

October 24, 2003

Planning Commission
1 City Hall Plaza
Oakland CA 94612
Attn: Claudia Cappio

Re: Jack London Square, Phase II EIR (Supplementary Remarks)

Dear Claudia:

In my previous EIR response letter to the Commission on June the 11th of this year, I commented on the themes of Historic Preservation and Building a Destination. Because of the comments made in the Design Review Committee meeting just this Wednesday, I'd like to elaborate somewhat and also address a number of ancillary issues that have arisen since then, which, in that same context, also bear consideration:

Lower Broadway and the Produce Market are obviously historic City assets which the Phase II Project (Project) inadvertently threatens for reasons previously given. Mark McClure's frustration with the potential for delay that entertaining such a sentiment presents is completely understandable, and I for one sympathize with him: no one wants to contribute to the impairment of the Project or its Developer by creating impossible barriers, particularly if those barriers seem to be mostly philosophic and not pragmatically derived solutions.

However, in consideration of the ³highest and best² for Oakland and the responsibility of the Commission to honor not only the intent of the Estuary Plan but also the opportunity to reverse the years of spot development which have led us to this impasse, consideration of an alternative plan or an expansion of the Project (as requested in the July 11 letter) is really not all that unreasonable, especially if, a) there's no question that an expanded Project will lead to a win=win which will accrue as much to the neighborhood < residents, businesses, retailers, Estuary Plan activists, etc. < as to the Developer, and, b) it folds into a more comprehensive plan for the entire City, something that even Hal Ellis during various speeches to the Chamber and elsewhere has identified as one of Oakland's missing components.

I believe Mark feels that the Developer should not have to bear the burden of the entire District's inadequacies, and I agree wholeheartedly; conversely, it is just as unfair to place that same burden on the neighborhood, particularly when it is, after all, the residents here who will have to suffer more than anyone else from the huge increases in pollution and congestion which the Project promises to bring < and for which there may be no solution other than to bet that within twenty years or so science will have found a way to clean up the atmosphere and, I guess, pare down on the amount of vehicular traffic that will, in 2020, be coming through already the second-most congested corridor in the United States today: I-880.

Therefore, it could as easily be reasoned that there should be no Project at all, and everyone should walk away before all these documented prognostications are allowed to kick in. Or there should be a more comprehensive plan placed into effect that everyone will want to participate in, help speed the Developer's buildout and let Oakland emerge into the 21st century as truly the ³World-class City² we've been hearing about ever since I came here almost 30 years ago. As much as I liked hearing that phrase over and over and then some, it really can't happen without world-class planning, and it seems to me, happily, that our Design Review Committee has the right stuff to step into that role and, given the abundance of unique assets here, figure out how to make the Jack London District one of the most fabulous destinations anywhere in the Bay Area.

The winds of change that have blown through Oakland recently are laden with opportunity: some of the senior staff who had no real love for this town are gone, leaving us with a clear canvas and clearly ready for a masterpiece. Bill Claggett told me, when I approached him and Andy Altman years ago with endorsements from every CDD and Councilperson in Oakland (plus an EDA / OEDE-sanctioned Study!) in hand in strong support of relocating the produce wholesalers out to the Army Base and, simultaneously, reusing our historic Produce Market as a Pike Place-like retail mecca, that ³Oakland was not Seattle² < case closed. I don't wish to imply that Bill was a bad guy necessarily, but as CEDA's caretaker the Oakland vision, something was surely missing in his assessment of the single area of Oakland that most people in the Bay Area think of as a positive. If Hal Ellis and City (and Port) staff now think its a great idea, as per the Harvest Hall, there must obviously have been a disconnect operating at the time, one that has brought us into our current situation.

And though I don't want to wallow in the past, it goes to the very heart of the problem to say that it's really quite unfair for the pre-Omar Port to have expended public funds in an effort to quash that Study and then turn around in support today of a Project that will all but assure the inexorable demolition of the Produce Market itself. That's not Hal's fault, to be sure, nor Omar's either, but the unfairness of it remains, especially since the community folks who want to save the Produce Market are the ones who, on top of the all the pollution mentioned earlier, will be made to sit by and suffer that loss too. Buying a toxic site (or a city asset) doesn't excuse either the new owner or the former owner from continuing responsibility to the surrounding neighborhood.

So I propose (yet again) coming up with an expanded plan which the community will endorse that: a) gets us the Jack London BART station at 4th & Broadway as soon as possible, b) gets us the Exhibition Hall / Convention Center Oakland needs, c) saves Lower Broadway and the Produce Market as historic preserves, d) relocates the produce wholesalers out onto the Army Base in a new, modern facility, e) brings two new Port-sized garages with their own direct-to-freeway offramps to flank the new Exhibition Hall / Convention Center / BART complex, f) presents a new gateway from downtown to our Waterfront as the most cogent symbol possible of Oakland's connection to the Pacific Rim.

If we are not going to take responsibility for that ³highest and best,² then it will not happen now or ever; for the window of opportunity will close, and we'll instead be left

with something that could all too easily turn out to be as insufferable for us Jack London area residents as it will be for the Developer, especially if the crowds necessary to patronize the Project fail to materialize for lack of proper access:

The environmental consultant, whom presumably one would hope actually cares about the environment, even in Oakland, may wish to duck these issues and point to some technological point or other as to why meaningful answers can't be forthcoming with respect to these critical issues of highest and best; however, it's high time our myriad of overlapping boards, commissions, agencies, etc., became a little bit less interested in endless process and whole lot more concerned with trying to guarantee everyone can actually have access to the kind of quality we're constantly told this and that developer can deliver, else why even bother to provide for public input at all if, all my tirades notwithstanding, the mere granting of entitlements is all this hullabaloo is really about?

Well, where's the money, one (our Mayor?) typically might ask? And the answer is that no one really has really given much thought as to how the rest of such an expanded Project might be wrapped up in conjunction with the County and offered out for bid as other communities have done for their own waterfronts or downtown revitalizations; however, it can't happen at all unless there's first a want to explore the notion that such a higher and better Project can indeed happen proactively < as opposed to going forward with a process that can only engender the kind of reactivity that leads to outright resistance.

Also, where are the owners? Mark seemed (and I apologize for constantly reading things into his remarks that may never have been there at all) almost impatient with the fact that the same old (some more than others) faces were there to critique the Project and no one representing the businesses, landlords, retailers, etc. came along to verify or deny the claims that were being made. I think that in the ten years and more that I've been attending meetings (usually about three or four a month, at least) to discuss the Jack London District specifically, those others who have had an interest one way or another have become dazed, confused and, ultimately, just plain tired. Better outreach may be the key, but I'm willing to bet that the stimulus of participating in a better, infinitely more exciting plan for the area will prove not only rewarding for everyone concerned, including the City itself, but will also attract six or seven times more people.

I trust this alternative to the Project is worthy of consideration: surely ³highest and best² can't mean only that which returns the greatest monetary return in the shortest amount of time when such a profound effect on Oakland's long term future and generations yet to come is concerned.

Cordially,

- Steve Lowe