

Payne, Catherine

From: Marcus Johnson <marcus.johnson@amstutzassociates.com>
Sent: Thursday, December 12, 2013 11:23 AM
To: Payne, Catherine
Subject: Proposed Development at JLS

Hi Catherine,

I attended the meeting last night, which I support.

My question, Will the agenda for the DRC be available on-line soon?

Marcus

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Marcus A. Johnson,
Amstutz Associates
Phone: 510.290.8300
www.amstutzassociates.com

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Payne, Catherine

From: Marcus Johnson <marcus.johnson@amstutzassociates.com>
Sent: Wednesday, February 19, 2014 10:25 AM
To: Payne, Catherine
Subject: Re: Jack London Square DA amendment

Hi Catherine,

What's happening with the Jack London Square DA Revision since the Design Review Committee in December?

Marcus

On Friday, December 13, 2013 1:02 PM, "Payne, Catherine" <CPayne@oaklandnet.com> wrote:
Interested Parties: Here is the link to the Jack London Square DA Revision Design Review Committee Staff Report:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak044317.pdf>

The report includes brief information regarding the approved project and analysis of the proposed revisions (and provides submitted plans and draft design guidelines). Please forward this to any other interested parties.

Please contact me with questions or comments for the Design Review Committee. Thank you.

Catherine Payne
Planning and Zoning Department, City of Oakland
Phone: (510) 238-6168
Email: cpayne@oaklandnet.com
Hours: M, T, Th, F: 9:00 a.m. – 1:45 p.m.

Payne, Catherine

From: Joanna Adler <joannaadler@yahoo.com>
Sent: Thursday, January 30, 2014 6:10 PM
To: Payne, Catherine
Cc: Miller, Scott
Subject: Re: Minimum project for JLS

Catherine,

Thanks -- I now understand the residential designations a little more clearly. I think it would have benefited the Developer to perhaps explain that a bit more clearly.

At this point there are several aspects of the JLS development that I am uncomfortable with:

1. The minimum plan somehow changed between the talks and the DA. From what I've heard, this is not an uncommon practice with Council, and I will bring it up during an open forum session at some point.
2. The pedestrian bridge between Site G and F1 is missing the outside access on the F1 side. This should be rectified immediately. The developer supposedly says it was not required, but I believe this should be part of any negotiation if they want something.
3. I am really uncomfortable with a complete waiver of office space, but perhaps a compromise can be reached. For example -- if you build x square feet of residential space, then you can release x square feet of office space. That becomes hard to police though. I'm just not open to a complete waiver because then we'll see these two buildings turn into full office buildings and the hopes of 24/7 activation will be even less. I'd really like to see some residential units there.
4. I know that things take time, but they've had their time and they squandered it. I also understand that the economy during some of their time was not in their favor. However, other developers have managed during this trying time and managed to make the most of it. I think the City was very generous in the deal they agreed to in the first place.

I had major surgery back in December, so I'm just starting to get back my energy. I'm happy to meet if you feel it would be helpful. Perhaps we can talk about ideas for compromise. I'm fine with residential, but I'm not sure that more residential with ground floor retail (especially done wrong) is the answer. But I'm also pretty clear that I want to stick with the same footprint and height limits for those sites that were agreed upon back with the original DA.

So when's the next public meeting?

Cheers,
Joanna

From: "Payne, Catherine" <CPayne@oaklandnet.com>
To: Joanna Adler <joannaadler@yahoo.com>
Cc: "Miller, Scott" <SMiller@oaklandnet.com>
Sent: Thursday, January 30, 2014 9:23 AM
Subject: RE: Minimum project for JLS

Hi, Joanna. I think your understanding of the DA is correct—there is a minimum square footage that must be constructed and it must be contained at one or more of a selection of sites. Regarding the residential proposal: 1) the proposal for residential development is a change to the approved project (residential was not approved in 2004 although the use was analyzed in the EIR); 2) currently, the only site on which residential use is permitted is Site G (based on the underlying zoning and General Plan designation); 3) A GPA would allow residential on both sites D and F2, as well; 4) the PUD regulations allow permitted uses and densities to be located anywhere within a PUD, meaning a developer could concentrate the permitted residential density from 3 parcels within their PUD onto one parcel even if it exceeds the permitted density/land use for that specific parcel. The applicant is requesting consideration of a GPA and of a revision to the PUD to accommodate the proposed residential uses and densities.

Joanna, please feel free to contact me or request a meeting to discuss your concerns. Also, please know that the DA and all approvals are available through the City Clerk or through me. You need only make the request and we will make the entire administrative record available to you. Please let me know if you have additional questions or require further clarification. Thank you.

Catherine Payne

From: Joanna Adler [mailto:joannaadler@yahoo.com]
Sent: Tuesday, January 28, 2014 10:58 PM
To: Payne, Catherine
Subject: Re: Minimum project for JLS

Hi -- I just wanted to check in and see if you'd had a chance to find any answers. I'm also wondering what the next meeting dates will be.

Thanks,
Joanna

From: "Payne, Catherine" <CPayne@oaklandnet.com>
To: joannaadler@yahoo.com
Sent: Friday, January 17, 2014 1:18 PM
Subject: RE: Minimum project for JLS

Hi, Joanna. I am doing some research before I respond to your questions below. Thank you for your patience.

Catherine Payne
Planning and Zoning Department, City of Oakland
Phone: (510) 238-6168
Email: cpayne@oaklandnet.com
Hours: M, T, Th, F: 9:00 a.m. - 1:45 p.m.

-----Original Message-----

From: Joanna Adler [mailto:joannaadler@yahoo.com]
Sent: Wednesday, January 15, 2014 11:41 PM

To: Payne, Catherine
Subject: Minimum project for JLS

Catherine -

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"1. Development of improvements on Development Parcel Site D and Development Parcel Site F-1, as shown on the Site Plan, containing a minimum of 145,000 square feet of space in the aggregate for any of the uses permitted for such Development Parcels pursuant to the Project Approvals, and in accordance with all terms and conditions of the Project Approvals."

I'm not a lawyer, so I don't really understand this. The spirit of the agreement that was discussed leading up to this agreement was quite clearly to say that the developer needed to build at least these two buildings, but what I understand in reading this is that they only have to build 145K square feet within one or both of these buildings (not F2/F3) -- is that correct? If so, this is the kind of frustration we face as citizens who do not get to see the DA, no matter how many times we ask for it...

Also, one of the Commissioners mentioned not understanding the JLS project's 24/7 aspect, and you might want to explain that they had originally marketed the project as having a world class cooking school, an art house movie theater, and offering more retail similar to the SF Ferry Building --- things that were supposed to give the area more appeal on evenings and weekends. They also have California Canoe and Kayak, which is a major source of cohesion holding the waterfront and retail together. Anytime you can see the waterfront in action - kayaks, ferries, ships, etc - it's great to have a reminder of the commerce, sport, and wildlife the water provides.

In regards to the Site G dwelling units that I asked you about - you said that it is in the DA, but I can't find it. Can you point me in the right direction? I can't find the footprint and height parameters either -- I know what was agreed to in the City Council meeting, but since things appeared to have changed behind closed doors and on paper, I'd love to have that pointed out to me. I'm trying to keep the sarcasm and bitterness out... and I'm trying to remind myself that I'm *FOR* residential being added to Jack London Square. I just want to see it be done in a way that makes sense. I can't appreciate their ways in trying to make it happen.

One last request -- can you make sure my name is added to the snail mail

notices? I post them in our building for others to see. My address is:

Joanna Adler
255 3rd St., #305
Oakland, CA 94607

Thank you for your help.

Cheers,
Joanna

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To: joannaadler@yahoo.com
Sent: Friday, January 17, 2014 1:18 PM
Subject: RE: Minimum project for JLS

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Catherine Payne
Planning and Zoning Department, City of Oakland
Phone: (510) 238-6168
Email: cpayne@oaklandnet.com
Hours: M, T, Th, F: 9:00 a.m. - 1:45 p.m.

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Joanna Adler
255 3rd St., #305
Oakland, CA 94607

Thank you for your help.

Cheers,
Joanna

Payne, Catherine

From: Joanna Adler <joannaadler@yahoo.com>
Sent: Friday, January 17, 2014 1:53 PM
To: Payne, Catherine
Subject: RE: Minimum project for JLS

Thanks, Catherine -- Much appreciated.

Cheers,
Joanna

On Fri, 1/17/14, Payne, Catherine <CPayne@oaklandnet.com> wrote:

Subject: RE: Minimum project for JLS
To: joannaadler@yahoo.com
Date: Friday, January 17, 2014, 1:18 PM

Hi, Joanna. I am doing some research before I respond to your questions below. Thank you for your patience.

Catherine Payne
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Phone: (510) 238-6168
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Thank you for your help.

Cheers,
Joanna

Payne, Catherine

From: jenny.ferrando@gmail.com on behalf of Jenny Ferrando <jenny@portworkspaces.com>
Sent: Tuesday, January 14, 2014 11:28 AM
To: Payne, Catherine
Subject: Jack London Square Development

Hello Catherine,

Per your discussion with Michael Carilli, I am sending you the link to the Save Jack London website. Is all the Estuary, Land Trust Act and other information correct and up to date?

Additionally, I am including the Change.Org link which shows the voices of over 100 local residence who are in opposition of the proposed changes.

<http://savejacklondon.org/>

<http://www.change.org/petitions/oakland-city-planning-commision-save-jack-london-square-waterfront>

--
Jenny Ferrando
The Port Workspaces
(510) 444-0770

Payne, Catherine

From: jenny.ferrando@gmail.com on behalf of Jenny Ferrando <jenny@portworkspaces.com>
Sent: Tuesday, January 14, 2014 2:59 PM
To: Payne, Catherine
Subject: Re: Jack London Square Development

Yes, Thank you.

On Tue, Jan 14, 2014 at 12:22 PM, Payne, Catherine <CPayne@oaklandnet.com> wrote:

Thank you. Would you like me to include the petition as a comment to submit to the ZUC on Wednesday?

Catherine Payne

Planning and Zoning Department, City of Oakland

Phone: **(510) 238-6168**

Email: cpayne@oaklandnet.com

Hours: M, T, Th, F: 9:00 a.m. – 1:45 p.m.

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Jenny Ferrando

The Port Workspaces

(510) 444-0770

--

Jenny Ferrando

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Payne, Catherine

From: jenny.ferrando@gmail.com on behalf of Jenny Ferrando <jenny@portworkspaces.com>
Sent: Tuesday, January 14, 2014 4:22 PM
To: Payne, Catherine
Subject: Re: Jack London Square Development

Is it possible to present a short slide show at tomorrow's meeting?

On Tue, Jan 14, 2014 at 12:22 PM, Payne, Catherine <CPayne@oaklandnet.com> wrote:

Thank you. Would you like me to include the petition as a comment to submit to the ZUC on Wednesday?

Catherine Payne

Planning and Zoning Department, City of Oakland

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Jenny Ferrando

The Port Workspaces

(510) 444-0770

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Jenny Ferrando

The Port Workspaces

(510) 444-0770

Payne, Catherine

From: Joanna Adler <joannaadler@yahoo.com>
Sent: Monday, May 12, 2014 9:45 PM
To: Payne, Catherine
Cc: Gary Knecht
Subject: Re: Minimum project for JLS

Catherine,

I got two notices again today (I must be on the list twice now after not getting any notices before)... but hey, I'm happy to get noticed!

I was wondering if I could get a paper copy of the addendum by tomorrow afternoon? I am going out of town on Wednesday and want to read the addendum on the plane. I tried to download it tonight, but it's 355 pages! Having a paper copy would be helpful.

It is a tad frustrating that this was moved to 5/21. I get back that morning from Toronto. With so many people out of town, it would be nice to have it moved to the next meeting. It's frustrating to get this 355 page document now -- it's like a dry novel that I need to read over my family visit. Ugh. But I guess I'll do what I have to do... but a hard copy would be helpful.

I'll make my way downtown if you can make it happen.

Thanks,
Joanna
(510) 435-0771

From: "Payne, Catherine" <CPayne@oaklandnet.com>
To: Gary Knecht <knechtgary@aol.com>; Joanna Adler <joannaadler@yahoo.com>
Sent: Thursday, May 1, 2014 9:23 AM
Subject: RE: Minimum project for JLS

I am furrowing my brow because I specifically provided a mailing list with both of your addresses (as well as others) to the administrative staff with instructions to provide you with the May 7 agenda. Please note that the item was removed from the May 7 agenda and will now be on the May 21 agenda. I will AGAIN direct administrative staff to include you in the mailing for that agenda. I apologize for this.

Catherine Payne
City of Oakland Bureau of Planning
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612
Email: cpayne@oaklandnet.com
Phone: 510.238.6168
Hours, M, T, Th, F, 9 a.m. – 2 p.m.

From: Gary Knecht [mailto:knechtgary@aol.com]
Sent: Wednesday, April 30, 2014 10:23 PM
To: Joanna Adler
Cc: Payne, Catherine
Subject: Re: Minimum project for JLS

Nor have I.

Gary Knecht
The Egghouse
229 Harrison Street
Oakland, CA 94607
Land: 510-893-9829
Cell: 510-502-9829

On Apr 30, 2014, at 9:48 PM, Joanna Adler <joannaadler@yahoo.com> wrote:

Fyi, I have never received any notice of the meeting you mentioned coming up next week.

Joanna

Sent from Yahoo Mail on Android

From: Payne, Catherine <CPayne@oaklandnet.com>;
To: Joanna Adler <joannaadler@yahoo.com>;
Subject: RE: Minimum project for JLS
Sent: Tue, Apr 1, 2014 4:04:56 PM

The item is now scheduled for the May 7 Planning Commission agenda. I will not schedule the item for City Council until after the Planning Commission hearing. I just double-checked and you are on the USPS mailing list for this project so you SHOULD receive the agenda for this item. Please let me know if you have any questions. Thank you, Catherine

From: Joanna Adler [mailto:joannaadler@yahoo.com]
Sent: Monday, March 31, 2014 11:16 PM
To: Payne, Catherine
Subject: Re: Minimum project for JLS

Catherine,

I've been preoccupied... has anything happened? I haven't seen any notices in my stack of my mail and my neighbors haven't said anything about meetings in March or anything coming up. Have I missed something?

Thanks,
Joanna

From: "Payne, Catherine" <CPayne@oaklandnet.com>
To: Joanna Adler <joannaadler@yahoo.com>
Sent: Friday, January 31, 2014 8:12 AM
Subject: RE: Minimum project for JLS

Joanna: I will submit your comments to the record and they will be included in the Planning Commission staff report. The next hearing is the tentatively scheduled Planning Commission meeting on April 2. I suspect the item will be pushed out further into April or May, but I have reserved a spot on that agenda. You ARE on the

mailing list (I have confirmed that), so you SHOULD receive a notice of that meeting. We do not need to meet unless you want to. Please let me know if you have additional thoughts or questions. Thanks,

Catherine Payne

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Joanna, please feel free to contact me or request a meeting to discuss your concerns. Also, please know that the DA and all approvals are available through the City Clerk or through me. You need only make the request and we will make the entire administrative record available to you. Please let me know if you have additional questions or require further clarification. Thank you.

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Thank you for your help.

Cheers,
Joanna

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From: Joanna Adler <joannaadler@yahoo.com>
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To: Payne, Catherine
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Thank you for your help.

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Payne, Catherine

From: jenny.ferrando@gmail.com on behalf of Jenny Ferrando <jenny@portworkspaces.com>
Sent: Tuesday, January 14, 2014 4:49 PM
To: Payne, Catherine; Michael
Subject: Petition Comments
Attachments: Save JLS Petition Comments.pdf

Hello Catherine,

Attached you will find a PDF of all the comments that have been submitted via change.org.

If you have any questions, please let me know.

--

Jenny Ferrando
The Port Workspaces
(510) 444-0770

Payne, Catherine

From: Gary Knecht <knechtgary@aol.com>
Sent: Thursday, May 01, 2014 10:50 AM
To: Payne, Catherine
Cc: Joanna Adler
Subject: Re: Minimum project for JLS

And, of course, I will be out of town on the 21st. :-)

But I'd like to be notified and see the staff report.

Gary Knecht
The Egghouse
229 Harrison Street
Oakland, CA 94607
Land: 510-893-9829
Cell: 510-502-9829

On May 1, 2014, at 9:23 AM, Payne, Catherine <CPayne@oaklandnet.com> wrote:

I am furrowing my brow because I specifically provided a mailing list with both of your addresses (as well as others) to the administrative staff with instructions to provide you with the May 7 agenda. Please note that the item was removed from the May 7 agenda and will now be on the May 21 agenda. I will AGAIN direct administrative staff to include you in the mailing for that agenda. I apologize for this.

Catherine Payne
City of Oakland Bureau of Planning
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612
Email: cpayne@oaklandnet.com
Phone: 510.238.6168
Hours, M, T, Th, F, 9 a.m. – 2 p.m.

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229 Harrison Street
Oakland, CA 94607
Land: 510-893-9829
Cell: 510-502-9829

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Joanna

Sent from Yahoo Mail on Android

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To: Joanna Adler <joannaadler@yahoo.com>;
Subject: RE: Minimum project for JLS
Sent: Tue, Apr 1, 2014 4:04:56 PM

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From: Joanna Adler [<mailto:joannaadler@yahoo.com>]
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Subject: RE: Minimum project for JLS

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Email: cpayne@oaklandnet.com
Hours: M, T, Th, F: 9:00 a.m. - 1:45 p.m.

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Joanna Adler
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Thank you for your help.

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From: Gary Knecht <knechtgary@aol.com>
Sent: Wednesday, May 07, 2014 2:03 PM
To: Payne, Catherine
Cc: Joanna Adler
Subject: Re: Minimum project for JLS

Thanks--In today's mail I received TWO agendas, one with a label and one that was typed. When will the staff report be available?—Gary

Gary Knecht
The Egghouse
229 Harrison Street
Oakland, CA 94607
Land: 510-893-9829
Cell: 510-502-9829

On May 1, 2014, at 10:58 AM, Payne, Catherine <CPayne@oaklandnet.com> wrote:

Yes, I just checked with our administrative staff (and made them show me the address labels), so we will all hope for the best in terms of mailing.

From: Gary Knecht [<mailto:knechtgary@aol.com>]
Sent: Thursday, May 01, 2014 10:50 AM
To: Payne, Catherine
Cc: Joanna Adler
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And, of course, I will be out of town on the 21st. :-)

But I'd like to be notified and see the staff report.

Gary Knecht
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I thought the staff report wasn't available until Friday May 16. What is the "addendum" that runs 355 pages?

Gary Knecht
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Land: 510-893-9829
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On May 12, 2014, at 9:44 PM, Joanna Adler <joannaadler@yahoo.com> wrote:

Catherine,

I got two notices again today (I must be on the list twice now after not getting any notices before)... but hey, I'm happy to get noticed!

I was wondering if I could get a paper copy of the addendum by tomorrow afternoon? I am going out of town on Wednesday and want to read the addendum on the plane. I tried to download it tonight, but it's 355 pages! Having a paper copy would be helpful.

It is a tad frustrating that this was moved to 5/21. I get back that morning from Toronto. With so many people out of town, it would be nice to have it moved to the next meeting. It's frustrating to get this 355 page document now -- it's like a dry novel that I need to read over my family visit. Ugh. But I guess I'll do what I have to do... but a hard copy would be helpful.

I'll make my way downtown if you can make it happen.

Thanks,
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(510) 435-0771

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I have a question about the question of "minimum project." After the meeting, Mr. Rubenstein (sp?) from JLSP came up to me and said that I was wrong about Site D being part of the minimum project. He said that it was Site D *OR* one of the F buildings. So I went to the Development Agreement, which I found is indeed now online (thank you), and here is what it says on page 115 (Exhibit E: Minimum Project) of the pdf:

"1. Development of improvements on Development Parcel Site D and and Development Parcel Site F-1, as shown on the Site Plan, containing a minimum of 145,000 square feet of space in the aggregate for any of the uses permitted for such Development Parcels pursuant to the Project Approvals, and in accordance with all terms and conditions of the Project Approvals."

I'm not a lawyer, so I don't really understand this. The spirit of the agreement that was discussed leading up to this agreement was quite clearly to say that the developer needed to build at least these two buildings, but what I understand in reading this is that they only have to build 145K square feet within one or both of these buildings (not F2/F3) -- is that correct? If so, this is the kind of frustration we face as citizens who do not get to see the DA, no matter how many times we ask for it...

Also, one of the Commissioners mentioned not understanding the JLS project's 24/7 aspect, and you might want to explain that they had originally marketed the project as having a world class cooking school, an art house movie theater, and offering more retail similar to the SF Ferry Building --- things that were supposed to give the area more appeal on evenings and weekends. They also have California Canoe and Kayak, which is a major source of cohesion holding the waterfront and retail together. Anytime you can see the waterfront in action - kayaks, ferries, ships, etc - it's great to have a reminder of the commerce, sport, and wildlife the water provides.

In regards to the Site G dwelling units that I asked you about - you said that it is in the DA, but I can't find it. Can you point me in the right direction? I can't find the footprint and height parameters either -- I know what was agreed to in the City Council meeting, but since things appeared to have changed behind closed doors and on paper, I'd love to have that pointed out to me. I'm trying to keep the sarcasm and bitterness out... and I'm trying to remind myself that I'm *FOR* residential being added to Jack London Square. I just want to see it be done in a way that makes sense. I can't appreciate their ways in trying to make it happen.

One last request -- can you make sure my name is added to the snail mail notices? I post them in our building for others to see. My address is:

Joanna Adler
255 3rd St., #305
Oakland, CA 94607

Thank you for your help.

Cheers,
Joanna

Payne, Catherine

From: Chuck Flacks <chuck.flacks@gmail.com>
Sent: Thursday, December 12, 2013 12:44 PM
To: Payne, Catherine
Subject: Jack London Developments

Hello,

I attended the presentation last night at the Waterfront Hotel and was, frankly, shocked at people's NIMBY-like reactions. I wanted to add my list to the strong supporters who feel that Jack London Square must have a critical mass of residents to fuel economic growth.

As a resident of the Allegro complex, I'm in love with the gritty, warehouse district with its vibrant mix of old industry and new, artisanal coffees, bagels, beer, wine and the ever-present sounds of the trains rolling through. The neighborhood lacks grocery stores, drug stores, and other conveniences that a truly well-rounded community requires. Such new business cannot flourish without the right density of residents.

Jack London Square is a partially-realized dream. While new housing is growing, storefronts and offices sit empty. While some restaurants are succeeding, there is a shortage of more family-friendly dining and faster food options. I welcome the influx of hundreds (maybe thousands) of new units that will pump up the energy and vibrancy of this potential community.

I would support any of the three options that the developers propose that maximize housing. Desirable housing in Oakland is often expensive and more units will help to control some of these rising costs. I also hope that there will be a healthy mix of rental and ownership options to accommodate a mix of incomes in our community.

I would be very interested in testifying in support of this project when the time comes. Please keep me posted on the approval hearings and how I can be supportive.

Sincerely,

--

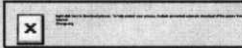
Chuck Flacks
Cell: 858-229-9197

Payne, Catherine

From: Flynn, Rachel
Sent: Sunday, May 04, 2014 3:38 PM
To: Payne, Catherine
Subject: Save Oakland waterfront from condo development

Catherine – FYI. I forwarded this to Jim Falaschi, as well. Rachel

On Sat, May 3, 2014 at 8:56 AM, Change.org <mail@change.org> wrote:



Rachel - There's a new petition taking off on Change.org, and we think you might be interested in signing it:



Oakland City Planning Commision: Save Jack London Square Waterfront

By Save JackLondonSquare
Oakland, California

[Sign the Petition](#)

We Oppose

- Raising waterfront building heights to 26 stories
- Eliminating retail from agreed development plan
- Privatizing waterfront access
- Closing off our landmark Jack London Square Gate with faceless garage walls

We Demand

- Reasonable time to consider any proposed changes

- Full architectural plans for review - no blank checks

We Support

- New residential construction at appropriate heights and sites
-

WE OPPOSE:

WE OPPOSE increasing building height **up to 26 stories on Embarcadero**. This would allow a wall-like barrier between our city and its waterfront, blocking views and sunlight, and destroying the carefully-planned, approachable scale of the existing Development Agreement.

WE OPPOSE **100% private, 100% condo projects** at the water's edge. There is no need to change the existing Development Agreement, which guarantees balanced, mixed-use construction with storefronts and public engagement on critical streets and corners.

WE OPPOSE **closing off our landmark Jack London Square Gate** with faceless garage walls and apartment lobbies.

WE OPPOSE a **privatized waterfront**. The existing Development Agreement guarantees 33% to 50% retail-public access at these sites. The proposed changes allow **0% public access**.

WE OPPOSE creating **the first precedent in Oakland** for high-rise construction at the water's edge. Such a precedent creates a Trojan horse for other developers to bring a **towering wall of condos** – a lifeless, privatized Miami Beach complex – to our waterfront.

WE DEMAND:

WE DEMAND **reasonable time to consider** any proposed changes – weeks to review and comment, not days as currently scheduled.

WE DEMAND **full architectural plans** by which to judge the impact on our community, not non-binding renderings. These proposals give no guarantee of the final use or appearance of these massive structures. Other major developments, such as the Ellington Condominium, offered this courtesy to the community.

WE STRONGLY SUPPORT:

WE STRONGLY SUPPORT **new residential construction, at appropriate**

heights and sites. Other more appropriate JLS sites are available for high-rise and mid-rise residences, without walling-off a historic waterfront and privatizing a resource meant for the whole community.

Sign the Petition

The person (or organization) who started this petition is not affiliated with Change.org. Change.org did not create this petition and is not responsible for the petition content.

This email was sent by Change.org to 1rachel.flynn@gmail.com. You can [edit your email preferences](#) or [unsubscribe](#) from Change.org emails.

[Start a petition on Change.org](#)

Mailing Address: 216 West 104th Street, Suite #130 · New York, NY 10025 · USA



Payne, Catherine

From: Ben Delaney <ben@cyberedge.com>
Sent: Friday, May 09, 2014 4:09 PM
To: EW.Oakland@gmail.com; jahazielbonillaoaklandpc@gmail.com; Pattillo, Chris; Moore, Jim; Coleman, Michael; nagrajplanning@gmail.com; At Large; lynnettemcelhaney@gmail.com; 'Mayor Jean Quan'; Gallo, Noel; Lautze, Steve; Prado (Lederer), Margot; Rose, Aubrey; Valeska, David; Payne, Catherine
Cc: 'bill stotler'; 'Sandra Threlfall'; 'Vivian Kahn'; 'Joel Pool'; 'michael'; 'Gary Knecht'; 'Joe Tuman'; 'Alex Miller-Cole'
Subject: Changes to Jack London Sqwuare PUD agreement. Case #EDR030004, PUD13170, DA13171
Attachments: Planning Comm Ltr-JLS development (14May09).pdf

Good day,

Attached please find a letter stating the views of the Jack London District Association (JLDA) and the residents and businesses in the Jack London District, many of whom will be directly affected by the Planning Commission decision regarding the above note matters, particularly that requested changes to the existing PUD for Jack London Square, to the benefit of Ellis Partners, Jack London Square, and other participants in the development agreement.

This letter is the result of an Town Hall meeting sponsored by the JLDA in January at which the Developers presented their plans and the community, represented by about 75 individuals, discussed those plans.

The consensus of that meeting is:

- More residential units in the Jack London District are desirable.
- Changing the developers' mandate to allow residential in place of office development is acceptable.
- The high-rise options at sites D and F2 are NOT acceptable to a large majority of those in attendance.
- The low-or mid-rise options will be acceptable.
- Ground-floor retail space along the Embarcadero at site D is essential.

The letter attached provides more details.

We look forward to this letter being part of the public commentary on this project. We will be attending the May 21 meeting, at which time we will be providing additional comments.

Thank you for your diligence in this matter.

Ben Delaney, President
Jack London District Association

655 3rd Street, Box 21, Oakland, CA 94607, 510 473-JLDA
Direct: 510 419-0800, president@JLDA.org, www.JLDA.org

Payne, Catherine

From: jenny.ferrando@gmail.com on behalf of Jenny Ferrando <jenny@portworkspaces.com>
Sent: Tuesday, January 14, 2014 2:59 PM
To: Payne, Catherine
Subject: Re: Jack London Square Development

Yes, Thank you.

On Tue, Jan 14, 2014 at 12:22 PM, Payne, Catherine <CPayne@oaklandnet.com> wrote:

Thank you. Would you like me to include the petition as a comment to submit to the ZUC on Wednesday?

Catherine Payne

Planning and Zoning Department, City of Oakland

Phone: **(510) 238-6168**

Email: **cpayne@oaklandnet.com**

Hours: M, T, Th, F: 9:00 a.m. – 1:45 p.m.

From: jenny.ferrando@gmail.com [mailto:jenny.ferrando@gmail.com] **On Behalf Of** Jenny Ferrando
Sent: Tuesday, January 14, 2014 11:28 AM
To: Payne, Catherine
Subject: Jack London Square Development

Hello Catherine,

Per your discussion with Michael Carilli, I am sending you the link to the Save Jack London website. Is all the Estuary, Land Trust Act and other information correct and up to date?

Additionally, I am including the Change.Org link which shows the voices of over 100 local residence who are in opposition of the proposed changes.

<http://savejacklondon.org/>

<http://www.change.org/petitions/oakland-city-planning-commision-save-jack-london-square-waterfront>

--

Jenny Ferrando

The Port Workspaces

(510) 444-0770

--

Jenny Ferrando

The Port Workspaces

(510) 444-0770

Payne, Catherine

From: Sandra Threlfall <info@waterfrontaction.org>
Sent: Wednesday, April 23, 2014 12:44 PM
To: Payne, Catherine
Subject: Jack London Square Towers
Attachments: JLS Stipulated Judgement 5-6.pdf; JLS Stipulated Judgement 18-25.pdf; JLS Dec.2013 letter.pdf; JLS Public Trust issues.pdf

Catherine,

I am sending these documents to enhance your understanding of Public Trust requirements, based on our conversation at the Aquatic Center a few weeks ago. Waterfront Action opposes any changes to the original development agreement, both the amendment and the extension.

I have included the December letter and two attachments related to the "Stipulated Agreement of 2005."

Thank you,

Sandra Threlfall
Executive Director

- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
 - Provisions for accommodation of pedestrian flow, particularly along Embarcadero.
 - Location of construction staging areas for materials, equipment, and vehicles.
 - Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; and provision for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant.
 - Temporary construction fences to contain debris and material and to secure the site.
 - Provisions for removal of trash generated by project construction activity.
 - A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaints manager.
- Compliance with the commitments made in Ellis letter, dated April 10, 2014 and included in the staff report.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on _____. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

**Attachment G:
DRC Staff Report, dated December 18, 2013**

Location:	Jack London Square Development Project: Sites D at Broadway and F2 at Harrison Street (south of Embarcadero).
Proposal:	Amendment #1 to adopted PUD to include three residential options each for Sites D and F2.
Applicant:	Ellis Partners, Matt Weber: (415) 391-9800
Owner:	Ellis Partners
Planning Permits Required:	Revision to PUD, Design Review, Possible minor variances for loading and open space conventions; compliance with CEQA.
General Plan:	Site D=Retail, Dining and Entertainment-1; and Site F2=Waterfront Commercial Recreation-1.
Zoning:	C-45 Community Shopping Commercial Zone
Environmental Determination:	Final EIR certified on March 17, 2004 by the Planning Commission; determination of compliance with CEQA is currently underway.
Historic Status:	None for affected sites.
Service Delivery District:	I – Downtown/West Oakland/Harbor
City Council District:	3 – Lynette Gibson McElhaney
Action to be Taken:	Conduct design review
Finality of Decision:	NA
For further information:	Contact case planner Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com

SUMMARY

The purpose of this report is to provide design review analysis of a proposed amendment to the Planned Unit Development (PUD) Preliminary Development Permit (PDP) for the Jack London District Development Agreement and Planned Unit Development (case files ER030004, DA13171 and PUD13170). The City of Oakland originally approved the nine-site, multi-phased development project known as "Jack London Square" in 2004. Three sites have been constructed, and the applicant is currently seeking revisions to the entitlements for the remainder of development opportunities in Jack London Square. In summary, the applicant proposes extending the term of the Development Agreement (DA) from 2019 to 2027, eliminating a cap on office space, and adding residential options for two project sites, D and F2. The applicant is specifically requesting consideration of revision to the PDP to include three residential options for each site (for a total of six residential options). These would be in addition to the currently approved commercial development PDPs for each site. Any approved PDP would require a Final Development Permit (FDP) to be considered by the Planning Commission before receiving any construction-related permits.

CITY OF OAKLAND PLANNING COMMISSION



Case File: ZPI20056
Applicant: Ellis Partners
Address: Jack London Square Development Agreement
Zone: C-45

PROJECT SITE AND SURROUNDING AREA

The Jack London Square project site is a nine-site area located along the Oakland Estuary (at the southern terminus of Broadway) between Clay and Alice Streets. More specifically, Jack London Square project "Site D" is located immediately south of Embarcadero (and the Union Pacific right-of-way) on the west side of Broadway. Surrounding land uses include entertainment, dining and destination retail uses and the Jack London Square Marina to the south. "Site F2" is located immediately south of Embarcadero between Harrison and Alice Streets. Adjacent uses include the "Site F1" commercial building to the west, the Union Pacific right-of-way and "Site G" garage and commercial building and Amtrak passenger train station to the north, residential uses to the east, and a vacant lot ("Site F3", a planned hotel site) to the south.

PROJECT BACKGROUND

As briefly mentioned in the Summary Section above, the City of Oakland approved the nine-site, multi-phased development project known as "Jack London Square" in 2004. The project is located on sites located throughout the Jack London District of Oakland, south of Interstate 880, and owned by the Port of Oakland. The project was subject to an Environmental Impact Report, Preliminary and Final Development Permits (and appeal), Major Conditional Use Permit (and appeal), Major Variance, Rezone, Development Agreement (and appeal), with final approvals for the land use entitlements granted by the Oakland City Council on June 15, 2004.

The adopted project is an entirely commercial development scheme that supports the retail, entertainment and dining uses in the project area. The project was subject to a high level of design scrutiny in 2004 with a concern for how buildings would relate to the waterfront, to the public spaces in Jack London Square (including the Bay Trail), and to nearby residential uses.

Since 2004, the project proponent has developed three sites: Sites "C", "G" and "F1". "Site C" is a commercial building that includes 16,000 square feet of above-ground floor office space and 16,000 square feet of vacant retail, dining and entertainment space on the ground floor. "Site G" includes 1,086 parking spaces (although the site was only required to have 743 spaces), 30,000 square feet of vacant retail space on the ground floor, and a pedestrian bridge connecting the building to Jack London Square over the railroad ROW along Embarcadero. "Site F1" is a six-story building with an approximately 33,000 square-foot footprint, and encompasses a total of 191,000 square feet; there is a restaurant located on the ground floor and mostly occupied office uses on the upper floors.

The approved uses for sites D and F2 are as follows:

- Site D: The approved use is for up to 190,000 square feet of retail and office uses, including a theatre. The approved maximum building height is 140 feet.
- Site F2: The approved use is for up to 149,000 square feet of retail and office uses, and up to 550 parking spaces. The approved maximum building height is 125 feet.

PROJECT DESCRIPTION

In summary, the proposed project includes three components:

- The extension of the term of the DA from 2019 to 2027;
- Removal of the 350,000 square-foot cap on office space; and
- The inclusion of six residential options for Sites D and F2 (three options for each site, including low-, mid- and high-rise).

More specifically, the proposal includes the following:

	Existing DA/PUD	Proposal	Requirements
Site D	Retail, office (190k sf)	Residential (168,294 sf) (1:1 parking)	Amend PUD, DA and GPA
Site F2	Retail, office, parking (149k sf/550 pkg)	Residential (369,235 sf) (1:1 parking)	Amend PUD, DA and GPA
Site G	Garage (completed)	Allow residential use (to be transferred to Sites D and F2)	Amend PUD and DA
Remove office cap	350,000 sf max		Amend PUD and DA
DA	Expires 12/31/19	Proposed expiration date: 12/31/27	Amend DA
Overall PUD	291 du (limited to Site G)	Up to 666 du on Sites D and F (combined)	Amend PUD and GPA

GENERAL PLAN ANALYSIS

Existing General Plan Land Use Classifications

The Jack London Square Project is located in the Estuary Policy Plan Area of the Oakland General Plan, which was adopted in 1999.

The F2 project site is located in the Waterfront Commercial Recreation 1 (WCR-1) land use classification of the General Plan. The intent of this classification is to “extend public-oriented waterfront activities west from Webster Street to Alice Street, in conjunction with enhanced public access, open space, and recreational opportunities.” (EPP, page 132) With regards to desired character, “Future development in this area should be primarily retail, restaurant, cultural, office, hotel, commercial-recreational, conference, exhibition, performances, shows, parks, and public open spaces, and recreational opportunities with active public-oriented uses on ground

floors on streets and adjacent to open space areas.” (EPP, page 132) The average floor area ratio (FAR) over the entire area is 3.0. Residential uses are not included in this land use classification.

Site D is located in the Retail, Dining, Entertainment Phase 1 (RDE-1) land use classification of the General Plan. The intent of this classification is to “intensify and enhance public-oriented uses and activities that strengthen the attractiveness of the area as an active and pedestrian-friendly waterfront destination.” (EPP, page 132) With regards to desired character, “future development in this area should be primarily retail, restaurant, entertainment, marina support, cultural, hotel, upper level offices, parks, and open space with active uses on the ground level of principle streets.” (EPP, page 132) The average FAR over the entire area is 3.5. Residential uses are not included in this land use classification.

Proposed General Plan Land Use Classification

Summary of Proposed General Plan Amendment

	Current GP	Proposed GP		Allowable FAR	Requirements
Site D	RDE-1 (3.5 FAR, no residential)	RDE-2	166.67 du/ac (92 du/666 du*)	7.0 FAR	GPA
Site F2	WCR-1 (3.0 FAR, no residential)	MUD	166.67 du/ac (283 du/666 du*)	5.0 FAR	GPA

*GP density can be applied in an additive manner within a PUD. Therefore, unrealized residential density for Site G (291 du) can be added to build-out for Sites D and F2 sites. The total number of units for the PUD would be 666.

The applicant proposes a General Plan Amendment (GPA) to allow residential uses on both Sites D and F2.

The applicant proposes amending the Site D land use designation to become Retail, Dining, Entertainment Phase 2 (RDE-2). The intent of this classification is to “enhance and intensify Lower Broadway as an active pedestrian-oriented entertainment district that can help to create stronger activity and pedestrian linkages with downtown Oakland, Old Oakland, and Chinatown.” (EPP, page 132) With regards to desired character, “Future development in this area should be primarily retail, restaurant, entertainment, hotel, upper level office, cultural, parks public open space, and any other use that is complementary to active public-oriented ground-level uses.” (EPP, p. 132) The maximum FAR is 7.0, and the district allows 125 dwelling units per gross acre. In summary, the difference between the RDE-1 and RDE-2 designations is that the latter allows residential uses and emphasizes pedestrian-oriented development with active public-oriented uses on the ground floor.

The applicant proposes amending the Site F2 land use designation to become Mixed Use District (MUD). The intent of his classification is to “Encourage the development of nontraditional higher density housing (work/live, lofts, artist studios) within a context of commercial and light industrial/manufacturing uses.” (EPP, p.133) With regards to desired character, “Future development in this area should be primarily light industrial, warehousing, wholesale, retail, restaurant, office, residential, work/live, loft units, parks, and public open spaces with manufacturing, assembly, and other uses that are compatible with adjacent uses.” (EPP, p. 133) The maximum FAR is 5.0, and the district allows up to 40 dwelling units per gross acre.

ZONING ANALYSIS

Zoning District Analysis

Both Sites D and F2 are currently zoned C-45 Community Shopping Commercial Zone (C-45 zone). The applicant does not propose a rezone. The existing zoning regulations are consistent with the proposed General Plan land use designations and would allow the proposed physical changes to the project (residential options and removal of office cap). The intent of the C-45 zone is to “create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares.” (Oakland Planning Code) The outright permitted residential density is one dwelling unit per 300 square feet of lot area. The maximum FAR is 7.0 (and may be exceeded by 10 percent on any corner lot). In terms of the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (technically expired but useful for analysis’ sake), the C-45 zone is a “best fit” zone for the proposed General Plan classifications (RDE-2 and MUD, respectively).

“Best Fit” Zoning District Analysis

Site	Current Zone	Proposed GP	Consistency*
Site D	C-45	RDE-2	“Best Fit” zone
Site F2	C-45	MUD	“Best Fit Zone

*Per Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations”, Amended March 15, 2011 and currently expired.

The following table compares the proposed project with the C-45 development standards:

Zoning Criteria	C-45 Development Standards	Site D Proposal	Site F2	Comments
Land Use	Includes permanent residential	Permanent Residential	Permanent Residential	Complies
Density	1 unit / 300 s.f. lot area	NA	NA	Density does not apply in Estuary Plan area if GP FAR not exceeded
Front Yard	0'			Complies
Street Side Yard	0'			Complies

Zoning Criteria	C-45 Development Standards	Site D Proposal	Site F2	Comments
Interior Side Yard	0' unless if opposite living room window, then 8' plus 2' additional for each story above ground level			Complies
Courts	Required opposite legally required windows		Courts provided	Complies
Rear Yard	0'			Complies
Building Height	No height limit	17 stories, max	26 stories, max	Complies
Open Space	150 s.f. group/unit (private space reduces requirement by 50%)			To Be Determined
Parking	1 space/residential unit			Complies
Loading	2 berths for up to 3k sf, 3 berths for up to 6k sf	2 spaces required; No information provided	3 spaces required; No information provided	To Be Determined
Bicycle Parking	Long-term: 1 per 4 units Short-term: 1 per 20 units	No information provided	No information provided	To Be Determined
Recycling Space	2 cubic feet of space per unit	No information provided	No information provided	To Be Determined

PUD Analysis

The proposed revisions to the PUD include the addition of residential options for Sites D and F2 and the removal of the cap on office uses in the entire PUD area. The PUD allows permitted density and FAR to be applied in an additive manner throughout the PUD area. This means that the available FAR from one PUD site can be added to another site located within the same PUD. The proposed residential options rely on this calculation to maximize the allowable density and FAR for Sites D and F2, as shown below.

Site D

Site D PUD Requirement		Consistency of Site D Proposal	Requirements
Land Use	90k sf Retail/ 59k sf Office	168,294 sf residential/ 92-666 du	PUD amendment required
FAR	7.0 FAR (168,294 sf/886,723 sf sitewide*)	Complies	Consistent with PUD
Footprint	38k sf	Complies	Consistent with PUD
Height	140 feet	Exceeds	PUD amendment required
Square footage	190k sf	168,294 sf	Consistent with PUD

*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194 sf) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

Site F2

Site F2 PUD Requirement		Consistency of Site F2 Proposal	Requirements
Land Use	15k sf Retail/ 134k sf Office	168,294 sf residential/283-666 du	PUD amendment required
FAR	5.0 FAR (73,847 sf/886,723 sf sitewide*)	Complies	Consistent with PUD
Footprint	57k sf	Complies	Consistent with PUD
Height	125 feet	Exceeds	PUD amendment required
Square footage	149k sf	168,294 sf	PUD amendment required
Parking	550 spaces		

*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

Office Cap

	Existing	Proposed	Requirement	
Office cap	350k sf	Unlimited	Requires amendment to PUD	Must comply with FAR and density requirements

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Planning Commission certified an EIR for the existing PUD and DA on March 17, 2004. The EIR considered an envelope of development or up to 960,700 square feet of commercial uses. The proposed project would develop up to 1,287,700 net new gross square feet of commercial and residential uses (including up to 665 dwelling units not previously proposed and a "Maximum Commercial Scenario" that would develop up to 960,700 net new gsf of commercial uses (similar to the project analyzed in the 2004 EIR).

An Addendum is appropriate, indeed required, when none of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred, specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon preliminary information, the City believes that none of the circumstances described above have occurred since 2004. Hence, the City is precluded from preparing a supplemental or subsequent EIR. The appropriate CEQA documentation would be an Addendum. The Addendum will be filed with future staff reports to the Planning Commission and City Council with a request for further consideration of the application.

DESIGN AND RELATED ISSUES*Design*

The proposed project is a revision to a Planned Unit Development (PUD) and a Preliminary Development Plan (PDP). Consistent with Planning Code Section 17.140.020, a PDP should show, "streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas; location and approximate dimensions of structures; utilization of structures, including activities and the number of living units; estimated population; reservations for public uses, including schools, parks, playgrounds, and other open spaces; major landscaping features;

relevant operational data; and drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces.” Architecturally, a PDP is less refined than a Final Development Plan (FDP) and need only include massing models (and not show fenestration and/or finishes, for example).

The JLD applicant has provided massing models and preliminary site planning information for three residential density options for each of Sites D and F2. In addition, the applicant has provided an illustrative depicting what a 20+-story tower on F2 might look like, images of primary building entrances, and images of materials and details that provide a sense of what future buildings might look like (see Attachment A). The massing models are rough and represent only an outer box in which any future development would be located. Plans also indicate a pedestrian promenade between Sites F2 and F3

Refinement of the massing model and added details would be provided at the time of FDP submittal. At the time of FDP submittal, staff would expect to receive the following design information:

- Schematic building design drawings, showing:
 - Refined massing, indicating distinct features of the proposed building such as (but not limited to) base, middle and top, and actual projections and recesses;
 - Window schedule;
 - Exterior materials details;
 - Location and design of required open space;
- Landscaping plans;
- Public right-of-way and off-site design and details adjacent to development:
 - Design of corner at Broadway and Embarcadero, including special paving and street furnishings;
 - F2 vehicular entry from Embarcadero; and
 - Pedestrian promenade between Sites F2 and F3.

Issues

Staff has identified the following concerns for Design Review Committee consideration:

- **General Plan Land Use Classification:** As noted above, the applicant is requesting a GPA for both proposed development sites. Although the proposed land use classifications would accommodate the proposed residential densities at both development locations, in both cases the submittal does not indicate that the proposal meets the intent of the proposed land use classification:
 - Site D: The applicant proposes amending the Site D land use classification to RDE-2. In part, the intent of this classification is to provide active ground floor uses. The proposed design includes a small space facing Broadway reserved for retail or amenity space. Site D is challenged in terms of its' location adjacent to the railroad right-of-way along Embarcadero (and by an abundance of vacant retail space in the Jack London District). However, staff believes the entire ground floor frontage on Broadway and Embarcadero (excluding vehicular access)

should provide visual interest for pedestrians (such as informational storefront windows and lighting or an attractive public art piece lining the garage on the ground floor along Embarcadero). Staff believes that the ground floor frontage need not be specifically retail, but should be visually interesting, well-lit and inviting. In addition, the proposed retail and/or amenity space should be for public use and not exclusively for residents.

- Site F2: The applicant proposes amending the Site F2 land use classification to MUD. As noted above, the intent of this classification is to support and provide a warehouse/loft feel similar to the neighborhood north-east of the F2 site. The photo images and illustratives provided as part of the application show a possible "look" for the project that has a more corporate, high-end appearance. Staff believes that, although the MUD classification allows the desired density for the Site F2 project, it is intended to protect and preserve the historic warehouse/loft neighborhood to the northeast. In short, the district is not intended for this waterfront location but for the distinct adjacent neighborhood located on the other side of Embarcadero. Staff believes the MUD classification is not a precise fit for the proposed F2 development and that the DRC should evaluate how important the desired MUD character is for this site should the site be reclassified as MUD and, accordingly, direct the applicant regarding design style.
- **Site Planning:** Although the proposed PDP shows existing streets and indicates that there is to be a pedestrian promenade between Sites F2 and F3, the application does not identify off-site improvements included in the project or define an area of work. At a minimum, staff believes that the application should show the scope of work for off-site improvements and provide a cursory description of the improvements, including:
 - Pedestrian promenade between Sites F2 and F3: indicate location and size of promenade, provide a description of improvements, including furnishings, paving and landscaping improvements;
 - Vehicular access from Embarcadero to Site F2: provide a description of improvements, including furnishings, paving and landscaping improvements; and
 - Site improvements at Broadway at Embarcadero: indicate scope of work for paving, street furniture and gateway improvements.
- **Proposed Land Uses:** Residential development has the potential to complement and even enhance the desired retail and entertainment character of the Jack London District. However, residential uses were not historically envisioned in this area. Residential uses have the risk of conflicting with certain entertainment uses. In addition, the Oakland Fire Department does not have facilities in the Jack London District to service residential and/or highrise uses (Station 2 has been vacant since 2009 and does not have the capacity to respond to a highrise building). The DRC should discuss and comment on the appropriateness of high-density residential development at these locations.
- **Building Design:** As noted above, the application is for a PDP and, as such, has minimal design information about the proposed development. That said, the massing models are very boxy and unrefined, and raise concerns about the potential for future design issues.

The applicant has submitted design guidelines intended to control the design of the FDP. However, staff believes the DRC should comment on the massing models, as follows:

- Organization of building in terms of massing: Although there are successful, large buildings that do not rely on sophisticated massing and articulation for their design quality, those buildings rely on distinctive proportions, sophisticated organization of patterns and rhythm in building features and extremely high-quality materials to create visual harmony and interest. The massing models do not have enough information to ensure that the FDP will be visually complex and attractive. Does the DRC want to see massing models that simply delineate the envelope in which the FDP could be designed? Does the DRC want to see massing models that rely on standard articulation, such as base, middle and top? Are there projects in Oakland from which this project could take design cues (such as the Essex, 100 Grand)?
- Design character and quality: Both proposed development sites are prominent.
 - Site D is one of the most important locations in Oakland. It marks the terminus of Broadway, the most important organizing arterial street in Oakland. It is a gateway between the City of Oakland and the San Francisco Bay. Finally, it is located within a regional destination, the Jack London District. Staff believes that any development at this site should be of landmark quality, provide significant transparency (especially at the ground floor) and include high-quality materials.
 - Site F2 is located in the Jack London District, a regional destination, and near the waterfront. Although development at this location perhaps need not be of landmark quality, staff believes it should be very high quality and elegant, and include high-quality materials.
- Ground floor height: The proposed plans do not indicate a minimum ground floor height. Staff believes that the ground floor uses adjacent to the public right-of-way should be a minimum of 15 feet tall (floor to ceiling).
- **Parking:** The proposed plans indicate each residential proposal would include one-to-one on-site parking. Staff supports this approach (as opposed to relying on the Site G parking garage); however, to the extent feasible, parking should be wrapped with commercial and residential uses adjacent to the public right-of-way and have an appropriate floor-to-ceiling height (see discussion above). Where infeasible, parking should be attractively screened, with screening integrated into the building architecture and supporting the pedestrian experience.
- **Towers Along the Waterfront:** In the past, some community members have expressed concern about large buildings and towers along the waterfront that might obscure visual access to the Oakland Estuary. In addition, the waterfront is both a physical and visual regional destination. Staff believes that any towers at these locations would be iconic for Oakland, and should be slender and elegant. Although neither site is subject to a height limit, does the DRC prefer to have development step down toward the waterfront and/or away from Broadway? Does the DRC believe that towers at these locations should have a certain character?

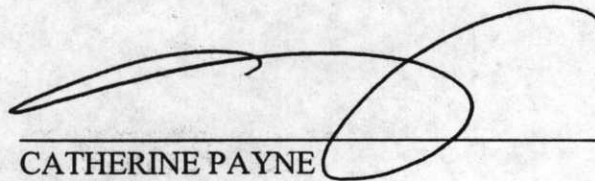
- **Design Guidelines:** The adopted DA provides design guidelines for the entire project, including the approved commercial development for Sites D and F2. The applicant has also provided specific design guidelines for residential development on Sites D and F2 as part of the current application to revise the approvals (see Attachment B). The purpose of the design guidelines is to prescribe how the PDP should be refined in order to ensure high quality development on Sites D and F2. The Design Guidelines identify the quality of materials, definition of base, middle and top of building, articulation and architectural variation. In addition, the proposed design guidelines address:
 - Corner treatments (for the corner of Broadway and Embarcadero and the corner of Harrison and the Promenade, in particular);
 - Integrating balconies and other applied features into the architectural design of the building;
 - The potential for ground floor monotony along long facades adjacent to public row and how to remedy this;
 - Ground floor transparency;
 - Establishing minimum ground floor heights; and
 - Iconic design: The Site D building, in particular, would be located on a very prominent site and should be an architectural beacon for Oakland. .Off-Site Improvements: The Design Guidelines include sidewalk and promenade design concepts and materials, street furnishings, lighting, trees, treatment of interface with UP ROW, should reference the approved Landscape Master Plan, and should be consistent with and support the Estuary Policy Plan.
 - Relationship to Off-Site Improvements:
 - The Design Guidelines address the interface between F2 and the promenade.
 - The Design Guidelines specify ways by which the ground floor adjacent to the public right-of-way can be animated to support pedestrian use.

CONCLUSION

Staff requests the DRC to conduct design review of the proposal. Specifically, staff requests the DRC to:

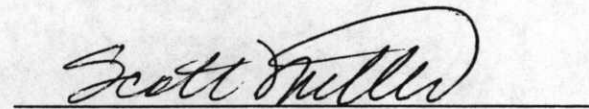
- Review and comment on the proposed land uses and their locations;
 - Review and comment on massing options;
 - Review and provide direction regarding off-site landscape design (promenade, sidewalk treatment, furniture; what areas should be included in the project?
 - Review and comment on proposed design guidelines? Are they adequate to ensure high-quality design and materials for FDPs in future? Would more images be helpful?
- Suggest revisions and additions.

Prepared by:



CATHERINE PAYNE
Planner III

Approved for forwarding to the
Design Review Committee:


SCOTT MILLER
Zoning Manager

Attachments:

- A. Proposed Project Plans
- B. Proposed Revisions to Design Guidelines
- C. PUD Master Plan (2004)

DRC December 18, 2013

Jack London Square Development Project: Sites D and F2

ATTACHMENT A: PROPOSED PLANS

PLANS INTENTIONALLY NOT INCLUDED.

**ATTACHMENT A TO THE CITY COUNCIL STAFF
REPORT INCLUDES CURRENT PLANS, AS
APPROVED BY THE PLANNING COMMISSION
ON MAY 28, 2014**

**Attachment H:
ZUC Staff Report, dated January 15, 2014 (includes
2004 approved FDPs for Sites D and F2)**

Location:	Jack London Square Development Project: Sites D at Broadway and F2 at Harrison Street (south of Embarcadero).
Proposal:	Amendment #1 to adopted PUD to include three residential options each for Sites D and F2.
Applicant:	Ellis Partners, Matt Weber: (415) 391-9800
Owner:	JLSV Land, LLC
Planning Permits Required:	Amendment to the Development Agreement, General Plan Amendment, Revision to PUD, Design Review, Possible minor variances for loading and open space conventions; compliance with CEQA.
General Plan:	Site D=Retail, Dining and Entertainment-1; and Site F2=Waterfront Commercial Recreation-1.
Zoning:	C-45 Community Shopping Commercial Zone
Environmental Determination:	Final EIR certified on March 17, 2004 by the Planning Commission; determination of compliance with CEQA is currently underway.
Historic Status:	None for affected sites.
Service Delivery District:	I – Downtown/West Oakland/Harbor
City Council District:	3 – Lynette Gibson McElhaney
Action to be Taken:	Review and comment on proposed GPA
Finality of Decision:	NA
For further information:	Contact case planner Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com

SUMMARY

The purpose of this report is to provide General Plan and Planning Code analysis of a proposed amendment to the Planned Unit Development (PUD) Preliminary Development Permit (PDP) for the Jack London District Development Agreement and Planned Unit-Development (case files ER030004, DA13171 and PUD13170). The City of Oakland originally approved the nine-site, multi-phased development project known as "Jack London Square" in 2004. Three sites have been constructed, and the applicant is currently seeking revisions to the entitlements for the remainder of development opportunities in Jack London Square. In summary, the applicant proposes extending the term of the Development Agreement (DA) from 2019 to 2027, eliminating a cap on office space, and adding residential options for two project sites, D and F2. The applicant is specifically requesting consideration of a revision to the PDP to include three residential options for each site (for a total of six residential options). These would be in addition to the currently approved commercial development PDPs for each site. Any approved PDP would require a Final Development Permit (FDP) to be considered by the Planning Commission before receiving any construction-related permits. Of primary importance to the Zoning Update Committee (ZUC), the applicant proposes a General Plan Amendment for both sites to allow the desired residential densities. Staff specifically requests the ZUC to review the proposed changes to the Estuary Policy Plan (EPP) land use classifications for Sites D and F2.

CITY OF OAKLAND PLANNING COMMISSION



0 250 500 1,000 1,500 2,000 Feet



Case File: ZPI20056
Applicant: Ellis Partners
Address: Jack London Square Development Agreement
Zone: C-45

PROJECT SITE AND SURROUNDING AREA

The Jack London Square project site is a nine-site area located along the Oakland Estuary (at the southern terminus of Broadway) between Clay and Alice Streets. More specifically, Jack London Square project "Site D" is located immediately south of Embarcadero (and the Union Pacific right-of-way) on the west side of Broadway. Surrounding land uses include entertainment, dining and destination retail uses and the Jack London Square Marina to the south. "Site F2" is located immediately south of Embarcadero between Harrison and Alice Streets. Adjacent uses include the "Site F1" commercial building to the west, the Union Pacific right-of-way and "Site G" garage and commercial building and Amtrak passenger train station to the north, residential uses to the east, and a vacant lot ("Site F3", a planned hotel site) to the south.

PROJECT BACKGROUND

Project History

As briefly mentioned in the Summary Section above, the City of Oakland approved the nine-site, multi-phased development project known as "Jack London Square" in 2004. The project is located on sites located throughout the Jack London District of Oakland, south of Interstate 880, and owned by the Port of Oakland (with the exception of Sites D and F2, which are owned by JLSV Land, LLC). The project was subject to an Environmental Impact Report, Preliminary and Final Development Permits (and appeal), Major Conditional Use Permit (and appeal), Major Variance, Rezone, Development Agreement (and appeal), with final approvals for the land use entitlements granted by the Oakland City Council on June 15, 2004.

The adopted project is an entirely commercial development scheme that supports the retail, entertainment and dining uses in the project area. The project was subject to a high level of design scrutiny in 2004 with a concern for how buildings would relate to the waterfront, to the public spaces in Jack London Square (including the Bay Trail), and to nearby residential uses.

Since 2004, the project proponent has developed three sites: Sites "C", "G" and "F1". "Site C" is a commercial building that includes 16,000 square feet of above-ground floor office space and 16,000 square feet of vacant retail, dining and entertainment space on the ground floor. "Site G" includes 1,086 parking spaces (although the site was only required to have 743 spaces), 30,000 square feet of vacant retail space on the ground floor, and a pedestrian bridge connecting the building to Jack London Square over the railroad ROW along Embarcadero. "Site F1" is a six-story building with an approximately 33,000 square-foot footprint, and encompasses a total of 191,000 square feet; there is a restaurant located on the ground floor and mostly occupied office uses on the upper floors.

The approved uses for sites D and F2 are as follows:

- Site D: The approved use is for up to 190,000 square feet of retail and office uses, including a theatre. The approved maximum building height is 150 feet.
- Site F2: The approved use is for up to 149,000 square feet of retail and office uses, and up to 550 parking spaces. The approved maximum building height is 125 feet.

Design Review Committee

The Design Review Committee (DRC) reviewed the project at their regularly scheduled public hearing on December 18, 2013. Comments included the following:

- DRC comments:
 - The DRC supports residential uses in the Jack London area.
 - Design is appropriate and adequate for PDP.
 - DRC should review FDP application, as well.
 - Applicant should provide more information regarding how proposal would meet open space, bicycle parking and recycling requirements.
 - How does the applicant propose resolving the emergency response issue related to the unstaffed fire station at Jack London Square?
 - The DRC supports the GPA request.
 - Both sites should include strong, distinct residential entrances.
 - How do lobbies work? What amenities are included in lobbies? What is the proposed ceiling height? Where are mailboxes and trash located?
 - Highrise is acceptable for Site D, as this is a gateway site and merits an iconic structure.
 - Highrise might be acceptable on Site F2, but should be considered with caution given the risk of setting a negative precedent along the waterfront.
 - What is the design of the promenade between Sites F2 and F3?
 - Design guidelines are adequate.
 - Need more information about and demonstration of connection between buildings and streetscape.
 - Retail uses should be provided on Site D.
 - Ground floor should be 15' floor-to-ceiling on both sites.
 - Site D should have retail on all sides adjacent to public right-of-way.
 - Building on Site D should be set back from property line with generous public plaza/open space at lobby area.
 - Provide more information about streetscape treatment where Broadway meets Embarcadero adjacent to Site D.
 - Request DA extension near end of term of DA and demonstrate conformance with DA at that time.
 - Unit design should include larger living rooms for larger units

- Public comments:

- High-density residential development in Jack London Square would support planned entertainment and retail uses in currently vacant spaces and would provide safety for residents and visitors, alike.
- Extending the term of the DA would allow vacant parcels to fester over a longer period of time, and is inconsistent with the original promises of the applicant to provide the approved development under the DA in a timely manner.
- Elimination of office cap would potentially crowd out planned retail and entertainment uses, making Jack London Square an office district, as opposed to a destination public venue with extensive entertainment and retail options.
- Highrise buildings are inappropriate on the waterfront. Development should step down to the waterfront. The waterfront should feel open and accessible to the public and highrise development would create a perceived wall along the waterfront.
- Development on the water side of Embarcadero is generally less than six stories and should remain so. Highrise development would set precedent for large, private development along the waterfront that would inhibit public access and enjoyment of the waterfront.
- The City should provide extensive opportunities for the public to review the project and should ensure adequate time for public review.
- The applicant should follow through on their existing commitments. The community supports the approved plan. The community worked hard to achieve the balance represented by the current approval and wants the applicant to respect this commitment.
- The approved project had a commercial vision (and was entirely commercial uses) that would support the destination retail, dining and entertainment designation of Jack London Square. What is the vision for the current proposal, which includes non-commercial uses?
- The applicant should provide a grocery store in existing, vacant retail space before requesting to maximize time and development options for yet undeveloped sites/
- Existing bridge from Site G across Embarcadero should provide a direct access to the ground level for the public.
- The planned theater in the Site D space continues to be desirable to the community.
- The proposed development should include publicly accessible uses on the ground floor (such as retail and entertainment uses).
- Development on both sites should be of signature quality, similar to the sites previously development under the DA (Sites C, G and F1).
- Any proposed changes to land uses on Sites D and F2 should respect the approved building heights for those sites, and not set a building height precedent along the waterfront.
- The applicant should provide more architectural detail than just the massing study to ensure high quality design.
- Any proposed massing should be consistent with and complement the nearby warehouse district scale.

- Decision-makers should only allow one option on each site to provide certainty about what will be developed over time.
- Recent highrise, single use residential development in the neighborhood has not successfully activated the adjacent public right-of-way.
- Any proposal should be consistent with the Estuary Policy Plan.
- The City should undertake a Specific Plan for the Jack London area to ensure land use planning coherence.
- What are the proposed community benefits that would be tied to and/or result from this proposal?
- The proposal needs to maximize the public-private interface.

PROJECT DESCRIPTION

In summary, the proposed project includes three components:

- The extension of the term of the DA from 2019 to 2027;
- Removal of the 355,300 square-foot cap on office space; and
- The inclusion of six residential options for Sites D and F2 (three options for each site, including low-, mid- and high-rise).

More specifically, the proposal includes the following:

	Existing DA/PUD	Proposal	Requirements
Site D	Retail, office (190k sf)	Residential (168,294 sf) (1:1 parking)	Amend PUD, DA and GPA
Site F2	Retail, office, parking (149k sf/550 pkg)	Residential (369,235 sf) (1:1 parking)	Amend PUD, DA and GPA
Site G	Garage (completed)	Allow residential use (to be transferred to Sites D and F2)	Amend PUD and DA
Remove office cap	355,300 sf max	No cap	Amend PUD and DA
DA	Expires 12/31/19	Proposed expiration date: 12/31/27	Amend DA
Overall PUD	291 du (limited to Site G)	Up to 666 du on Sites D and F2 (combined)	Amend PUD and GPA

GENERAL PLAN ANALYSIS

Existing General Plan Land Use Classifications

The Jack London Square Project is located in the Estuary Policy Plan Area of the Oakland General Plan, which was adopted in 1999.

The F2 project site is located in the Waterfront Commercial Recreation 1 (WCR-1) land use classification of the General Plan. The intent of this classification is to "extend public-oriented waterfront activities west from Webster Street to Alice Street, in conjunction with enhanced public access, open space, and recreational opportunities." (EPP, page 132) With regards to desired character, "Future development in this area should be primarily retail, restaurant, cultural, office, hotel, commercial-recreational, conference, exhibition, performances, shows, parks, and public open spaces, and recreational opportunities with active public-oriented uses on ground floors on streets and adjacent to open space areas." (EPP, page 132) The average floor area ratio (FAR) over the entire area is 3.0. Residential uses are not included in this land use classification.

Site D is located in the Retail, Dining, Entertainment Phase 1 (RDE-1) land use classification of the General Plan. The intent of this classification is to "intensify and enhance public-oriented uses and activities that strengthen the attractiveness of the area as an active and pedestrian-friendly waterfront destination." (EPP, page 132) With regards to desired character, "future development in this area should be primarily retail, restaurant, entertainment, marina support, cultural, hotel, upper level offices, parks, and open space with active uses on the ground level of principle streets." (EPP, page 132) The average FAR over the entire area is 3.5. Residential uses are not included in this land use classification.

Proposed General Plan Land Use Classification

Summary of Proposed General Plan Amendment

	Current GP	Proposed GP		Allowable FAR	Requirements
Site D	RDE-1 (3.5 FAR, no residential)	RDE-2	166.67 du/ac (92 du/666 du*)	7.0 FAR	GPA
Site F2	WCR-1 (3.0 FAR, no residential)	MUD	166.67 du/ac (283 du/666 du*)	5.0 FAR	GPA

*GP density can be applied in an additive manner within a PUD. Therefore, unrealized residential density for Site G (291 du) can be added to build-out for Sites D and F2 sites. The total number of units for the PUD would be 666.

The applicant proposes a General Plan Amendment (GPA) to allow residential uses on both Sites D and F2.

The applicant proposes amending the Site D land use designation to become Retail, Dining, Entertainment Phase 2 (RDE-2). The intent of this classification is to "enhance and intensify Lower Broadway as an active pedestrian-oriented entertainment district that can help to create stronger activity and pedestrian linkages with downtown Oakland, Old Oakland, and Chinatown." (EPP, page 132) With regards to desired character, "Future development in this area should be primarily retail, restaurant, entertainment, hotel, upper level office, cultural, parks public open space, and any other use that is complementary to active public-oriented ground-

level uses.” (EPP, p. 132) The maximum FAR is 7.0, and the district allows 125 dwelling units per gross acre. In summary, the difference between the RDE-1 and RDE-2 designations is that the latter allows residential uses and emphasizes pedestrian-oriented development with active public-oriented uses on the ground floor.

The applicant proposes amending the Site F2 land use designation to become Mixed Use District (MUD). The intent of his classification is to “Encourage the development of nontraditional higher density housing (work/live, lofts, artist studios) within a context of commercial and light industrial/manufacturing uses.” (EPP, p.133) With regards to desired character, “Future development in this area should be primarily light industrial, warehousing, wholesale, retail, restaurant, office, residential, work/live, loft units, parks, and public open spaces with manufacturing, assembly, and other uses that are compatible with adjacent uses.” (EPP, p. 133) The maximum FAR is 5.0, and the district allows up to 125 dwelling units per gross acre.

ZONING ANALYSIS

Zoning District Analysis

Both Sites D and F2 are currently zoned C-45 Community Shopping Commercial Zone (C-45 zone). The applicant does not propose a rezone. The existing zoning regulations are consistent with the proposed General Plan land use designations and would allow the proposed physical changes to the project (residential options and removal of office cap). The intent of the C-45 zone is to “create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both long and short term needs in compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters near intersections of major thoroughfares.” (Oakland Planning Code) The outright permitted residential density is one dwelling unit per 300 square feet of lot area. The maximum FAR is 7.0 (and may be exceeded by 10 percent on any corner lot). In terms of the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (technically expired but useful for analysis’ sake), the C-45 zone is a “best fit” zone for the proposed General Plan classifications (RDE-2 and MUD, respectively).

“Best Fit” Zoning District Analysis

Site	Current Zone	Proposed GP	Consistency*
Site D	C-45	RDE-2	“Best Fit” zone
Site F2	C-45	MUD	“Best Fit Zone

*Per Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations”, Amended March 15, 2011 and currently expired.

The following table compares the proposed project with the C-45 development standards:

Zoning Criteria	C-45 Development Standards	Site D Proposal	Site F2	Comments
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Land Use	Includes permanent residential	Permanent Residential	Permanent Residential	Complies
Density	1 unit / 300 s.f. lot area	NA	NA	Density does not apply in Estuary Plan area if GP FAR not exceeded
Front Yard	0'			Complies
Street Side Yard	0'			Complies

Zoning Criteria	C-45 Development Standards	Site D Proposal	Site F2	Comments
Interior Side Yard	0' unless if opposite living room window, then 8' plus 2' additional for each story above ground level			Complies
Courts	Required opposite legally required windows		Courts provided	Complies
Rear Yard	0'			Complies
Building Height	No height limit	17 stories, max	26 stories, max	Complies
Open Space	150 s.f. group/unit (private space reduces requirement by 50%)			To Be Determined
Parking	1 space/residential unit			Complies
Loading	<50 k sf = 0 >50k sf = 1 >200k sf = 2	Based on variant; No information provided	Based on variant; No information provided	To Be Determined
Bicycle Parking	Long-term: 1 per 4 units Short-term: 1 per 20 units	No information provided	No information provided	To Be Determined
Recycling Space	2 cubic feet of space per unit	No information provided	No information provided	To Be Determined

PUD Analysis

The proposed revisions to the PUD include the addition of residential options for Sites D and F2 and the removal of the cap on office uses in the entire PUD area. The PUD allows permitted density and FAR to be applied in an additive manner throughout the PUD area. This means that the available FAR from one PUD site can be added to another site located within the same PUD. The proposed residential options rely on this calculation to maximize the allowable density and FAR for Sites D and F2, as shown below.

Site D

Site D PUD Requirement		Consistency of Site D Proposal	Requirements
Land Use	90k sf Retail/ 59k sf Office/41k sf theater	168,294 sf residential/ 92-666 du	PUD amendment required
FAR	7.0 FAR (168,294 sf/886,723 sf sitewide*)	Complies	Consistent with PUD
Footprint	38k sf	Complies	Consistent with PUD
Height	150 feet	Exceeds	PUD amendment required
Square footage	190k sf	168,294 sf	Consistent with PUD

*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194 sf) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

Site F2

Site F2 PUD Requirement		Consistency of Site F2 Proposal	Requirements
Land Use	15k sf Retail/ 134k sf Office	168,294 sf residential/283-666 du	PUD amendment required
FAR	5.0 FAR (73,847 sf/886,723 sf sitewide*)	Complies	Consistent with PUD
Footprint	57k sf	Exceeds	PUD amendment required
Height	125 feet	Exceeds	PUD amendment required
Square footage	149k sf	168,294 sf	PUD amendment required
Parking	550 spaces		

*FAR can be applied in an additive manner within a PUD. Therefore, unrealized residential FAR for Site G (349,194) can be added to build-out for the Sites D and F2 sites, subject to FDP approval.

Office Cap

	Existing	Proposed	Requirement	
Office cap	355,300 sf	Unlimited	Requires amendment to PUD	Must comply with FAR and density requirements

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Planning Commission certified an EIR for the existing PUD and DA on March 17, 2004. The EIR considered an envelope of development or up to 960,700 square feet of commercial uses. The proposed project would develop up to 1,287,700 net new gross square feet of commercial and residential uses (including up to 665 dwelling units not previously proposed and a "Maximum Commercial Scenario" that would develop up to 960,700 net new gsf of commercial uses (similar to the project analyzed in the 2004 EIR).

An Addendum is appropriate when none of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred, specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon preliminary information, the City believes that none of the circumstances described above have occurred since 2004. As a result, the appropriate CEQA documentation would be an Addendum. The Addendum will be filed with future staff reports to the Planning Commission and City Council with a request for further consideration of the application.

ZONING AND RELATED ISSUES

The proposed project is a revision to a Planned Unit Development (PUD) and a Preliminary Development Plan (PDP). Consistent with Planning Code Section 17.140.020, a PDP should show, "streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas; location and approximate dimensions of structures; utilization of structures, including activities and the number of living units; estimated population; reservations for public uses, including schools, parks, playgrounds, and other open spaces; major landscaping features; relevant operational data; and drawings and elevations clearly establishing the scale, character, and relationship of buildings, streets, and open spaces." Architecturally, a PDP is less refined than a Final Development Plan (FDP) and need only include massing models (and not show fenestration and/or finishes, for example).

The JLD applicant has provided massing models and preliminary site planning information for three residential density options for each of Sites D and F2. In addition, the applicant has provided an illustrative depicting what a 20+-story tower on F2 might look like, images of primary building entrances, and images of materials and details that provide a sense of what future buildings might look like (see Attachment A). The massing models are rough and represent only an outer box in which any future development would be located. Plans also indicate a pedestrian promenade between Sites F2 and F3

Refinement of the massing model and added details would be provided at the time of FDP submittal. At the time of FDP submittal, staff would expect to receive the following design information:

- Schematic building design drawings, showing:
 - Refined massing, indicating distinct features of the proposed building such as (but not limited to) base, middle and top, and actual projections and recesses;
 - Window schedule;
 - Exterior materials details;
 - Location and design of required open space;
- Landscaping plans;
- Public right-of-way and off-site design and details adjacent to development:
 - Design of corner at Broadway and Embarcadero, including special paving and street furnishings;
 - F2 vehicular entry from Embarcadero; and
 - Pedestrian promenade between Sites F2 and F3.

Issues

Staff has identified the following concerns for Design Review Committee consideration:

- **General Plan Land Use Classification:** As noted above, the applicant is requesting a GPA for both proposed development sites. Although the proposed land use classifications would accommodate the proposed residential densities at both development locations, in both cases the submittal does not indicate that the proposal meets the intent of the proposed land use classification:
 - Site D: The applicant proposes amending the Site D land use classification to RDE-2. In part, the intent of this classification is to provide active ground floor uses. The proposed design includes a small space facing Broadway reserved for retail or amenity space. Site D is challenged in terms of its' location adjacent to the railroad right-of-way along Embarcadero (and by an abundance of vacant retail space in the Jack London District). However, staff believes the entire ground floor frontage on Broadway and Embarcadero (excluding vehicular access) should provide visual interest for pedestrians (such as informational storefront windows and lighting or an attractive public art piece lining the garage on the ground floor along Embarcadero). Staff believes that the ground floor frontage need not be specifically retail, but should be visually interesting, well-lit and

inviting. In addition, the proposed retail and/or amenity space should be for public use and not exclusively for residents.

- Site F2: The applicant proposes amending the Site F2 land use classification to MUD. As noted above, the intent of this classification is to support and provide a warehouse/loft feel similar to the neighborhood north-east of the F2 site. The photo images and illustratives provided as part of the application show a possible "look" for the project that has a more corporate, high-end appearance. Staff believes that, although the MUD classification allows the desired density for the Site F2 project, it is intended to protect and preserve the historic warehouse/loft neighborhood to the northeast. In short, the district is not intended for this waterfront location but for the distinct adjacent neighborhood located on the other side of Embarcadero. Staff believes the MUD classification is not a precise fit for the proposed F2 development and that the ZUC should evaluate how important the desired MUD character is for this site should the site be reclassified as MUD and, accordingly, direct the applicant regarding design style.
- **Site Planning:** Although the proposed PDP shows existing streets and indicates that there is to be a pedestrian promenade between Sites F2 and F3, the application does not identify off-site improvements included in the project or define an area of work. At a minimum, staff believes that the application should show the scope of work for off-site improvements and provide a cursory description of the improvements, including:
 - Pedestrian promenade between Sites F2 and F3: indicate location and size of promenade, provide a description of improvements, including furnishings, paving and landscaping improvements;
 - Vehicular access from Embarcadero to Site F2: provide a description of improvements, including furnishings, paving and landscaping improvements; and
 - Site improvements at Broadway at Embarcadero: indicate scope of work for paving, street furniture and gateway improvements.
- **Proposed Land Uses:** Residential development has the potential to complement and even enhance the desired retail and entertainment character of the Jack London District. However, residential uses were not historically envisioned in this area. Residential uses have the risk of conflicting with certain entertainment uses. In addition, the Oakland Fire Department does not have facilities in the Jack London District to service residential and/or highrise uses (Station 2 has been vacant since 2009 and does not have the capacity to respond to a highrise building). The ZUC should discuss and comment on the appropriateness of high-density residential development at these locations.
- **Building Design:** As noted above, the application is for a PDP and, as such, has minimal design information about the proposed development. That said, the massing models are very boxy and unrefined, and raise concerns about the potential for future design issues. The applicant has submitted design guidelines intended to control the design of the FDP. However, staff believes the DRC should comment on the massing models, as follows:
 - Organization of building in terms of massing: Although there are successful, large buildings that do not rely on sophisticated massing and articulation for their

design quality, those buildings rely on distinctive proportions, sophisticated organization of patterns and rhythm in building features and extremely high-quality materials to create visual harmony and interest. The massing models do not have enough information to ensure that the FDP will be visually complex and attractive. Does the DRC want to see massing models that simply delineate the envelope in which the FDP could be designed? Does the DRC want to see massing models that rely on standard articulation, such as base, middle and top? Are there projects in Oakland from which this project could take design cues (such as the Essex, 100 Grand)?

- Design character and quality: Both proposed development sites are prominent.
 - Site D is one of the most important locations in Oakland. It marks the terminus of Broadway, the most important organizing arterial street in Oakland. It is a gateway between the City of Oakland and the San Francisco Bay. Finally, it is located within a regional destination, the Jack London District. Staff believes that any development at this site should be of landmark quality, provide significant transparency (especially at the ground floor) and include high-quality materials.
 - Site F2 is located in the Jack London District, a regional destination, and near the waterfront. Although development at this location perhaps need not be of landmark quality, staff believes it should be very high quality and elegant, and include high-quality materials.
- Ground floor height: The proposed plans do not indicate a minimum ground floor height. Staff believes that the ground floor uses adjacent to the public right-of-way should be a minimum of 15 feet tall (floor to ceiling).
- **Parking:** The proposed plans indicate each residential proposal would include one-to-one on-site parking. Staff supports this approach (as opposed to relying on the Site G parking garage); however, to the extent feasible, parking should be wrapped with commercial and residential uses adjacent to the public right-of-way and have an appropriate floor-to-ceiling height (see discussion above). Where infeasible, parking should be attractively screened, with screening integrated into the building architecture and supporting the pedestrian experience.
- **Towers Along the Waterfront:** In the past, some community members have expressed concern about large buildings and towers along the waterfront that might obscure visual access to the Oakland Estuary. In addition, the waterfront is both a physical and visual regional destination. Staff believes that any towers at these locations would be iconic for Oakland, and should be slender and elegant. Although neither site is subject to a height limit, does the DRC prefer to have development step down toward the waterfront and/or away from Broadway? Does the DRC believe that towers at these locations should have a certain character?

- **Design Guidelines:** The adopted DA provides design guidelines for the entire project, including the approved commercial development for Sites D and F2. The applicant has also provided specific design guidelines for residential development on Sites D and F2 as part of the current application to revise the approvals (see Attachment B). The purpose of the design guidelines is to prescribe how the PDP should be refined in order to ensure high quality development on Sites D and F2. The Design Guidelines identify the quality of materials, definition of base, middle and top of building, articulation and architectural variation. In addition, the proposed design guidelines address:
 - Corner treatments (for the corner of Broadway and Embarcadero and the corner of Harrison and the Promenade, in particular);
 - Integrating balconies and other applied features into the architectural design of the building;
 - The potential for ground floor monotony along long facades adjacent to public row and how to remedy this;
 - Ground floor transparency;
 - Establishing minimum ground floor heights; and
 - Iconic design: The Site D building, in particular, would be located on a very prominent site and should be an architectural beacon for Oakland. Off-Site Improvements: The Design Guidelines include sidewalk and promenade design concepts and materials, street furnishings, lighting, trees, treatment of interface with UP ROW, should reference the approved Landscape Master Plan, and should be consistent with and support the Estuary Policy Plan.
 - Relationship to Off-Site Improvements:
 - The Design Guidelines address the interface between F2 and the promenade.
 - The Design Guidelines specify ways by which the ground floor adjacent to the public right-of-way can be animated to support pedestrian use.
- **Community Benefits:** The approved project is subject to a Development Agreement. A Development Agreement is a land use planning tool that allows the negotiation of land use entitlement flexibility and certainty for developers of large projects in exchange for community benefits for the affected jurisdiction. In summary, developers can lock in customized long-term development horizons, as well as fees and effective zoning regulations in exchange for providing the local community with public amenities or other benefits. At the time of the original approval, the City did not request substantial community benefits as part of the DA consideration process; the City found the provision of an entirely commercial project in the Jack London area to be a benefit to the community in terms of realization of the goals and objectives of the Estuary Policy Plan to provide a destination retail, entertaining and dining district at that location.

At this time, the applicant is requesting revisions to the approved DA to allow a longer term and to revise the project land uses and design on two sites (as discussed above). In essence, the applicant is requesting greater development flexibility and entitlement certainty for a more diversified (less commercial) project. The City believes this is an opportunity to negotiate community benefits that are not simply the merits of the project.

With this in mind, staff has worked with the community to develop a list of desirable community benefits and has initiated negotiations with the applicant about incorporating these benefits into the revised DA. The City's proposal includes (and is not limited to) the following (and the initial letter to the applicant is provided as Attachment D to this report):

- Contribution toward realization of the Webster Green, as envisioned in the Estuary Policy Plan;
- Provision of safety and aesthetic improvements to the I-880 underpass at Broadway;
- Contribution to the Broadway shuttle (the "B"); and
- Contribution to the Oakland Fire Department to ensure adequate response to the proposed development.

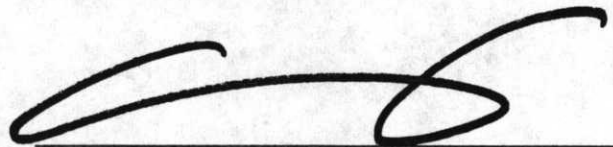
Staff is in the initial phases of negotiating these community benefits for a final proposal for amending the DA to be considered by the Planning Commission and the City Council.

CONCLUSION

Staff requests the ZUC review the proposal and provide guidance and/or a recommendation regarding the proposed GPA. Specifically, staff requests the ZUC to:

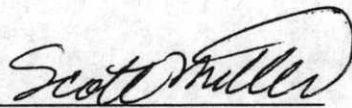
- Review and comment on the proposed land uses and their locations;
- Review and comment on the advisability of high-density residential development at the proposed locations; and
- Comment on the applicability of the proposed EPP designations for the affected sites.

Prepared by:



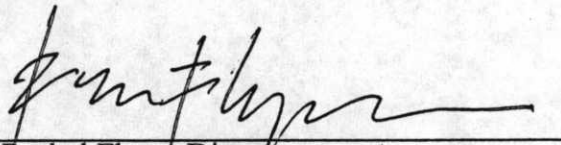
CATHERINE PAYNE
Planner III

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the ZUC



Rachel Flynn, Director
Department of Planning and Building

Attachments:

- A. Proposed Project Plans
- B. Proposed Revisions to Design Guidelines
- C. PUD Master Plan (2004); Sites D and F2 PDPs (2004, approved)
- D. DA Revision Community Benefits Letter, dated December 3, 2013

ZUC January 15, 2014

Jack London Square Development Project: Sites D and F2

ATTACHMENT A: PROPOSED PLANS

PLANS INTENTIONALLY NOT INCLUDED.

**ATTACHMENT A TO THE CITY COUNCIL STAFF
REPORT INCLUDES CURRENT PLANS, AS
APPROVED BY THE PLANNING COMMISSION
ON MAY 28, 2014**

ZUC January 15, 2014

Jack London Square Development Project: Sites D and F2

**ATTACHMENT D: DA REVISION COMMUNITY
BENEFITS LETTER, DATED DECEMBER 3, 2013**



CITY OF OAKLAND

Department of Planning and Building
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

December 3, 2013

Dean J. Robinson, Development Manager
111 Sutter Street, Suite 800
San Francisco, CA 94104

RE: Jack London District Development Agreement NO. 2005380062 (related to case file ER030004 and ZP120056)

Dear Mr. Robinson:

The City of Oakland (City) is currently processing your application to amend the Jack London District Development Agreement No. 2005380062 (DA). Specifically, your request is to extend the term of the DA from 2019 to 2027. In addition, you are requesting a revision to the Planned Unit Development (PUD) Exhibit to the DA and a General Plan Amendment (GPA) to allow residential development options on Sites D and F2.

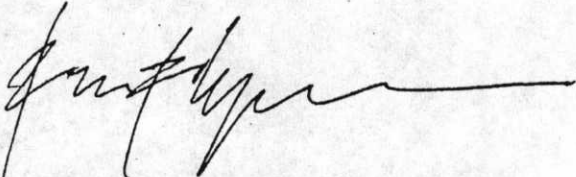
The DA provides significant opportunities for both the applicant and the City. The applicant benefits from a DA in terms of vesting and extending development rights, thereby reducing discretionary review and locking in conditions of approval and development-related fees throughout the course of the development timeline. The City, in turn, is able to use the DA as a tool to negotiate community benefits as part of a large development project. At this time, the City has evaluated your application and proposes the following additional revisions to the DA, to be considered by the Planning Commission and City Council in their review of your application:

- Require compliance with Green Building and C3 requirements effective at the time of building permit submittal for all future development projects included in the DA (including, but not limited to, Sites D, F2 and F3). This will provide clarity to both the applicant and the City of Oakland regarding the effective date of applicable regulations.
- Within one year of adoption of revisions to the DA, the applicant shall ensure site-wide trash-neutral site operations by installing and maintaining a combination of the following engineered solutions that meets the satisfaction of PWA to protect the public right-of-way and the Oakland Estuary: hydrodynamic separators, inlet baskets; and/or inlet screens.

- Within one year of adoption of revisions to the DA, the applicant shall contribute \$1 million toward construction of the Webster Street Green, as envisioned in the Estuary Policy Plan. The City's consultant is currently contracted to prepare 35% construction documents for a two- to three-block segment of the Webster Green; The Developer is asked to contribute funds toward build-out of that design.
- Prior to issuance of the first construction-related permit following adoption of the revisions to the DA, the applicant shall design and construct improvements to the Interstate 880 underpass at Broadway to support pedestrian safety, improve the aesthetic character of Broadway, and improve the connection between downtown and the waterfront. The applicant shall make a minimum investment of \$1 million in this project.
- Upon adoption of the revisions to the DA, the applicant shall contribute annually to the City's Broadway transit service (i.e. the "Broadway Shuttle" or other rubber-tire, streetcar or other Broadway transit service existing at the time the annual payment is due) that connects the project site to the Oakland/12th Street BART station. The annual contribution shall be equivalent to the cost of providing bus shuttle service at a frequency of 10-15 minutes connecting the project site to the 12th Street/Oakland BART station for six hours per weekday year-around. This requirement is in addition to the current obligation to provide six hours of weekday shuttle service. The combined obligations require the Applicant to contribute to the City's Broadway transit service an amount that is equal to the cost of providing 12-hours of daily weekday shuttle service connecting the project site to the 12th Street/Oakland BART station at a frequency of 10-15 minutes (\$264,000 in today's dollars). If no City Broadway transit service exists at the time that the payment is due, the Applicant shall provide shuttle service connecting the project site to the Oakland/12th Street BART station and/or contribute annually to AC Transit to support bus service linking Jack London Square to BART.
- Prior to issuance of the first construction-related permit for residential development at Site D, the applicant shall enter into an agreement with the Oakland Fire Department (OFD) to annually fund operations and maintenance of existing Fire Station 2, at previous staffing levels (prior to 2009). OFD estimates annual operations and maintenance costs at \$3 million.

We believe the City's proposed revisions to the DA will improve the aesthetic and safety experience of visitors to and residents of the Jack London District. If you have any questions or would like to discuss these proposed revisions, please contact the case planner, **Catherine Payne**, at (510) 238-6168 or at cpayne@oaklandnet.com.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Rachel Flynn', with a long horizontal flourish extending to the right.

RACHEL FLYNN, AIA.
Director

cc: Lynette Gibson McElhaney, City Council District 3
Fred Blackwell, Assistant City Administrator
Teresa Deloach Reed, Fire Chief
Brooke Levin, Public Works Agency
Deborah Sandercock, Department of Planning and Building
Aliza Gallo, Business Development Services
Scott Miller, Zoning Manager
Catherine Payne, Department of Planning and Building
Heather Lee, Office of the City Attorney

**Attachment C: Jack London Square Redevelopment Project
EIR and Addendum #1 (provided under separate cover to
the City Council; available to the public at 250 Frank
Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular
business hours and at
[http://www2.oaklandnet.com/Government/o/PBN/OurOrgan
ization/PlanningZoning/OAK044560](http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK044560)).**

2014 JUN 26 PM 3:23

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION APPROVING THE JACK LONDON SQUARE REDEVELOPMENT PROJECT REVISION #1, INCLUDING: A) ADOPTING ADDENDUM #1 TO THE JACK LONDON SQUARE REDEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT; B) ADOPTING REVISIONS TO THE JACK LONDON REDEVELOPMENT PROJECT PLANNED UNIT DEVELOPMENT AND DESIGN REVIEW SUBJECT TO CONDITIONS OF APPROVAL; AND C) APPROVING A MINOR VARIANCE FROM LOADING REQUIREMENTS

WHEREAS, Ellis Partners, on behalf of JLSV Land, LLC ("Applicant"), filed an application for a general plan amendment, design review, revision to the Planned Unit Development, and variances ("Applications") to revise the Planned Unit Development originally approved on June 15, 2004; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the Project Applications on May 21, 2014, and May 28, 2014, respectively; and

WHEREAS, at the May 28, 2014 public hearing, the Planning Commission adopted, and made appropriate findings for accepting the Addendum #1 to the Jack London Square Redevelopment Project Environmental Impact Report (SCH No. 2003022086), approved the Applications for design review, revision to the Planned Unit Development, and variances (collectively called "Development Permits"), and recommended approval of the general plan amendment to the City Council; and

WHEREAS, the Community and Economic Development Committee of the City Council conducted a duly noticed meeting on the Project Applications on July 8, 2014, and recommended Project approval; and

WHEREAS, the City Council conducted a duly noticed public hearing on the Project Applications on July 15, 2014; and

WHEREAS, all interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing was closed by the City Council on July 15, 2014; and

WHEREAS, the City Council independently reviewed and considered the findings made by the Planning Commission for approval of the Design Review, revision to the Planned Unit Development, Variances, and General Plan Amendment into the record by reference and included in Attachment B to the staff report, and hereby affirms said findings; and

WHEREAS, The City Council, acting as the Lead Agency, has independently reviewed, analyzed, and considered the Jack London Square Redevelopment Project Environmental Impact Report and Addendum #1 prior to acting on the approvals. Based upon such independent review, analysis, and consideration, and exercising its independent judgment, the City Council hereby finds the criteria of CEQA Guidelines Section 15162 requiring additional environmental review have not been met. Specifically, and without limitation, the City Council finds and determines that the project would not result in any new or more severe significant impacts, there is no new information of substantial importance that would result in any new or more severe significant impacts, there are no substantial changes in circumstances that would result in any new or more severe significant impacts, and there is no feasible mitigation measure or alternative that is considerably different from others previously analyzed that has not been adopted, based upon the accompanying City Council Agenda Report, and elsewhere in the record for this project; now, therefore, be it

RESOLVED: That the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Applications and the Planning Commission's decision on the Project, hereby approves the Jack London Square Redevelopment Square Redevelopment Project Revision #1 Project-Specific Approvals; and be it

FURTHER RESOLVED: That approval of the Jack London Square Redevelopment Square Redevelopment Project Revision #1 Project-Specific Approvals is conditioned upon approval of the General Plan Amendment subject to a separate City Council action; and be it

FURTHER RESOLVED: That this decision is based, in part, on the July 8, 2014, Community and Economic Development Committee Agenda Report (which was forwarded to the City Council for its July 15, 2014, public hearing), the May 21, 2014, Planning Commission Report, and the Addendum #1 to the EIR which are hereby incorporated by reference as if fully set forth herein; and be it

FURTHER RESOLVED: That in support of the City Council's decision to amend the General Plan, the City Council affirms and adopts as its findings and determinations (a) the July 8, 2014, Community and Economic Development Committee Agenda Report, and (b) the May 21, 2014, Planning Commission Report, including, without limitation, the discussion, findings, conclusions, and conditions of approval (each of which is hereby separately and independently adopted by this Council in full); and be it

FURTHER RESOLVED: That the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That the record before this Council relating to the Project Applications includes, without limitation, the following:

1. the Project Applications, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation the Addendum to the EIR and supporting technical studies, all related and/or supporting materials, and all notices relating to the Project Applications and attendant hearings;
4. all oral and written evidence received by the City staff, the Planning Commission, and the City Council before and during the public hearings on the Project Applications;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, California; and be it

FURTHER RESOLVED: That the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2014

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF
and PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California