



Oakland Measure DD Community Coalition

Estuary Park Task Group Update November 2025

The Coalition's November 2025 meeting appears to have been cancelled.

To keep you informed, we have prepared this online update with a summary of key actions taken by the Coalition's appointed Estuary Park Task Group.

The Task Group is comprised of James Vann, Naomi Schiff, John Klein, Jennie Gerard, and Bill Threlfall and was appointed March 18, 2024.

Following is an overview of Task Group actions & related Estuary Park events:

July 9, meeting of Parks & Recreation Advisory Commission (PRAC)

- Patrick VanNess, Executive Vice President of Forward Planning, Signature Development Group represented the developer. He presented three "Alternative Schemes for Estuary Park", which were conceptual redesigns of the Council-adopted Estuary Park Master Plan Draft. They were prepared by the developer. However, there was no City RFP for park redesign or Council resolution requesting redesign of the Master Plan.
- All three schemes placed housing and related paving on the entirety of Parcel N, a 2.8 parcel owned by the developer but encumbered by a contractual obligation to offer to convey the parcel's title to the City after remediating it of toxics. The City's adopted park plan incorporates Parcel N as an integral part of the design.
- The Coalition's Estuary Park Task Group collaborated with Portobello HOA, JLAC, rower groups, and park advocates to send targeted email outreach designed to stimulate attendance at this PRAC meeting. Interest and in-person attendance was strong, resulting approximately 90 participants.
- All public comments at the meeting were in strong support of the City's existing Master Plan and opposing the developer's alternatives. DD Task Group representatives spoke at the meeting, providing some of this support.
- The City provides a record of the public comment here: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:47f43e76-eb38-457e-aebc-6b7b269f2806>
- The agenda item was informational only; no action was taken.



Task Group monitors Accela

- The Task Group continues to monitor developer submissions to Accela, the City's online repository for planning applications. These submissions occur without notice, so vigilance is required to keep up to date.
- For example, we found that the plans presented by the developer at the July 9 PRAC were not current. Accela postings at the time showed newer plans with two five-story buildings as [shown here in this view](#).

Task Group interacts with Assistant City Administrator Elizabeth Lake

- The Task Group interacted by Zoom and email with ADA Lake several times during June and July of 2025. We were reacting to constructive ideas presented by ADA Lake and conveying a formal Coalition position regarding Parcel N.

Task Group meets with Mayor

- On October 17, 2025, the Task Group met with Mayor Barbara Lee about Estuary Park. In a lengthy meeting, we provided background and raised concerns about the adverse impacts on Measure DD of the delays and uncertainty resulting from the City's response to the developer's Parcel N proposal. We answered question and agreed to respond in writing to a follow-up request from the Mayor.

Developer pulls item from October 8 PRAC

- For the October 8, 2025 PRAC, the Estuary Park agenda item included a developer presentation and called for action this time, seeking PRAC recommendation of entitlement changes to permit housing on Parcel N, as well as a request to the City Council to "direct staff to process an amendment to the EPMP to redesign Estuary Park and contain all future park improvements and renovation within the Estuary Park land area as its boundaries exist today."
- The Task Group again collaborated with others in outreach to publicize this meeting.
- On October 7, 2025, without explanation, the developer pulled this requested item from the PRAC agenda. City planning staff said: "The Developer has not provided any reasoning as to the request and staff cannot speculate as to the reasoning."
- Subsequent reports reveal that the Parcel N project is now temporarily "on hold". The Task Group does not consider this situation to be any sort of resolution that would allow progress on Estuary Park; instead, it results in further problematic delay and uncertainty for Measure DD progress.
- Bottom line: Estuary Park continues to be stalled, and without input from Terri Fashing or a designated OPW representative, we have insufficient information to make plans or set expectations.

Follow-up letter to Mayor

- As a follow-up to our meeting with Mayor Lee, on October 27, 2025, we provided a written response to her request for key "information which will show that the developer's Estuary Park Parcel N proposal should be rejected before it goes any further". The letter provides a good overview of the key practical and policy issues that have been the focus of the Task Group in recent smonths. The letter is appended below.

Estuary Park Task Force of the Measure DD Community Coalition

MEMO

Date: October 27, 2025
To: Mayor Barbara Lee
Cc: César Macias
Carlos Uribe
From: Jennie Gerard
Naomi Schiff
William Threlfall
James Vann
Subject: Response to 10-17-2025 Parcel N Estuary Park meeting

Dear Mayor Lee,

Thank you for meeting with us on October 17. You asked for key information which will show that the OHP Estuary Park Parcel N proposal should be rejected before it goes any further. Below, we have tried to frame the issues as a series of questions. At the end of this memo is a list of bullet points for background.

1. Policy leadership— What formal and publicly declared policy direction regarding Parcel N has been given to senior administration and staff? Are City officials and staff following any direction? Is formal policy guidance needed?

Currently, staff response to the developer's proposal is proceeding as if City decision makers have adopted a policy decision to allow housing at Estuary Park, acceding to the developer's requests, regardless of their impacts. A clear policy direction from the Mayor and Council is needed now to guide staff through the complex challenges they face in addressing the developer's proposal.

2. Would an OHP sale of Parcel N be a prohibited gift of public funds and have City leaders and the City Attorney's office assessed the reputational and financial risks?

Improving the financial position of the Brooklyn Basin development is not a permissible reason for the City to rescind its contractual right to title of Parcel N or any other "open-space" parcel in Brooklyn Basin.

Nevertheless, it appears that the developer is not offering the City any tangible public benefit in exchange for the City relinquishing Parcel N for private development.

If the City were to surrender its contractual right to the title of Parcel N and the dominant purpose of such action is to improve the business position of the Brooklyn Basin development, then we contend such action would amount to a gift of public funds for a private purpose, prohibited by the California Constitution. (Cal. Const., art. XVI, § 6). Here, the private benefit is not merely incidental, it is central to the purpose of the gift—to bolster the development's financial position.

We are not attorneys, so to inquire about the potential validity of this contention, we posed the question to an Artificial Intelligence tool with the following result:

<https://copilot.microsoft.com/shares/GKAt1CuP1ym5guHxEMY2v>

During our meeting you asked if we had presented this concern to the City Attorney. We have no ability to do so as the City Attorney is not responsive to questions posed by citizens, but we urge you to inquire.

We believe this issue poses significant risks to the reputation of the City and its policy leaders.

3. Would the administration impose constraints on sale proceeds?

Nothing in the developer’s proposal constrains the use of proceeds from the developer’s intended sale of Parcel N; the revenue could be used by the developer for any purpose whatsoever.

Is it enough? One real estate person with whom we have spoken estimated sale of entitled parcel N is unlikely to generate more than \$14 million and could be less. Unfinished parks cost projections are estimated by the developer at more than \$40 million, and that doesn’t include Estuary Park or the unfinished third of the Phase I Township Commons Park.

4. How and when does City administration plan to proceed with any progress on Estuary Park, beginning with remediation?

Under the Development Agreement, the developer is responsible for the remediation of toxics from the Brooklyn Basin “open space” parcels, including Parcel N. This obligation has not been fulfilled nor has a timetable for completion of remediation been agreed between the developer and City.

The un-remediated park site presents an impassible obstacle to progress on the Measure DD Estuary Park project. Construction work cannot be scheduled or proceed until this matter is resolved.

5. How long will the City permit the developer’s formal pause on his development proposal to stall the City’s Estuary Park Master Plan Project?

There has been essentially no implementation progress on the Estuary Park project for at least two years, during which the project has been subjected to an “administrative hold,” changes in direction, departure of the Project Manager from PWA to another public agency, and failure to make progress implementing key terms of the existing Development Agreement, such as toxic remediation, etc.

The developer placed its Parcel N proposal on the October 8 PRAC agenda but withdrew it on October 7 without explanation. The developer has requested to place the Parcel N proposal on hold and this is noted on Accela. This is hardly good news for Measure DD because it simply compounds the delays and uncertainty frustrating progress on the park implementation. Termination of the Parcel N revision proposal would allow the park project to proceed.

6. How will City administration recover the rising costs attributable to delays and uncertainty?

The delays and uncertainty resulting from the developer’s Parcel N proposal will inevitably result in higher costs and declining effective value of unexpended Measure DD bonds.

7. Community Facilities District—How are the alleged bond sale difficulties influencing parks development? What action can City leaders take to remedy these difficulties?

We believe the CFD-2023-1 Community Facilities District is a key factor in the developer’s implementation plan for parks at Brooklyn Basin. The developer likely had no intention to use developer funds to construct the parks required in the 2006 Development Agreement. Instead, almost surely the plan was to fund them from CFD taxes and bonds as provided in the Development Agreement:

4.4.2 Improvement of the Public Open Space.

Developer, at its sole cost, shall be responsible for the construction of the Public Open Space improvements for that portion of the Public Open Space located east of the Lake Merritt Channel pursuant to plans approved by the City, which plans shall be substantially similar to the conceptual plans included within the Project Approvals. Such improvements would be constructed pursuant to the phasing schedule set forth in the Exhibit C.

Notwithstanding the foregoing to the contrary, Developer shall have the right to fund all or a portion of the costs associated with the construction of the Public Open Space improvements through the CFD. The City shall be responsible for the construction of the Public Open Space improvements for that portion of the Public Open Space located to the west of the Lake Merritt Channel pursuant to plans approved by the City.

At the July 9 PRAC, Patrick Van Ness, Executive Vice President of Forward Planning, Signature Development Group, described how this plan had broken down:

“The last time we closed a building or unit at Brooklyn Basin was 2020. There’s been no revenue for the project. We haven’t started construction on the rest of the parks because for two- and one-half years we’ve been working with city staff to place bonds on development parcels we have, and that was how we were going to finance the next phases of public parks. The City is unable to sell the bonds right now because of certain finance issues that they've had. The bonds will tax the development authority on site, but they can’t move forward until the City sells those bonds on our behalf, so that’s kind of stalled.”

We suspect that this parks funding plan has stalled out. The plan to rely on the Mello-Roos district to fund park development was linked to phases—a leapfrog scheme where CFD taxes and bonds in each phase provided the funding base for the next phase of parks development. But the development phases have stalled, and the bonds have not been sold. Accordingly, the expected revenue from CFD 2023-1 has not materialized and no park development has occurred for years.

8. If the master developer is allowed by Council action to retain title to Parcel N, would revenue from its sale be sufficient to remedy the “wasteland scenario” asserted by City leadership and staff?

City leadership and staff seem to be giving special consideration to the developer’s Parcel N proposal in light of a rumored “wasteland scenario” presented in the staff report for the October 10 PRAC:

“However, if the Brooklyn Basin Project becomes infeasible from an economic standpoint and is unable to proceed, the master developer will not be able to deliver obligations and community benefits under the original agreements. The remediation of Estuary Park would not proceed and much of the open space yet to be built would not proceed. Other public infrastructure such as roadways and streetscape improvements would not move forward, and other community benefits such as resources for job training would be lost.”

The assumption seems to be that this negative picture can be averted by relieving the developer of the contractual obligation to convey title of Parcel N to the City; the developer would then sell it and use the proceeds to improve the financial position of the Brooklyn Basin project.

9. When will the broad market conditions at Brooklyn Basin be improved sufficiently to ensure the financial feasibility of the Brooklyn Basin project?

The business model of Brooklyn Basin development has seemed to rely on an ongoing stream of revenue from sale of new, entitled parcels and related bonds. That revenue would help finance the next phase of development, one phase underwriting another. That model no longer appears viable, but this fundamental problem would not be remedied by the City rescinding its contractual right to the title of Parcel N. It reflects broad and persistent market conditions that will not be altered by the City gifting Parcel N to the developer.

10. Are City leaders prepared for the political fallout resulting from withdrawing support of the Council-adopted Estuary Park Master Plan?

On July 9, the developer presented market rate housing proposals for Parcel N to the Parks & Recreation Advisory Commission (PRAC). Over 90 community members attended and spoke strongly against the developer’s housing proposal and unanimously in favor of the Master Plan for Estuary Park. The public doesn’t favor injecting 5-story housing complexes into a Council-approved park, and this stance was confirmed by extensive written public comments submitted and reprinted in the PRAC October 8 Staff Report.

Until the item was pulled from the October 8 PRAC agenda by the developer, a similar level of public comment was expected there. The rowers, park advocates, and concerned citizens are not expected

to become silent. See the bullet point list at the end of this letter, regarding long-term community involvement.

11. Why is staff recommending approval of the developer's Parcel N proposal?

We believe the developer's "blight" scenario has stampeded staff into giving special consideration to the developer's parcel N proposal. Nevertheless, we question whether its approval would overcome the business difficulties and potential blight of Brooklyn Basin. We contend that those difficulties reflect persistent and broad market conditions that will not be altered by the City gifting Parcel N to the developer.

We urge you to take careful consideration of the public expressions of support for the Council-approved Estuary Park Master Plan.

Estuary Park Bullet Points

- 1999—Estuary Park and its expansion to Embarcadero is described in the Estuary Policy Plan
- 2002—Estuary Park is named in the Measure DD bond language among the parks to be financed (Exhibit A).
- 2006—The Development Agreement language requires the developer to cause fee title to the Brooklyn Basin Public "Open Space" to be transferred to the City and be remediated of toxics. (DA 4.4.1 and 4.4.1.1, Exhibit D)
- The Estuary Park planning process therefore incorporated Parcel N into the park design under terms of the 2006 Development Agreement.
- After City-issued RFPs for landscape architectural design services, a lengthy design process involving extensive public participation yielded the Draft Master Plan. Council approved the plan in January 2005. The plan incorporates "Parcel N," which is currently owned by the Brooklyn Basin developer and zoned OS-RSP (Open Space—Regional Serving Park).
- Under the 2006 Development Agreement and all its amendments, the developer is obligated to convey title of this parcel to the City after remediating it of toxics. This same obligation applies to all open-space parcels in Brooklyn Basin.
- Last year, the developer announced an intention to breach the Development Agreement and is now seeking to be relieved of these obligations and seeking to obtain entitlements for 5-story housing on the parcel.
- The developer has announced an intention to sell the parcel after these entitlements are secured.
- Shortly thereafter, senior City administration put an "administrative hold" on the Measure DD Estuary Park project, but lifted it after a few months, instead taking a position that that Measure DD should do a phased implementation, working around the Parcel N boundaries. As the entire site needs to be remediated of toxics and capped, this guidance proved unworkable, creating further delays.
- The developer submitted an extensive package of proposed amendments which are being processed by Planning:
 - ◆ Amendment to the Estuary Policy Plan (i.e., General Plan) to change the land use designation of Parcel N from Parks to PWD-4 (Planned Waterfront Development 4).
 - ◆ Amendments to the Downtown Oakland Specific Plan to modify all maps and diagrams which illustrate Parcel N as park space to residential space.
 - ◆ Zoning Map and Text Amendments to change Parcel N's zoning from OS (RSP) to D-OTN to be consistent with the entirety of the Brooklyn Basin PUD.

- ◆ Amendments to the Brooklyn Basin/Oak to Ninth Preliminary Development Plan to modify all maps, diagrams and language indicate residential development is permitted on Parcel N.
 - ◆ Amendments to the Brooklyn Basin/Oak to Ninth Design Guidelines to modify all maps, diagrams and language to indicate that residential development is permitted on Parcel N.
 - ◆ **Amendment of the Development Agreement to modify several terms, including but not limited to, allowing Parcel N to be converted from public open space to a development parcel under the Development Agreement and to allow the Developer to retain Parcel for housing development.**
 - ◆ Final Development Plan which is required for the proposed residential buildings on Parcel N.
 - ◆ A new Vesting Tentative Parcel Map and condominium plan specific to Parcel N that would accommodate the proposed site planning and residential development as well as the ability for the sale of the units. The proposed parcel map would also convey that the ownership of Parcel N would remain with the developer.
 - ◆ Amendment to the approved EPMP to exclude the Parcel N property.
 - ◆ A request to the City Council to direct staff to process an amendment to the EPMP to redesign Estuary Park and contain all future park improvements and renovation within the Estuary Park land area as its boundaries exist today.
- The developer's proposal is inconsistent with the Council-approved Estuary Park Master Plan. If approved, the proposal would invalidate the Master Plan.
 - Approximately \$3.2M has been expended to date on the Master Plan from Measure DD and other sources.
 - Council has not acted to rescind the park plan and has not issued an RFP for architectural services to redesign the Park Master Plan. In fact, we believe Council has not discussed this matter at all.
 - Without formal solicitation from the City, the developer has submitted its own conceptual redesigns for modification of the City's Park Master Plan.
 - Planning staff presented these developer designs to the PRAC on July 9, and the developer's chosen design was agendized for presentation on October 8, though withdrawn. Although the preceding discussion did not support the recommendation, the October planning staff report recommended the PRAC approve the Developer's proposal:

"Support a request to the City Council to direct staff to process an amendment to the EPMP to redesign Estuary Park and contain all future park improvements and renovation within the Estuary Park land area as its boundaries as exist today."