



Oakland Measure DD Community Coalition

May 19, 2014

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

Dear Chair Wasserman and Commission Members:

In Oakland, the Brooklyn Basin project at Oak to Ninth closed escrow on June 10, 2013 and is now getting underway. This project was approved by the Commission on February 4, 2011 under the terms of permit 7-06 [2006.007.01].

The Oakland Measure DD Community Coalition is further described on its web site cited below. This letter serves as a request from the Measure DD Coalition that if the permit applicant should seek changes to the public access requirements and schedule described in the approved permit's Special Conditions Sections IIB, IIC, and IID,

1. such an application would be denied administratively; or
2. if not so denied, the matter would only be considered by action of the full Commission following a properly noticed public hearing.

Background and Position Summary

Oakland voters intended to fill the critical gap in Bay Trail at Oak to Ninth. The Measure DD Coalition was formed in 2003 and sanctioned by the Oakland City Council to provide public input concerning projects and expenditures designated in the 2002 Measure DD Bond, which was approved by 80% of the voters. One of the key themes of the bond was improved access to the shoreline including the Oakland Estuary and Lake Merritt, and the bond language budgeted \$43.5 million to be used for grant matching for Oakland Estuary park and Bay Trail projects that included the Oak to Ninth parcel area.

The public trust lands at Oak to Ninth were "swapped out" of the trust and privatized. In 2003, the Port of Oakland, trustee of the 64-acre Oak to Ninth parcel, executed an option to purchase agreement with Oakland Harbor Partners (OHP) for the Oak to Ninth development parcel. This action moved Bay Trail and public access development for this parcel out of the scope of Measure DD.

BCDC permit 7-06 was approved after a public process. In 2006, the Port, City and OHP submitted Permit Application 7-06 to BCDC, and it was ultimately approved with various Special Conditions on February 4, 2011 after a public hearing in which the Commission heard public testimony regarding the importance of timely implementation of both interim and permanent public access, including the Bay Trail.

The Oakland Measure DD Community Coalition is pleased that the Brooklyn Basin project and related public access are now moving forward. We support the terms of the Commission-approved permit 7-06, which defines a schedule for creating public access in the project area. As this schedule is met, the largest single gap in the Oakland Bay Trail will be closed.

We would strongly oppose any actions to change this public access schedule. Further, we argue that if the applicant were to seek any alterations in the above-mentioned public access requirements, such a request should not be approved administratively. If considered, it should be addressed through a public process comparable to that followed by the Commission in its original approval of permit 7-06.

We thank the Commission for considering this request.

W. E. Threlfall

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