

March 1, 2017

Mr. Scott Donahue
City of Emeryville
1333 Park Ave
Emeryville, CA 94608

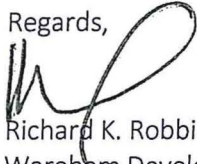
Dear Scott,

As we near the hearing regarding the Transit Impact Fee, and whether Council sees the merit of its refund in whole or part to the Transit Center known as Emery Station West, I thought it appropriate to write you and the Council. What is less known and not discussed in this high profile project, is its history. One forgets that the City was going to build a garage on this site. In its attempt, it realized the epic legal battle it would be engaged in with the cleanup, not to mention the underutilization of the site and its most pivotal location in the center of the City, contiguous to the Amtrak Station and its inter and intra modal system. This created an RFP for a project more appropriate for the site. The deterrent was the layers of problems involving the cleanup of the EPA's first ever decreed site for waste. Wareham has been involved with the 'Westinghouse Site' since 1982. We have been involved with Westinghouse in a proposed joint venture that terminated after the damage of the 1989 earthquake. We have been the lead agent in getting a workable strategy together for this cleanup with many of the state and federal agencies involved. While we were able to accomplish the commitment from the state to help with funds many years ago; the legal battle of redevelopment with the state; the City's inability to give satisfaction to the state on a timetable; forced Wareham to front the many efforts to hold state funds together in our lobbying and meeting in Sacramento with Caltrans, The Capital Corridor, and various committees involved in transit that were very costly in time (many many years), resources, and funds, on behalf of the City of Emeryville, as well as the project itself. I give you this history as background. The RFP originally had the City of Emeryville committing up front funds of \$3 million, of a total \$9 million plus cost borne by Wareham. As the city was forced to change the deal many times, it finally requested a change for up front relief, agreeing to some uncertain, limited tax rebate over a period of time in the future for the project. This modified agreement and the increase of costs for this cleanup and its many delays created, many unintended costs borne by the project.

Scott, I give you this information as the project has more than earned the bonus from the transit impact fee. As a good community partner that has developed and continues to participate in the future of Emeryville since 1978; as a community partner that has never used redevelopment funds except once for the Greenway cleanup, a city RFP project; Wareham offers this proposal.

Scott, I offer you a suggestion that we and I hope you and the Council would entertain. As a Solomon like compromise, we propose that instead of the whole bonus rebate, \$738,000. Wareham would be prepared to accept \$500,000. We would also add two street lamps needed that are not part of our approvals. This compromise, the additional costs for the cleanup, and the long history of the project. In addition, the fact we have already paid \$5million in total fees and impacts to the City for this project, and that the project could have also qualified under the old fee policy which was massively less, we would hope would be a compelling argument for the Council's agreement. Thank you for your consideration.

Regards,


Richard K. Robbins
Wareham Development, Corp.

cc: Carolyn Lehr