to decide if this document is adequate or not.

Now, all that said, I know my comments are going to be about 10 pages long, and hearing you all tonight and getting documents like this really help me to formulate what I want to say, so that's important.
But comments on an EIR are pretty specifically done, and one fellow got up and spoke to that because he's been involved with the EIR comments before, and if you don't put your comments in in ways that can be responded to, they get left behind.

Now, that doesn't mean you shouldn't speak out, because your voices become a collective voice that affect people's decision making down the road. So this commission actually has another role it will play. Because this is a landmark site, this commission does design review over anything that happens there. I happen to be the only person left on this commission who was part of the landmarking of this site. It's really interesting to hear someone get up and speak about landmarking and what an inappropriate word that is because "landmark" was the first royal term given to people who came to South Carolina from England. They were called landmarking. So it's -- I never quite put two and two together before.

But this is a cultural resource, so I'm going to try and refrain from using the word "landmark". Nevertheless, we recognize this as a cultural resource, not that stupid little pink building, the site. And the site was symbolic of a much larger site, and the information we heard in those hearings we had was just
amazing and eye opening to me. And a lot of people are going to be hearing what you say for the first time. It's really important that you say it, and I appreciate you coming tonight. I do.

Our landmark ordinance -- that's what it's called -- our landmark ordinance does not use the word "integrity". So the fact that remains on that site has been disturbed, that's not part of our ordinance, because a lot of the buildings in Berkeley have been changed. So we don't look at whether or not something is pristine or perfect. We look at what -- what is there, and does it convey the meaning of what it originally was. And some people can't look beyond the flatland. I'm going to have really specific questions that involve the flatland that was Emeryville, because that land was flat. But we know what came out of that land.

So I'm going to hold off on my comments for tonight, but I encourage everyone to take the time over the next month and read this document. I would like to point out a glaring inaccuracy in this document that I expect staff can help us with. The landmark application is not in this document. The notice of decision is not in this document. We can't possibly make any decision without understanding that.
If the Chris Dore report is available for the public, we should have the Chris Dore report. I do not understand why this was ever, ever, ever drilled into again, because that was done. And that -- that document, which we had at the time, was really interesting, and I tried to find it, and I wasn't able to do so.

AUDIENCE MEMBER: It's in the comment section of the NOP, the actual report.

CARRIE OLSON: Yeah, and so far I've only gotten through the 32 pages that are the cultural resources section. So staff will tell us where those are and should tell us where those are so we can find them.

But thank you for coming.

TOM BEIL: Anyone else?

Thank you all very much for coming. We will move on.

(9:57 p.m.)

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REPORTER CERTIFICATE

I, April Dawn Heveroh, Certified Shorthand Reporter No. 8759 in and for the State of California, do hereby certify that the foregoing is a full, true and correct transcript of the proceedings taken to the best of my ability by me, a duly certified shorthand reporter.

I further certify that I am not interested in the outcome of said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of ____________, 2017.

_________________________
APRIL DAWN HEVEROH
CSR NO. 8759