



April 23, 2014

Catherine Payne
Office of Planning
City of Oakland
Oakland, CA94612

sent via e-mail 2:25 pm

Case File: ER030004, PUD13170, DA13171 Jack London Square Development Project: Sites D and F2

Dear Ms. Payne:

It is time for the developers to adhere to the original plan approved for completion by 2019. This does not include housing or more office space. Waterfront Action cannot support any extension of the Development Agreement for Ellis Partners. Here is a summary of the Stipulated Final Judgment (attached), which happened on February 2, 2005. This judgment specifically permitted temporary (up to 30 years) office space in certain buildings as an exception to public trust requirements.

Ellis Partners had applied for and received permits to construct two buildings on public trust lands complying with the State regulations that these buildings must meet the requirements of the Public Trust. The building referred to as Harvest Hall was to provide visitor-serving retail and restaurants connected with or serving the public trust requirements. A second site also on public trust land and only 2 stories in height was built with the knowledge of the requirement for public trust uses. A potential lawsuit was considered when Ellis Partners "could not fill the two buildings with trust uses." Rather than go to court, a stipulated settlement was reached allowing Ellis Partners to put office space above the first floor in both buildings as a temporary use. There is a 15-year period allowing non-trust uses with a possible renewal for an additional 15 years. This is the ninth year of the special allowance, and Ellis Partners claims it has been "unable to find" trust uses for the spaces on these two sites.

Rather than build office space the developers are asking for housing at Jack London Square. Housing is a bad idea for several reasons:

1. Views. They are proposing towers (up to three), which would block views of the waterfront from other sites in Oakland. We don't need another barrier to our waterfront.
2. Transportation/safety. Housing on the west side of the tracks is a bad idea. The railroads in front of these potential housing sites are planning to increase the number of freight trains passing through Oakland in the next few years. A typical freight train blocks access to Jack London Square for up to 10 minutes. Currently there is no fire department located on the west side of the RR tracks, so emergency vehicles would have to wait to cross the tracks.

It is time for the developers to adhere to the original plan approved for completion by 2019. Waterfront Action cannot support any extension of the Development Agreement for Ellis Partners.

Board of Trustees:

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Sincerely,

Sandra Threlfall

Sandra Threlfall, Executive Director

Attachments