

December 9, 2010

Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111

Dear Chair Randolph and Commission Members:

This letter serves as a request from Waterfront Action that, as a condition of its permit, the Bay Conservation and Development Commission require the Oak to Ninth Project developer to install an interim Bay Trail throughout the entire project within 18 months of issuance of the BCDC permit.

Background

The voters of Oakland passed a major waterfront bond (Measure DD) in 2002. Part of the funds was allotted to implementation of the Bay Trail in the area where the Oak to Ninth Development is now planned. However, the City Council amended the General Plan to allow for housing development, mixed use and open space in June of 2006. That bypassed the public's funding of Bay Trail and open space on the site. The initial proposed schedule for the construction of the project was 2008 through 2022, but that timeframe has not been met.

In spring 2010, the purchase agreement for the Oak to Ninth Avenue property was revised to permit a delay: the Port of Oakland received 25% down with the understanding that construction would not begin before a final payment which could occur as late as 2015. The revisions also included an extension opportunity at 2015.

Interim Bay Trail

An interim Bay Trail, as referenced in the Development Agreement with the City of Oakland, was to be built upon completion of the first phase of the Oakland to Ninth Development. Due to changing circumstances the developers have been given five additional years to complete the purchase of the property from the Port of Oakland. We expect that the first phase will take five years, which makes an interim trail opening to public access in 2020.

There is no certain time frame for providing Bay Trail access. Economic conditions have affected the Oak to Ninth development schedule in the past and may do so again in the future, with the potential to further delay access to this public trust shoreline. An interim Bay Trail is needed now to help mitigate this uncertainty by filling this critical gap in Trail continuity.

Once again, our request of you is to include a requirement to build an interim Bay Trail within 18 months of the BCDC permit issuance.

Thank you for your consideration of our request.
Sincerely,

Sandra Threlfall
Executive Director