

PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Monday, November 18, 2024
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708
TELECONFERENCE LOCATION - 1121 15TH STREET, SACRAMENTO, CA 95814
TELECONFERENCE LOCATION - 1301 VENTURA CANYON AVE, GLENDALE, CA 91201

JESSE ARREGUIN, MAYOR
Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1600846103>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 084 6103**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Government Code Section 84308 (Levine Act) - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$250 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

Preliminary Matters

Roll Call:

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

- 1. Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area**
From: City Manager
Recommendation: Provide feedback and direction on how to proceed with the Waterfront Specific Plan process.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on November 14, 2024.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: November 14, 2024
Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: <https://records.cityofberkeley.info/>.

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City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

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Please refrain from wearing scented products to this meeting.



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Office of the City Manager

01

Special Meeting Item

ACTION CALENDAR

November 18, 2024

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director of Parks, Recreation & Waterfront

Subject: Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area

RECOMMENDATION

Provide feedback and direction on how to proceed with the Waterfront Specific Plan process.

SUMMARY

This report provides a summary and discussion of the [draft Waterfront Specific Plan](#), discusses public process and feedback to date, addresses frequently asked questions and misconceptions, and discusses areas for Council feedback. This report also includes information on the Pier Ferry project and the Waterfront parking and transportation demand management study currently underway.

Staff is now seeking Council feedback and direction on which of the following should be our next steps?

- Proceed with environmental review under CEQA, finalize the WSP, prepare changes to the zoning ordinance, and return to Council in April 2026 for approval. If we are to proceed, additional feedback will be needed about the size of commercial development to be studied under CEQA.
- Pause, make changes to the draft, then return to Council for feedback; or
- Stop and discontinue the project.

INTRODUCTION

The Berkeley Waterfront includes all public tidelands in the area west of Eastshore State Park. It contains 100 acres of parks and open space, the 1,000-berth Berkeley Marina, a large hotel, 4 restaurants, a boatyard, office building, a launch ramp, parking lots, restrooms, the Adventure Playground and Shorebird Nature Center.

The Waterfront Specific Plan (WSP) provides a vision for meeting current and future community needs at the Waterfront for the next 25-50 years, designates areas for potential commercial redevelopment and new recreation opportunities and provides design guidelines for future projects.

On September 8, 2023, the draft WSP was published on the City website for public review and feedback. This was a significant milestone for the project, which started in 2020 with studies on existing conditions, economic demand, infrastructure, and community brainstorming, dialogue and discussion about visions for the Waterfront over the next 25-50 years. Since the draft plan was posted, there have been several updates based on input from the community and the Bay Conservation Development Commission (BCDC) and State Lands Commission staff. The City is also conducting a parking and transportation study to develop strategies for managing additional Waterfront visitors from future potential projects like the Pier Ferry or new amenities from the Waterfront Specific Plan. The most recent draft was posted on November 8, 2024.

BACKGROUND

About the Waterfront Specific Plan

In 2019, City Council assigned \$1.101M to the Waterfront Specific Plan to provide a long-term vision and plan for achieving a financially self-sustainable, publicly-owned Waterfront in the City of Berkeley that preserves and enhances infrastructure to support current and future community needs, while adapting to climate change and promoting environmental stewardship.

The process started with an evaluation of baseline conditions in the Waterfront, followed by an evaluation of potential new appropriate revenue generating opportunities. The planning process has included extensive community outreach and engagement to generate ideas, take feedback, and re-evaluate opportunities. To date, this has included:

- 6 community workshops with over 430 participants
- 28 focus groups with 285 participants
- 3 community questionnaires with 1,821 responses
- 1,493 subscribers to the project website
- 2 Council Worksessions (2/2021, 3/2023)
- 2 Off Agenda Reports (6/2022, 1/2024)

The draft Waterfront Specific Plan document has been developed by staff from multiple City departments, including Planning and Development, City Attorney's Office, and Parks, Recreation & Waterfront together with a consultant team led by Hargreaves Jones.

The Waterfront Specific Plan could be adopted by Council as early as Spring 2026, along with an Environmental Impact Report (EIR) and updates to the zoning ordinance and General Plan.

Why a Specific Plan?

This Specific Plan was authorized by Council in response to years of a growing fiscal crisis in the Waterfront, where costs to operate and maintain the Waterfront increasingly

exceeded revenues. The financial structure of the Waterfront historically was and currently is for revenues from the Waterfront hotel, restaurants and boaters – via the Marina Fund – to cover all costs to operate and maintain the Waterfront’s 1,000 slip marina, 100 acres of parks and green space, South Cove small boat launch area, Shorebird Nature Center, Adventure Playground, all roads, pathways, parking lots, special events and recreation programs. In practice, these revenues, which are overwhelmingly generated by non-residents, struggle to cover basic operations, and cannot keep up with maintenance and capital needs, especially as much of the original Waterfront infrastructure from the 1950s and 1960s has reached the end of its useful life. This, combined with decades of below market boater fees and safety issues that affected boater occupancy and lease revenue, has resulted in an exhausted Marina Fund balance, requiring annual General Fund transfers to cover basic operations and emergency capital needs. Today, there is a structural deficit of approx. \$850k/year and \$94M in unfunded capital infrastructure needs (not including the Berkeley Pier). These infrastructure needs include high priority projects like the South Cove seawall replacement, South Cove dredging, dock replacements (J, L, M), re-decking of F&G docks, parking lot work at FGHI Lot, reconstruction of Seawall Drive, Bay Trail improvements, Cesar Chavez pathways and more. Even if these infrastructure needs were completed over a 25-year period, there would need to be an additional \$4.6M identified to meet the Waterfront’s basic capital and operating needs.¹

In the context of this fiscal challenge, a Waterfront specific plan offers a framework for considering appropriate new uses to the Waterfront that could generate new revenue, help meet community needs and preserve community values.

Why a Specific Plan and not a Master Plan?

At present, the Marina Waterfront is zoned as “Unclassified”, which requires a lengthy approval process for any proposed new use. A specific plan offers a path to change this, by designating allowable land uses, development standards and design guidelines; and evaluating and mitigating, where feasible, any related environmental impacts. Specific plan elements could then be incorporated into the City’s zoning ordinance and General Plan so the Waterfront, like nearly all other areas of the City, would have more regulatory and zoning clarity, and proposals for appropriate new revenue generating and recreation opportunities could move forward more quickly and with a higher likelihood of success.

A unique feature of the Berkeley Waterfront is that it is entirely public land, so the City retains discretion over what can happen there not only through zoning, but also through the lease process. The lease process allows the City to retain a high level of control to determine what is built and how, and to obtain more community benefits like trails, restrooms, and other amenities. What this means in practice is that the Specific Plan

¹ \$4.6M is the sum of \$3.76M/year for unfunded infrastructure projects (\$94M in projects completed over 25 years) plus \$850k/year to close the operating deficit. This does not include any capital set-aside for future infrastructure needs or replacements related to recently completed projects.

describes potential new uses and general design guidelines, but details can be negotiated and approved by Council through the lease process.

What will the Specific Plan mean for Berkeley?

The Waterfront Specific Plan will guide the future evolution of Berkeley's Waterfront through a community-driven vision that balances stewardship of its diverse ecological and recreational resources with integrated and appropriate development, guided by clear land use regulations, development standards, and design guidelines.

Environmental stewardship and equitable access to the Waterfront and its resources are central to the Waterfront Specific Plan. The community process reinforced that the Waterfront is a highly valued resource within the City, and that preserving access to Bay waters, views, nature, and recreation opportunities are among the community's highest priorities. There was overwhelming consensus that the shoreline, parks, and natural areas should be preserved for these purposes, supported by existing and new recreational amenities that enhance the public's use and enjoyment of those areas.

As specific development projects are proposed for the Waterfront over the next 25-50 years, the City, with a Waterfront Specific Plan, would have a comprehensive document to use for evaluation to ensure consistency with a collective yet flexible vision for this significant public landscape.

Berkeley Pier with Ferry Access Project

Since the last WSP Council update in March 2023, the City secured \$11.1M in grant and outside funding for the design, engineering and environmental review for the [Berkeley Pier with Ferry Access Project](#). In May and June 2023, the City was awarded an Alameda County Transportation Commission (ACTC) grant for \$5.138M, and a State Coastal Conservancy (SCC) grant of \$2.96M; additionally, the Water Emergency Transportation Authority (WETA) board authorized an allocation of up to \$3M for the Berkeley project. While funds still need to be identified to cover the construction phase, in July 2023, WETA incorporated ferry operation funding into their first 5-year budget for Regional Measure 3 Operations Funding, [allocating \\$5.76M in FY28](#) for Berkeley ferry operation.² Their plan is to operate an all-electric service between Berkeley and San Francisco, and WETA has received \$100M in grants to support the purchase of new electric ferries and to convert existing ferries to electric. As a reminder, WETA was allocated \$300M of Regional Measure 3 Capital Funding for new ferry infrastructure in the Bay. This funding will play a pivotal role in the Berkeley project.

A re-opened Berkeley Pier with ferry access has the potential to bring significantly more new and diverse users to the Waterfront – from those who enjoy fishing, walking and jogging on the pier, to those who want to enjoy a ferry ride on the Bay. The project could also provide a path to complete multiple Waterfront improvements on the south side, including an expanded Bay Trail Extension, new public restrooms, Seawall Drive and

² See WETA Board 7/13/23 meeting packet, <https://weta.sanfranciscobayferry.com/sites/default/files/weta-public/currentmeeting/b071323aFULL.pdf>.

parking area improvements, electric vehicle charging stations and improved transit access.

Although both occur within the Waterfront, the Pier Ferry project and WSP are two separate projects: one is a capital project, and the other is a planning document. The draft WSP incorporates the Pier Ferry concept into the vision and zoning for the Waterfront, however the Pier Ferry project does not depend on adoption of the WSP to occur. Similarly, the WSP does not require the Pier Ferry project to occur in order to be adopted and implemented. The upcoming Pier Ferry public process will precede the drafting of the CEQA document that is scheduled to start in early 2025.

Parking

A persistent concern heard through the WSP public process is that the Waterfront does not have enough parking to accommodate new uses. The Waterfront was designed in the 1950s with an expectation that people would drive there – and to this day, most people do. Parking lots comprise close to 20% of Waterfront land, and with more than 2,200 spaces, with close to 1,400 open to the public, most people who visit the Waterfront now enjoy free, all-day parking, (see Appendix B).

As new amenities are introduced, there will be greater demand for parking. But given the City's interests in more climate-friendly travel, incentivizing nondriving modes of coming to the Waterfront would be wise. Parking lots reflect a tradeoff for the public good, using up limited Waterfront land, contributing to traffic congestion, and disincentivizing alternative transportation modes like rideshare, bikes, scooters and public transit. Parking will be needed at some level – especially for people with disabilities or who participate in water sports with heavy equipment. But there is room for much more creativity to deploy parking management strategies that use permits, time limits, pricing, loading and drop off zones, and transportation demand management strategies that support bike, pedestrian and transit access.

About a year ago, we were scheduled to bring a similar report to City Council on the Waterfront Specific Plan, but postponed to undertake a transportation and parking management study. This study was possible because the Pier Ferry project had funding and scope to evaluate the impact of additional visitors on parking and to identify strategies to incentivize nondriving modes of transportation. The City engaged Kittelson Associates, a local transportation firm, to conduct the study. The scope includes three components: documenting existing conditions; developing strategies for managing additional visitors from the potential Pier Ferry project; and developing strategies for managing additional visitors from the combination of potential Pier Ferry *and* Waterfront Specific Plan-related commercial and recreational development. The first part of the study – existing conditions – was completed in September and included review of previous data from a Nelson Nygaard study in 2018, City parking data collection from 2020 to 2024, and new data collection efforts. Kittelson collected hourly parking counts between 5:30 am and 9:30 pm over six days. Additionally, Kittelson with the help of Waterfront monitors conducted parking intercept surveys to understand the trip purpose

and travel behavior of the visitors. More information on this study is available on the [Pier Ferry website](#).

The existing conditions study identified that on all but peak event days, there is parking available in the Waterfront. This data suggests that some lots fill at certain times but parking is available in other parts of the Waterfront. The initial elements of this study were shared on the City's website in September 2024, and discussed with the community in a virtual community meeting on September 30, 2024.

The next steps in this study are to develop strategies for managing additional visitors; this will be completed later this year. This study will result in a prioritized and phased plan to implement new transportation demand management strategies to respond to increased visitors to the Waterfront, whether due to the Pier Ferry project or redevelopment envisioned in the WSP.

DISCUSSION

Draft Waterfront Specific Plan

The draft plan was first published on the City's website for public review in September 2023. Since then, it has been updated three times. The most current draft was released November 8, 2024. In its current draft, the plan includes an introduction and background, vision, land use and development, and an appendix. Still under development and will be available when we release the next draft are an executive summary, implementation strategies, capital project prioritization, and EIR basis of design (which models a buildout scenario for studying environmental impacts).

The plan provides a vision for meeting current and future community needs at the Waterfront for the next 25-50 years, designates areas for potential commercial redevelopment and new recreation opportunities and provides design guidelines for future projects.

Berkeley Waterfront Vision

The vision for the Waterfront centers on preserving what people love about the Waterfront today: access to parks and pathways, water-related recreation, and scenic views; and adding complementary features that bring new and diverse users to the Waterfront: new recreational and nature-oriented amenities, selective commercial redevelopment, and supporting infrastructure to ensure a strong and thriving Waterfront well into the future.

- *Vision for Parks & Nature*

Preserving access to Bay waters, views, nature and recreation opportunities are among the community's highest priorities. There is broad consensus that the shoreline, parks and natural areas should be preserved for these purposes, and that integrated recreational amenities could enhance the public's use and enjoyment of those areas. There are opportunities to improve Bayfront and inner harbor pathways and increase areas of public realm to maximize the public's access and enjoyment of the waterfront.

And there are opportunities to enhance landscaped areas to promote biodiversity and improve resilience to the impacts of climate change.

- *Vision for Recreation*

The Waterfront is home to a diverse range of shoreline and water-related recreation activities. The vision is to support these activities and the groups that provide them, while encouraging new visitors to experience the Waterfront. The plan envisions new recreation amenities like a potential Aquatic Center to house existing sailing organizations and improved pathways to better connect waterfront amenities. Special events can activate small and large areas throughout the Waterfront to create vibrant destinations that attract diverse new visitors, while still offering spaces of peaceful tranquility. At the center of the Berkeley Waterfront – the 1,000 berth marina – there are multiple opportunities to modernize infrastructure and enhance the customer experience to ensure that this key economic engine of Waterfront revenue generation thrives into the future.

- *Vision for Land Use and Redevelopment*

Future development should occur in currently developed areas – land made up currently of leased buildings and parking lots. Without encroaching on parkland and open space, selective redevelopment at the Waterfront will bring in more amenities and visitors as well as increased revenue generation to help create a sustainable funding source for the Waterfront. There are opportunities on the north side to enhance public access to Bay views and the shoreline and add amenities like cafes and restaurants to complement the neighboring Cesar Chavez Park and working waterfront in the inner harbor. There are opportunities on the south side to complement the many existing recreational and commercial draws to the Waterfront with cafés and restaurants and related amenities. If the City wants to add hotel rooms to support long-term revenue generation for the Waterfront, that can be achieved by densifying the existing Doubletree Hotel, or siting an additional hotel on either side of the inner harbor. Figure 1 and Figure 2 show renderings of opportunities on the north and south sides of the Waterfront. They are not actual projects – but are intended to be illustrative, showing possible locations for possible opportunities.

Figure 1 - Opportunities on the North Side of the Waterfront

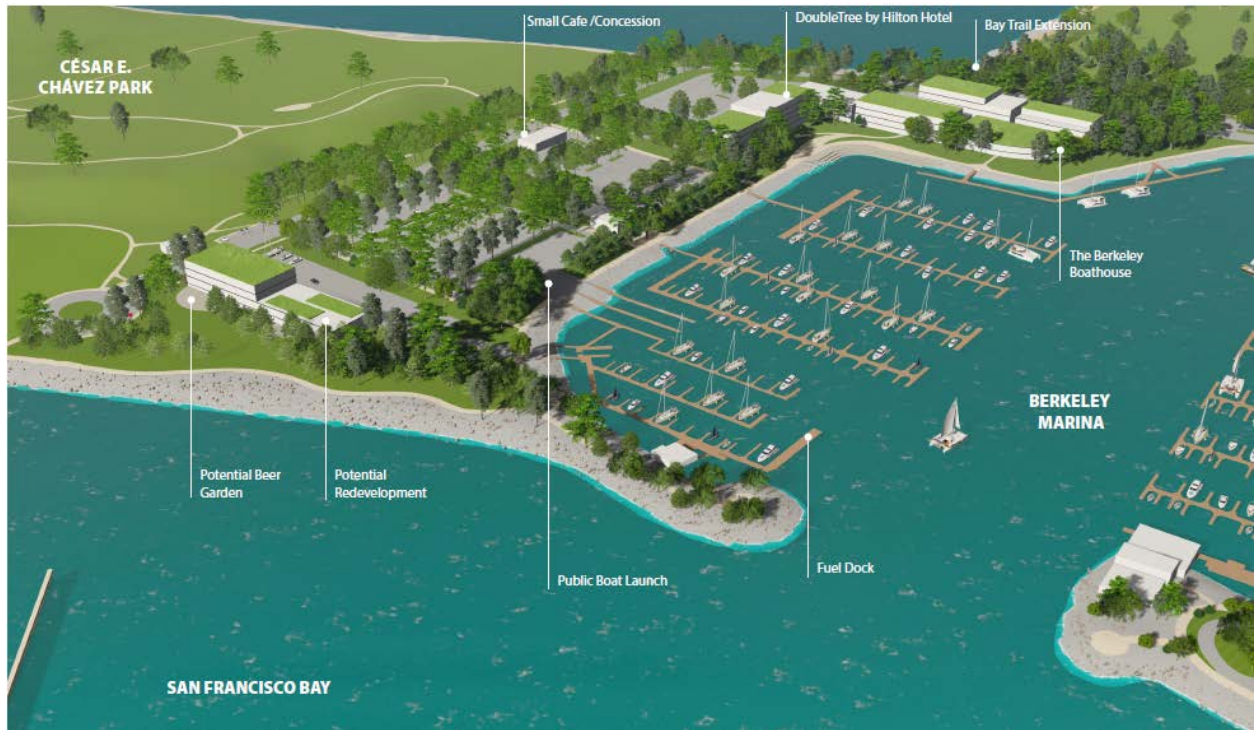


Figure 2 - Opportunities on the South Side of the Waterfront



- *Vision for Supporting Infrastructure*

A range of infrastructure investments will be needed to support both new and existing amenities and visitors, and to keep the Waterfront strong and resilient over the next 25-50 years. Physical infrastructure needs to be well funded and well maintained, and prioritized to ensure preventative maintenance, protection against sea level rise, and climate-smart investments in things like EV charging, solar canopies and green infrastructure. The Waterfront should be a pedestrian- and bike-oriented environment, where alternatives to driving are encouraged. All areas of the Waterfront should be connected with easy-to-navigate and accessible pedestrian and bicycle pathways. Public transit should be encouraged and expanded to additional sites in the Waterfront. Many users – especially those with accessibility challenges and those transporting water-related equipment – will still need to drive to the Waterfront.

- *Vision for Fiscal Sustainability*

An assumption at the start of the Specific Plan process was that the Waterfront could be financially self-sustainable. This came from the City's decades long approach to financially managing the Waterfront via an enterprise fund, the Marina Fund, in which revenue is expected to cover expenses. This assumption has since been tempered by this project's market demand analyses that concluded that likely revenue generation from new commercial development was under \$1M, keeping in mind that this study was done in 2020 during the height of the COVID-19 pandemic. It was also clear over the course of this project's multiple community meetings that there would be concerns about excessive commercial development. Given this, it is unlikely that new development alone can generate all the revenue needed at the Waterfront.

New amenities at the Waterfront will be part of the solution, with lease revenue from new development and visitors generating some new revenue, and potentially indirectly improving berth revenue. Additional programming, as well as enhancements to parks, habitats, recreational opportunities, wayfinding, and placemaking will support this by improving the visitor experience. Still, additional funding sources will be needed to ensure the Waterfront is sustainable into the future. These could include, but are not limited to: CIP Fund (General Fund) allocations, a Parks Tax increase, a new City or regional tax, bond measures, loans or private financing, grants and external funding, and use fees.

Land Use and Development

The WSP identifies where redevelopment can happen, which land uses are permitted, who approves new uses and redevelopment, and how much redevelopment can happen.

- Where could redevelopment happen?

As shown in Figure 3, for purposes of the Plan, the Waterfront would be divided into three areas: commercial, recreational and parks.

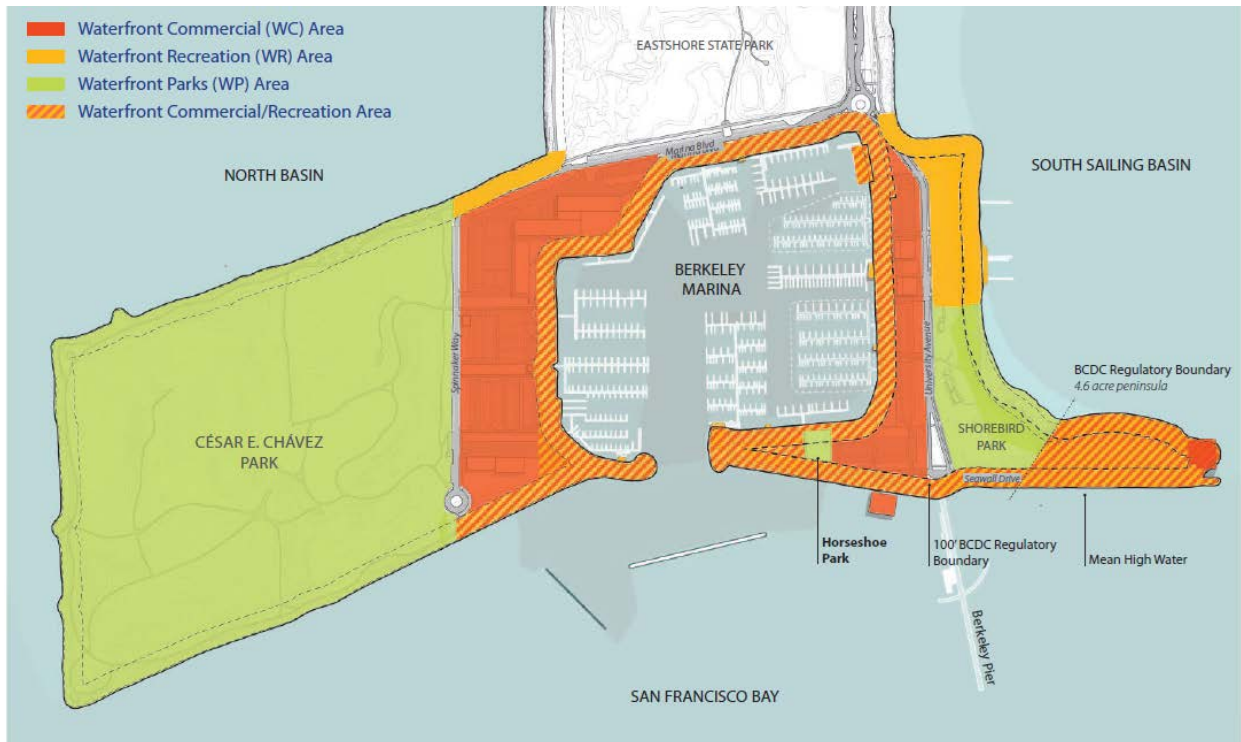
Under the Plan, commercial redevelopment would only be allowed in the area shaded in red, which includes the existing developed area comprised of buildings and parking lots.

The hatched area (mix of red and orange) would allow for certain kinds of commercial redevelopment, but with sensitivity to maintaining public access and enjoyment of the water. An example is the current Doubletree Hotel, whose leased premises within the hatched area include a restaurant and open patio and pathway area, all open to the public. At the Seawall peninsula, commercial development with sensitivity to public access could be possible, but is not allowed under existing San Francisco Bay Conservation & Development Commission (BCDC) permits, and would require a major permit and likely an amendment to BCDC’s Bay Plan – a multi-year process with an uncertain outcome.

Recreational redevelopment would be allowed in the area shaded in orange. Examples would be an aquatic center to house existing sailing clubs, or ancillary cafes or public markets.

The green shading is for parks, and no commercial development would be permitted in those areas.

Figure 3 – Proposed Waterfront Land Use Areas



- What land uses could happen there?

Figure 4 lists what the allowed land uses would be in each of the three Waterfront areas discussed above – and describes which type of permit would be required for various

land uses. Because the Waterfront is governed by state tidelands requirements, any use at the Waterfront must be consistent with the Public Trust and connect the public with the water. Figure 2 includes only those uses that would meet this requirement. All existing uses would continue to be allowed. New potential uses could include a museum/cultural center, a range of maritime services, a range of food and beverage services, waterfront-related retail, group class instruction, parking and transportation services, and an open-air public market.

Use Permits (UP) require a public hearing; Administrative Use Permits (AUP) require staff-level design review and zoning approval; and Zoning Certificates (ZC) are ministerial.

Figure 4 - Allowable Land Uses

LAND USE	Area WC Waterfront Commercial	Area WR Waterfront Recreational	Area WP Waterfront Park	Use-Specific Regulation: Guidelines
Residential Uses				
<i>No Allowable Uses</i>				
Public & Quasi-Public Uses				
Club / Lodge	UP(PH)	UP(PH)	NP	consistent with the Public Trust
Community Center	AUP	AUP	AUP (Shorebird & Horseshoe) NP (Cesar Chavez)	consistent with the Public Trust
Museum / Cultural Center*	AUP	AUP	NP	consistent with the Public Trust
Park / Playground	ZC	ZC	ZC	
Retail Uses				
Retail, waterfront-related*	ZC	ZC	NP	consistent with the Public Trust
Personal and Household Service Uses				
<i>No Allowable Uses</i>				
Office Uses				
<i>Maritime Uses only, related to Tideland Trust uses (see below)</i>				
Food and Alcohol Service, Lodging, Entertainment & Assembly Uses				
Commercial Recreation Center, waterfront-related*	AUP	AUP	NP	consistent with the Public Trust
Food Service Establishment	AUP	AUP	NP	limited to first two floors or usable open space on upper levels; direct entries from ground level
Group Class Instruction, waterfront-related	ZC	ZC	NP	consistent with the Public Trust
Hotels, Tourist	UP(PH)	UP(PH)	NP	permitted in subarea WR-2 only, where adjacent to WC subarea
Maritime Uses (Land)*				
Boat Repair & Service*	UP(PH)	NP	NP	
Boat Sales & Rentals*	ZC	ZC	NP	
Boat Fuel Station, Gasoline & Alternative Fuel*	UP(PH)	NP	NP	
Ferry Access Point*	UP(PH)	UP(PH)	NP	
Marina*	ZC	ZC	NP	dry land portion
Maritime Office*	ZC	ZC	NP	accessory to & supportive waterfront recreation / Tidelands Trust
Recreational Boating & Water Use*	ZC	ZC	NP	
Visitor Services*	ZC	ZC	ZC	
Maritime Uses (Water)*				
<i>Maritime uses over water (revetment crest) are subject to compliance with allowable uses as regulated by State Lands Commission, BCDC, and USACE. See Section 2.5 Berkeley Marina Operations for further information.</i>				
Industrial & Heavy Commercial Uses				
<i>No Allowable Uses</i>				
Incidental Uses				
Alcoholic Beverage Service	ZC (beer&wine) AUP (spirits)	ZC (beer&wine) AUP (spirits)	NP	23.310 Alcoholic Beverage Sales and Service
Live Entertainment	ZC (unamplified) AUP (amplified)	ZC (unamplified) AUP (amplified)	NP	
Outdoor Cafe Seating	ZC	ZC	NP	
Other Miscellaneous Uses				
Maintenance Facility & Yard	ZC	ZC	ZC	City-owned only, accessory to & supportive of open space & waterfront recreation
Parking Lot	UP(PH)	UP(PH)	NP	23.322 Parking & Loading
Parking Structure	UP(PH)	NP	NP	23.322 Parking & Loading
Public Market, Open Air	AUP	AUP	NP	
Transportation Services*	ZC	ZC	ZC	
Temporary Uses & Events				
<i>Special events (including but not limited to concerts, festivals, parades, sporting and community events) are subject to "Discretionary Use Permits" issued by City Berkeley Parks, Recreation & Waterfront Department. Special events do not require Zoning Permits. No permanent structures or infrastructure. See Section 2.10 Waterfront Special Events & Programming for further information.</i>				

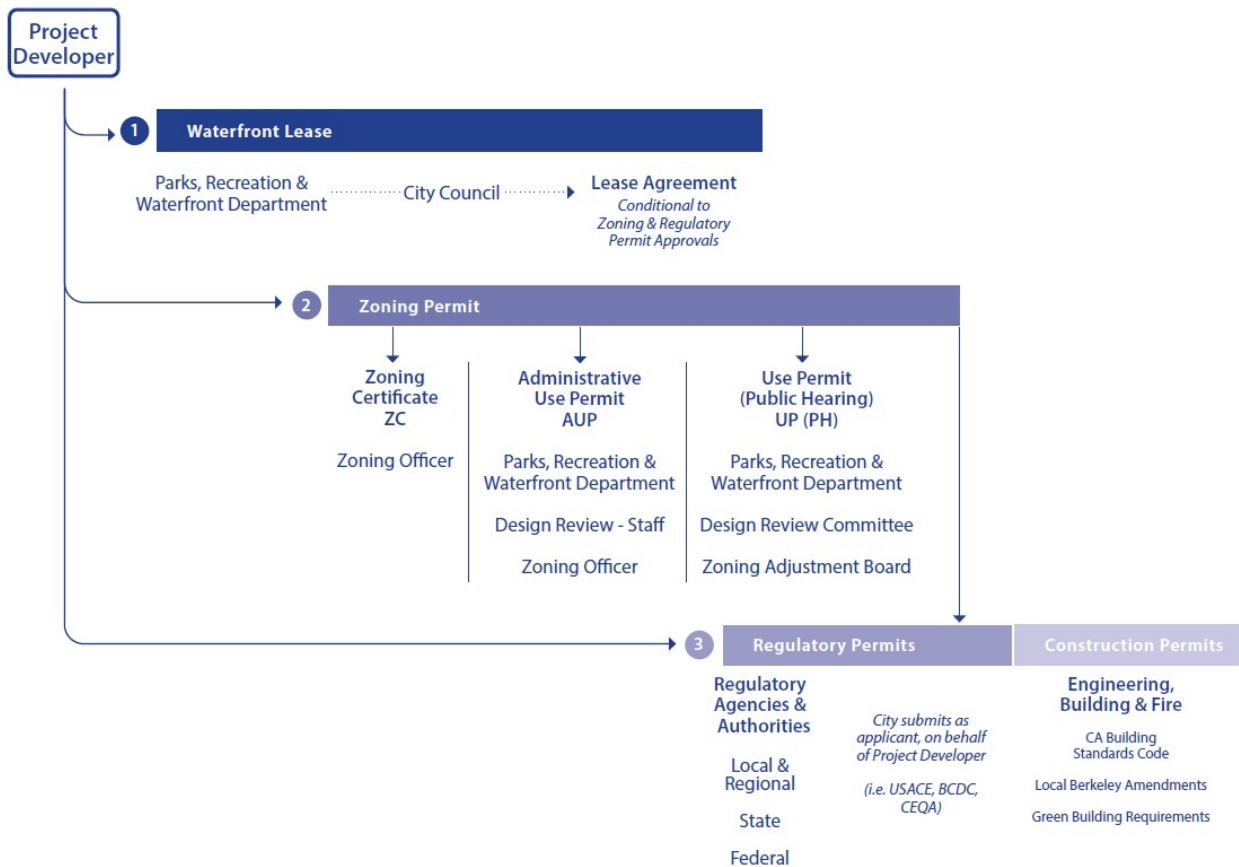
ZC = Zoning Certificate
AUP = Administrative Use Permit
UP(PH) = Use Permit (Public Hearing)
NP = Not Permitted

* Denotes land uses not currently included in the Berkeley Municipal Code / BMC Glossary

- What would be the approval process?

As shown in Figure 5, there would be two parallel approval processes for new uses at the Waterfront: the lease process and the zoning process. Since the Waterfront is entirely public land, the City Council would approve any new lease via ordinance. Additionally, a new use would require a permit (depending on use, as described above), and any applicable regulatory and construction permits. In practice, the lease and zoning processes would occur in tandem, so that Use Permits are only sought for proposals that the City would like to explore for the Waterfront, and so that leases are only pursued for allowable uses.

Figure 5 - Project Approval Process



- How much and what kind of redevelopment could happen?

The amount and type of future redevelopment would depend on market demand, City support, and development standards. Over the next 25-50 years, the City could receive proposals for any of the land uses described above; development standards would govern the physical bulk and appearance of proposed redevelopment. Figure 6 further divides the Waterfront commercial and recreational zones into eight subareas, each of which would have specific development standards tailored to the specific context of

each area. Figure 7 summarizes the development standards that would apply to each subarea. An overall maximum square foot development standard is layered across these to provide a limit on total new development in the Waterfront. The intent of these development standards, in coordination with design guidelines, is to provide clarity about what project types and scales would be allowed, in addition to ensuring that design quality, character, and site integration are consistent with the overall vision for the Waterfront. In addition to the standards for each area,


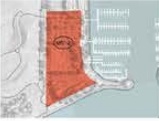














Figure 6 - Waterfront Development Subareas



Different development standards are provided for each subarea:

- **Subarea WC-1, Doubletree Hotel:** This subarea would include the existing Doubletree hotel and its associated parking lot. As the largest existing structure at the Waterfront, this subarea is identified as a prime area for more expansive redevelopment, with increased building heights and site coverage.
- **Subarea WC-2, Marina & Bay North:** Located adjacent to Cesar Chavez Park, this subarea would be a transition from the Doubletree, with development permitted at moderate heights and site coverage. Higher setbacks on the Bay would maintain a broad public trail and landscape, while smaller setbacks on the Inner Harbor would encourage an active indoor-outdoor public realm.

Figure 7 - Development Standards for Waterfront Subareas

	Area WC Waterfront Commercial					Area WR Waterfront Recreational		Area WP Waterfront Park
	Subarea WC-1 Doubletree	Subarea WC-2 Marina & Bay North	Subarea WC-3 Marina South	Subarea WC-4 Bay South	Subarea WC-5 Seawall Area	Subarea WR-1 South Cove	Subarea WR-2 Shoreline	Subarea WP-1 Shorebird Park
								
								
Finished Floor Elevation	CA State Sea Level Guidelines							
Building Height, Maximum	65'		45'	65'	65'	35' ^[6]		25'
Setback from Revetment Crest, Minimum	30' ^{[1][2]}					30' ^{[1][2][6]}		100' ^{[1][2]}
Building Separation, Minimum	30' Inner Harbor-Sailing Basin / 75' on San Francisco Bayfront ^{[1][2]}					20'		no requirement
Building Subarea Coverage, Maximum	40%	20% ^[6]				7.5%	10% ^[6]	2%
Pedestrian Entrance Frequency, Minimum	50' min.	30' min.		50' min.	30' min.	30' min.	20' min.	30' min.
Ground Floor Uses, Minimum	40% Active Use	60% Active Use	80% Active Use	60% Active Use	60% Active Use	80% Active Use		80% Active Use
Ground Floor Transparency, Minimum	60% water-facing facades ^[4] 40% land-facing facades ^[4]					60% ^[4]		no requirement
Usable Open Space, Minimum	5 sq. ft per 100 gross sq. ft ^{[5][3]}					no requirement		
Off-Street Parking, Maximum (no Minimum)	Lodging Uses		0.9 per room			0.5 per room		
	Non-Lodging Uses		no requirement					N/A
	no requirement							

Notes

- [1] Exceptions for patio areas, single story height structures with roof decks, recreational amenities, and other elements that aid the transition from private to public
- [2] Revetment crest to be located in coordination with City per SLR 2100 projections at time of development, per CA State Sea Level Guidelines.
- [3] An AUP may be granted to reduce useable open space requirements if shown to be necessary to build an all-electric building.
- [4] Facades between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between exterior pedestrian areas and building interior. Dark or mirrored glass will not satisfy this requirement. Facades within 100' of shoreline edge are "water-facing".
- [5] Each square foot of usable open space provided as publicly accessible open space shall be counted as two square feet towards achievement of minimum
- [6] Subareas do not include open water, but existing buildings over water count towards total subarea land coverage.

- Subarea WC-3, Marina South: This subarea on the south edge of the inner harbor would form an active core on University Avenue, in coordination with the recreation facilities and the south sailing basin docks in WC-4 Bay South. Moderate increases to allowed building heights would encourage consolidated density in this area, while maintaining view corridors to the water.
- Subarea WC-4, Bay South: Located at the western end of University Avenue, the Waterfront's primary transit corridor, this subarea would allow taller, yet compact, buildings. This would reflect the more active character of the southern waterfront (e.g., restaurants, sports fishing shop, Shorebird Park, sailing clubs, Bay Trail, Berkeley Pier, etc.), and would reduce parking per developed square foot because of proximity to public transit and bike facilities on University Avenue.
- Subarea WC-5, Seawall Area: This subarea includes the shoreline zone from Skates restaurant southbound along Seawall Drive, extending to the Seawall Peninsula. It also includes the structures over water in this area. Currently, this subarea allows existing structures to be renovated in place. According to BCDC regulations, new development is not currently possible and would require significant regulatory change.
- Subarea WR-1, South Cove: This subarea would be the primary destination for focused water-based recreational activities. Permitted building heights would be lower, with modest site coverage, in order to provide amenities to support active water-based recreation, and maintain clear scenic views and broad public realm areas near the water.
- Subarea WR-2, Shoreline: A continuous perimeter/promenade trail and public realm landscape around the shoreline would provide direct access to water and nature on the Bay. Development in this subarea would be required to be compatible with this character, with limited building heights and reduced density via step-downs near the water and view corridors.
- Subarea WP-1, Shorebird Park: Shorebird Park would allow for limited structures that support the park experience for all users. Building heights and building coverage in this subarea would be the lowest at the Waterfront. The existing Shorebird Park Nature Center and Classroom would be permitted along with future improvements to the City's maintenance facilities adjacent to University Avenue. No commercial development would be permitted in this subarea.

The development standards are based on (1) community input (reaction to density, building heights, etc.); (2) review and comparison to comparable standards (Adeline Corridor Specific Plan, San Francisco Waterfront Plan, Treasure Island Development Plan, Richmond Specific Plan); and (3) review and coordination with other development standards in the Berkeley Municipal Code.

The development standards are intended to encourage creative and high-quality designs and to maximize flexibility in the types of proposals that the City can consider. In practice, the City can approve, for example, much lower heights or massing. As this is public land, the City has full approval rights via the use permit and lease agreement processes. Individual proposals can be negotiated and tailored to fit community needs on a case-by-case basis.

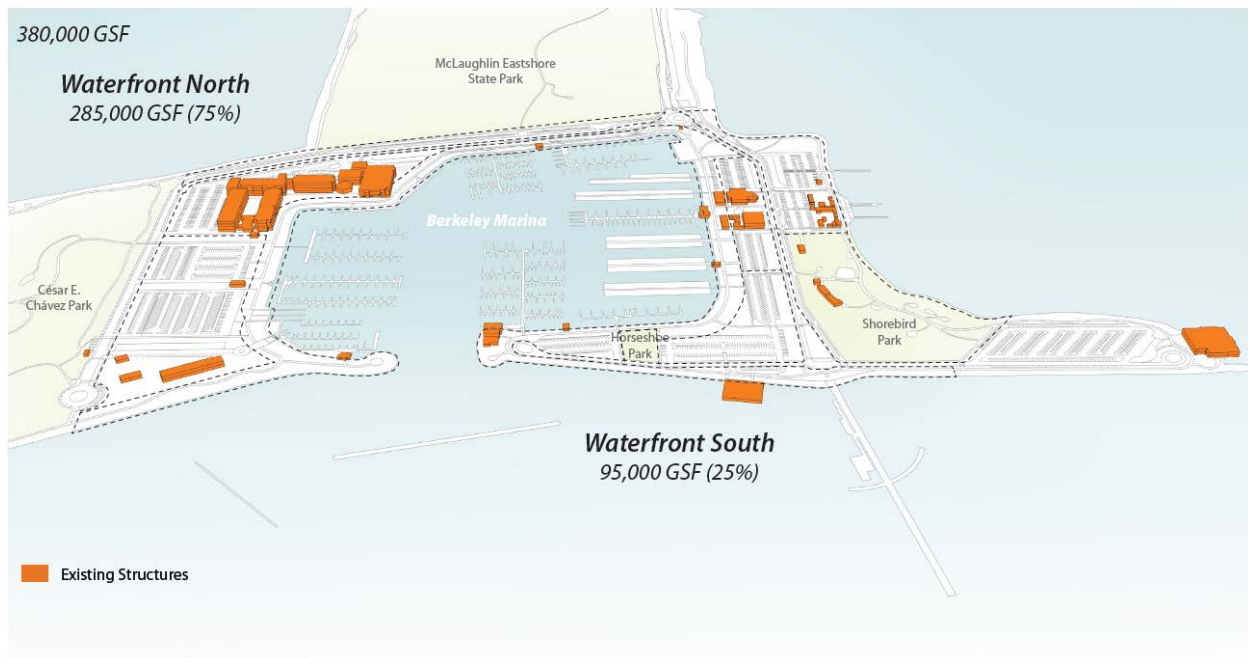
- What level of development could happen?

In addition to development standards for each sub-area, the draft Plan could incorporate an overall square foot maximum for structures at the Waterfront. This could still provide flexibility for the City to consider proposals within each sub-area, but would apply a limit for total potential development in the Waterfront. It would also inform the maximum buildout scenario to be studied under CEQA and the parking study, to ensure that any environmental parking impacts are considered and mitigated where feasible.

There are several things to consider. A lower level of development may limit market interest and lead to fewer proposals for the City to consider over the next 50 years; it could also lead to less potential revenue for the Marina Fund. A higher level of development could invite more proposals and could lead to more Marina Fund revenue, but could also be more challenging to manage visitors and user experience.

For perspective, the existing Waterfront includes 380,000 gross square feet (GSF) of structures including the hotel, restaurants, offices, Marine Center, and other buildings, that together generate \$2.2M in annual lease revenue for the Marina Fund, (see Figure 8). As noted earlier in this report, the additional funding required to cover basic Waterfront operations and address existing unfunded infrastructure needs is approx. \$4.6M/year (\$850k for operating deficit + \$3.76M for infrastructure needs).

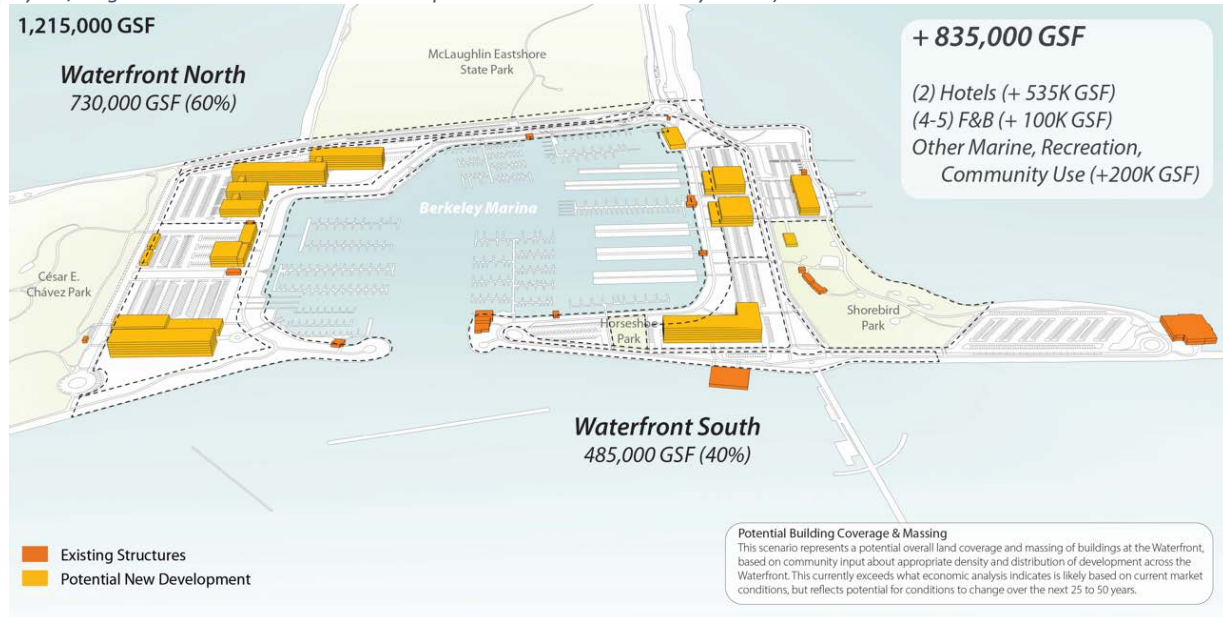
Figure 8 - Existing Waterfront development: 380,000 GSF of existing structures



To evaluate what level of development could happen in the future, we have developed three hypothetical scenarios reflecting three levels of future potential development, (Figures 9-11). They do not represent actual or recommended plans, nor are they design recommendations. They are intended to help illustrate additional massing in the context of existing Waterfront development and they include the potential revenue associated with each scenario.

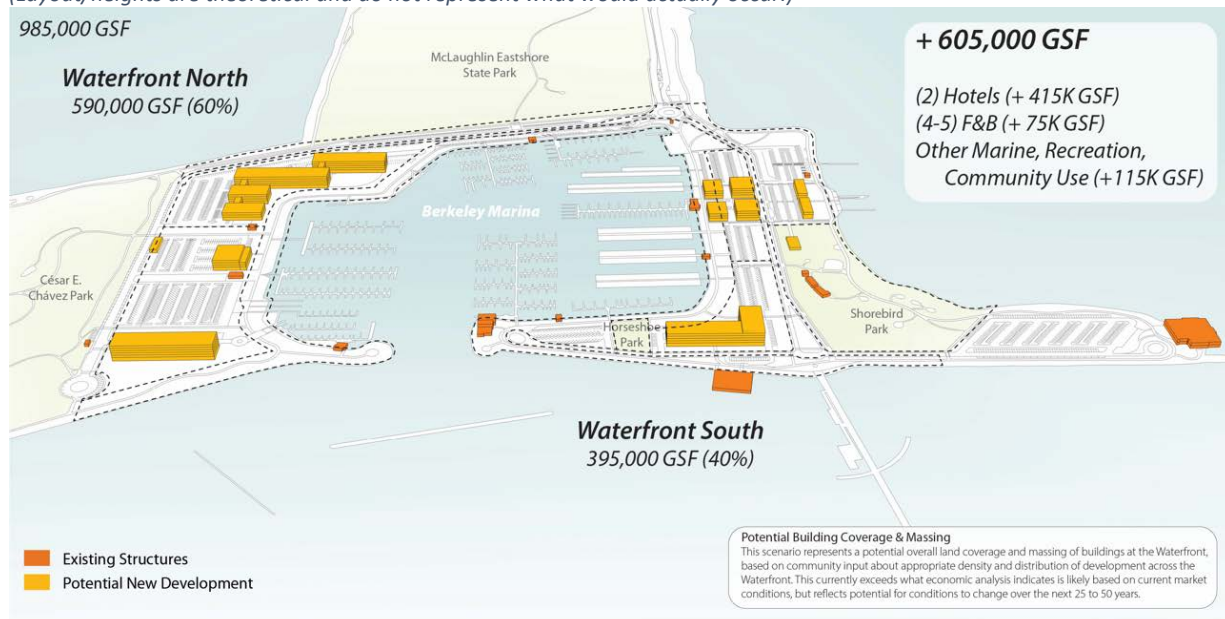
Scenario 1 shows the highest potential buildout based on the subarea coverage, building height and other limits described above. This represents a maximum of approx. 1.215M gross square feet or 3.2 times the amount of existing development at the Waterfront, (see Figure 9). This level of new development could include, for example, 2 new hotels, 4 new restaurants/cafes, 1 museum/community center, and other recreation/park building/marine use structures. If this new development matched current levels of revenue/GSF, this could raise an additional \$4.8M/year for the Marina Fund, which would more than cover the \$4.6M/year in current operating and capital needs.

Figure 9 – Scenario 1: Highest buildout, adds up to 835,000 GSF to existing 380,000 GSF, for a total of 1,215,000 GSF. (Layout/heights are theoretical and do not represent what would actually occur.)



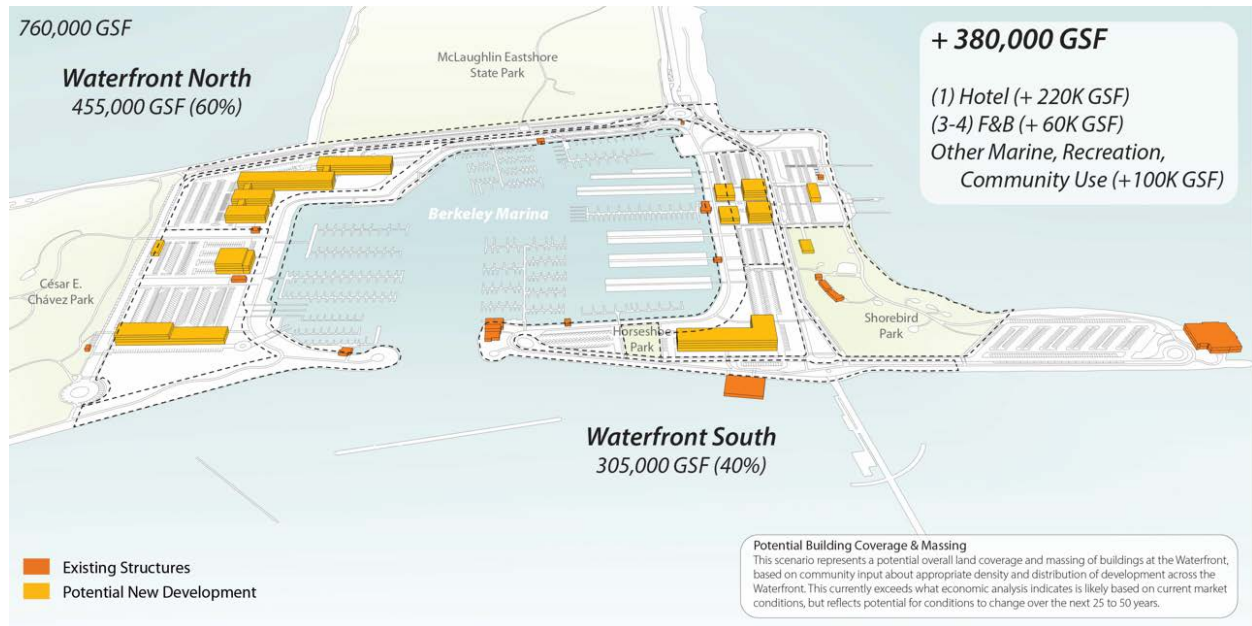
Scenario 2 shows a reduced buildout of 985,000 GSF, or 2.6 times the amount of existing development, (see Figure 10). To achieve this reduced level of development would require adding a new “overall gross square foot max” limit in addition to existing subarea development standards. This additional 605,000 GSF could include, for example, 1-2 new hotels, 3-4 new restaurants/cafes, as well as other recreation/park building/marine use structures. If this new development matched current levels of revenue per GSF, this could raise an additional \$3.5M/year, which would cover the current operating gap, and much of the existing capital needs.

Figure 10 – Scenario 2: Moderate buildout, adds up to 605,000 GSF to the existing 380,000 GSF, for a total of 985,000 GSF. (Layout/heights are theoretical and do not represent what would actually occur.)



Scenario 3 shows an even more reduced buildout to 760,000 GSF, or twice the existing level of the development, (see Figure 11). This scenario further reduces massing by applying a lower GSF limit in addition to the existing development standards. At this level of buildout, the Waterfront could include, for example, 1 new hotel, 3 new restaurants/ cafes, and other recreation/park building/marine use structures. If this new development matched current levels of revenue per GSF, this could raise an additional \$2.2M/year, which would cover the operating gap, but a smaller portion of the capital needs.

Figure 11 – Scenario 3: Low buildout, adds up to 380,000 GSF to existing 380,000 GSF, for a total of 760,000 GSF. (Layout/heights are theoretical and do not represent what would actually occur.)



Scenario 2 (moderate buildout) is recommended by staff because it provides a mix of flexibility for future proposals, the needed level of potential revenue for the Marina Fund, and reduced overall massing in response to community input.

Another strategy would be to choose Scenario 1 (highest buildout) now, for purposes of studying the maximum potential environmental impacts under CEQA and the maximum parking impacts under the parking study. If those impacts are found to be too significant, then, before the final Plan is adopted in Spring 2026, a square foot maximum could be applied to reduce the maximum buildout to Scenario 2, 3 or something else. There is no additional cost for CEQA or parking studies to study the highest buildout scenario. There would, however, be a cost, if the City proceeded to study a lower buildout, but later decided to pursue a higher buildout.

Public Process & Feedback

The draft WSP reflects four years of community input, gathered through meetings, focus groups, questionnaires, events, emails, and discussions. These efforts will continue as

we refine the draft, conduct additional studies, and work to attract new and diverse users to the Waterfront.

Since the last Council update in March 2023, staff have conducted four community meetings and engagements – two in May 2023 focused on nature, recreation, commercial redevelopment and parking; one in September 2023, as an open house to get feedback on the draft Specific Plan; and one in September 2024 to get feedback on parking and additional changes to the draft Specific Plan.

Targeted outreach to new users

Both for this project – and for the Waterfront more broadly – we have struggled to engage new users and to ensure that outreach reflects Berkeley’s diversity. We know from past experience with our programs, our water-based recreation, and our marina, that the Waterfront is not utilized by communities of color at rates consistent with their share of Berkeley’s population. And we know from our outreach efforts that some people of color do not feel comfortable coming to the Waterfront. As an issue of equity, this is something that we are trying to change.

To address this, staff has conducted focused outreach to communities of color, especially in south and west Berkeley. This outreach has involved sharing information about existing amenities at the Waterfront, and engaging them about the WSP and plans for the future of the Waterfront. Outreach has included direct, face-to-face conversations about the WSP through focus groups, outreach at community events, an open house, as well as successful programs of Waterfront-related activities for families in the summers of 2023 and 2024.

Three targeted focus groups engaged multi-generational people of color, community leaders in south and west Berkeley, and lower income families. In July of 2023, a group of six multi-generational families attended a WSP workshop and gave feedback on the WSP. They wanted to see an improved, inviting Waterfront, with special events, concerts, improved wayfinding signage, and inclusive opportunities to help people of color and newer users of the Waterfront feel welcome. They expressed concerns about costs to participate, and wanted to see free and low-cost recreation and food options.

In August of 2023, we conducted a focus group as a part of our Wednesdays on the Waterfront program and engaged community leaders from south and west Berkeley and their families. Feedback from this group was positive about the four WSP renderings. The group spoke strongly in favor of the Pier Ferry project and felt that it would be an important part of the Waterfront’s future. They supported free and low-cost recreation like rebuilding the Pier, improved perimeter pathways, roof top dining, park improvements, improvements to access and sandy space at Shorebird Beach, and connecting Shorebird Hill to the Bay via a new pathway. Many in this group felt welcome at Hs Lordships Restaurant and routinely visited. After it closed in 2019, they felt that comfortable dining options at the Waterfront did not exist. They expressed interest in

more low cost, casual, dining options with outdoor components. The children and teens in this group wanted to be sure that the WSP included water recreation.

In September of 2023, our focus group included multi-generational families who receive scholarships to participate in our City's recreation programs. Comments from this group echoed comments from the prior two groups, with two additional insights: one participant noted that her children love the wildness of Shorebird Hill and did not want it to become an unnatural playground. She was open to natural play elements, and pathway and access improvements, as long as nature was the focus; another participant was a Cal Sailing member. He did not support the Aquatic Center rendering and instead felt that fencing and signage would be more appropriate improvements.

Our staff also attended several events throughout Berkeley between August and September of 2023 to share information about the Waterfront and the WSP. We attended four National Night Out neighborhood block parties, including the event at McGee Baptist Church. We tabled at the Berkeley Unified School District backpack and supply giveaway event at San Pablo Park. We distributed flyers at the Brazilian Day which had high attendance from the Latinx community. Comments from these events were generally positive with regard to the ideas in the WSP. Many shared that they liked the renderings, they liked the idea of improvements to Shorebird Beach and Shorebird Park, new dining opportunities and developments, improved pathways, and public amenities. There was a strong interest in more food options, with several noting that food brings people together. Many also spoke in favor of events and concerts at the Waterfront as a way of bringing people together and fostering a sense of community. There was strong support for the pier/ferry project, and for making the Waterfront feel safer and cleaner. Many preferred a densification at the existing Doubletree Hotel instead of a second hotel. They did not feel that a new hotel would benefit them, and preferred that new development focus on casual walk up restaurants instead. They were concerned that a new hotel or new high-end restaurants would price them out. Many were sad that the Berkeley Pier and Hs. Lordships Restaurant had closed and reminisced fondly about both. Some said they felt that there was nothing at the Waterfront for them after the closure of the Pier and Hs. Lordships.

Many mentioned feeling uncomfortable or unwelcome at the Waterfront. They felt unfamiliar with what was available and wanted to see better marketing of Waterfront amenities. They also wanted to see a safer, cleaner, better maintained Waterfront. They missed fishing, and wanted swimming lessons incorporated.

Summary of feedback since the draft WSP was published

Since the draft WSP was published in September of 2023, we received feedback in person at the September 2023 Open House, via email, and from City Commissions. We have also reviewed the draft WSP with staff from the State Lands Commission and Bay Conservation and Development Commission (BCDC).

- Open House: An estimated 110 individuals attended the WSP Open House to share feedback. The Open House was held inside and outside at the Shorebird Nature Center with approximately 30 [poster board displays](#) of graphics, charts and renderings from the draft WSP. Fifteen City staff from PRW and Planning were in attendance to engage and discuss the WSP with community members. Participants were given post-its and dot stickers to provide their feedback directly on the boards. Pictures of the boards are posted on the [City's website](#).

Feedback was [wide-ranging](#). In general, participants expressed support for the WSP guiding principles. Many liked the renderings, and it was helpful for staff to explain that they were theoretical, not actual plans. Design guidelines were generally supported. Some expressed concerns about “commercialization” and “gentrification” of the Waterfront, while others supported new improvements, amenities, and development. Cafes, beer gardens, and casual dining were popular. Responses to development standards were mixed, with some indicating that they were appropriate, while others concerned about tall buildings or any new development. People liked the setbacks and roof decks and many felt the massing was appropriate. There was general support for the land use classifications and permitting path. Maintaining a natural feel at the Waterfront and connecting with the water was important. There was interest in usable open space, improvements to Shorebird Hill and Beach, improved continuous walking paths and trails, and amenities like benches and signage. Accessibility for all and sustainability were broadly supported. Many wanted Cesar Chavez Park maintained as it is.

The Pier Ferry project was the biggest topic of discussion, with some opposing it, and some supporting it. Some silently supported the Pier Ferry via notes and stickers on the Open House boards, especially when vocal opposition was present. Concerns cited included a fear that ferry parking and ferry users would squeeze out recreational uses at the Waterfront. A group opposed to the Pier Ferry Project set up a table with anti-ferry materials and spoke with many individuals before they entered the WSP Open House.

- Emails: Since September 2023, staff has received more than 30 emails with comments on the draft WSP. The comments range from enthusiasm for new amenities and improvements envisioned by the WSP to deep concerns about any potential changes. Many expressed concerns about the pier/ferry project – that it would be inequitable, create parking problems and be polluting. Some expressed support for existing water recreation organizations like Cal Sailing, as well as boating amenities like the Marine Center, dry storage and launch ramp on the north side. Several felt that the Waterfront should not need to be financially self-sustainable, and were interested in finding new funding sources. Many wanted to see more events, though some were concerned about large events. Some were interested in seeing more cafes and restaurants. Some worried about the impact of tall buildings on birds, wind patterns, and the park experience – and for example, would rather see 3 stories than 6 stories. Some liked the rendering

of potential changes to Shorebird Hill; others wanted to keep it wild. There were several comments about an idea of a water taxi that would move people between the south and north side of the Marina – some liked it, others strongly disliked it. There was support for many types of recreation, including walking trails at Cesar Chavez, picnic tables, biking, beach restoration, fishing, watersports, swimming and amenities like showers, lockers, and buoys, accessibility improvements and public art. And there was support for more frequent AC transit service as well as green energy improvements like solar panels and EV charging stations.

- In addition, staff received feedback from the Parks, Recreation and Waterfront Commission and the Civic Arts Commission, and interest from the Commission on Disabilities in receiving a staff presentation on the WSP. The Civic Arts Commission recommended integrating public art in the WSP. The PRW Commission provided comments on the draft in September 2023 and October 2023, and convened WSP subcommittee meetings with staff in September 2023, October 2024 and November 2024 to discuss their comments and how and where they were incorporated into the draft Plan.

NEXT STEPS

The next steps for the WSP include studying environmental impacts under CEQA, finalizing the draft Plan, preparing changes to the zoning ordinance and reviewing these changes with the Planning Commission and Zoning Adjustments Board. Staff would return to Council in April 2026 to seek approval for the program-level EIR, the final WSP and related changes to the zoning ordinance.

Study Environmental Impacts under CEQA

The WSP project scope includes completion of a program Environmental Impact Report (EIR) and the study of potential environmental impacts under the California Environmental Quality Act (CEQA). If Council feedback is to proceed, the project team will move immediately towards preparation of the program EIR. This will include analyzing the potential environmental impacts of the maximum level of potential development, seeking community feedback on those impacts, and identifying mitigation measures to address those impacts.

Table 1 – WSP Environmental Review Timeline

Date	EIR Milestone
Jan 2025	Finalize project description
May 2025	Initial Study and Notice of Preparation: 30-day public comment period - <i>Public scoping meeting, date TBD</i>
Oct-Nov 2025	Draft EIR: 45-day public comment period - <i>Public hearing meeting, TBD</i> - <i>Planning Commission public hearing?</i>
Mar 2026	Final EIR published
Apr 2026	EIR approved by Council, with Waterfront Specific Plan + amendments to the zoning ordinance

Finalize the Draft Waterfront Specific Plan

Finalizing the draft WSP includes drafting an executive summary, implementation plan (Section 4), and updating parking and transportation strategies (Section 2.5.3), following the completion of the parking and TDM study.

Prepare Changes to the Zoning Ordinance

Staff will prepare changes to the zoning ordinance, to add a new zoning district, the Waterfront District, with the land use regulations and development standards described in the draft Plan. These will be reviewed with the Planning Commission, along with related changes to the City's General Plan, before being brought to Council for final approval, along with the program EIR, and the final WSP in April 2026.

Question for Council Feedback: Should we proceed, pause or stop?

- 1) *Proceed* with environmental review under CEQA, finalize the WSP and return to Council for approval in April 2026; or
- 2) *Pause*, make change to the plan, and then return to Council for further direction; or
- 3) *Stop* and discontinue the project.

1) **Proceed:** If Council agrees that the project is on the right track, staff will continue updating the Plan and will proceed with environmental review of WSP potential impacts under CEQA. This would keep the project on track and within budget, and the project could be completed in spring of 2026. If we proceed, we need to confirm the maximum level of development, both to inform the impacts we study under CEQA and to inform the development standards in the draft Plan. Staff recommends Scenario 2 (moderate buildout, see Figure 9), because it could provide the needed level of revenue for the Marina Fund and responds to community interest in reduced overall massing.

2) **Pause:** If Council wants to make changes, do additional public process, or conduct additional studies related to the Plan, staff will identify cost and budget required, and return to Council for direction. At this point, any addition to scope will require additional funding.

3) **Stop:** If Council believes that the project should not continue because, for example, the possible passage of the Parks Tax reallocates \$1.5M in costs out of the Marina Fund budget starting in FY26, closing the operational deficit. Additionally, staff could redirect focus to other projects in the Waterfront. Unfortunately, as the project is in late stages of completion, there would not be significant budget savings. Moving forward, new development could still occur, but it would go through a more difficult approval and permitting process as the Waterfront would remain "Unclassified" in the zoning code.

APPENDIX

Appendix A – Frequently Asked Questions

Appendix B – Overview of Parking at the Waterfront

Appendix A

Frequently Asked Questions (FAQs)

A number of questions and misconceptions have emerged as the project has progressed. These are addressed below.

Q1: The draft WSP contains several graphics of buildings (hotels, food & beverage). Are these the only things the City will allow? When will they be built and by whom?

City Response: The purpose of the Waterfront Specific Plan is to create a vision and a clear City approval process for projects that could update the commercial and recreational activities at the Berkeley Waterfront over the next 25 to 50 years to meet community needs and values. The draft WSP contains several visual depictions of how potential redevelopment could look in existing commercial areas at the Waterfront, such as a potential new hotel, new restaurants, new aquatic center boathouse, new pathways, etc. These examples are for illustration purposes only to provide the public with a general sense of potential allowable new commercial projects that the draft WSP would encourage and facilitate. The examples do not represent the only types of re-development that could be possible at the Berkeley Waterfront.

The City will not implement any commercial redevelopment. Rather, the City will review proposals submitted by independent businesses. Any proposed new project will require a use permit as well as a Council-approved lease agreement. For other public infrastructure such as pathways, promenades, restrooms, roadways, etc., the City could seek grant funding or negotiate with potential businesses to provide these elements as a community benefit as part of their lease negotiations.

Q2: The Pier Ferry project – How is it related to the WSP, and does adoption of the WSP mean approval of the Pier Ferry project?

City Response: The WSP was initiated in 2020. At that time, the feasibility of a Pier Ferry project was under study, and no funding for the design/environmental phase had been identified. In December 2021 a preferred concept for the Pier Ferry project was presented to Council. In Spring 2023, the Pier Ferry project received funding for the environmental review and design phases from three funding agencies: a) the Alameda County Transportation Commission (ACTC) \$5.1M, b) the State Coastal Conservancy (SCC) \$2.9M, and c) an allocation of up to \$3M from the Water Emergency Transportation Authority (WETA). As a result, the draft WSP published in October 2023 was updated to reference the Pier Ferry project. The Pier Ferry project does not depend on the WSP adoption to occur; similarly, the WSP does not depend on construction of the Pier Ferry project to be implemented.

If the WSP moves forward, it will undergo environmental review pursuant to CEQA. Adoption of the WSP and its environmental document does not approve or authorize the Pier Ferry project. The Pier Ferry project's design, engineering and environmental review started in Summer 2024 and is expected to finish in

July 2027; construction funding has not been identified. To comply with CEQA, the City will develop a project-specific Environmental Impact Report (EIR) analyzing the Pier Ferry, anticipated to be published for public review in late 2025.

The City has received many comments and questions regarding the Pier Ferry Project that are not covered in this WSP work session document. As the Pier Ferry Project progresses, the City will provide updates and information to both the public and the Council that goes into greater detail on the Pier Ferry Project.

Q3: The Pier Ferry Project – how realistic are electric ferries? The BART tube is a viable alternative.

City Response:

The Berkeley Pier Ferry Project is being designed for electric ferry service and only the use of electric ferries is under consideration. WETA has received \$100M in grants to support the purchase of new electric ferries and to convert existing ferries to electric, and has just completed a request for proposal process for the procurement of 6-7 zero emission vessels³.

The BART train system is a regionwide light rail system that serves the entire nine-county San Francisco Bay region and provides over 126 million trips annually. The area of West Berkeley, however, is not well-served by BART or AC Transit. The Alameda County Community-based Transportation Plan (CBTP) of 2020 identified West Berkeley as an area with significant need for more transit.⁴ The cost of a new BART line or new highway or new bridge in West Berkeley could be in the billions of dollars. The 2016 WETA Strategic Plan identified ferry service at the Berkeley Waterfront as a high priority and effective service⁵. The WETA Berkeley Service Business Plan of 2021 forecasts a ridership demand of between 1,900 to 2,110 trips per day (a “trip” is defined as a single unique boarding of the ferry, resulting in 950 to 1,055 unduplicated, round-trip individuals per day). Ferry service should be viewed as one more alternative mode of transportation that serves the overly-congested roadway and transit systems in the Bay Area. It has been effective in the past as an alternative mode of transportation when the Bay Bridge was damaged by the Loma Prieta Earthquake of 1989, the Eastern Span Replacement project in 2013, the MacArthur Maze Ramp Replacement Project of 2007, as well as the BART strikes that shut down the system (approximately four since 1972). A Pier with vessel docking infrastructure serves to provide critical emergency access and services in the event of a major earthquake or other disaster that makes either BART, the Bay Bridge, or both unusable. By partnering with WETA, the City will

³ <https://weta.bonfirehub.com/opportunities/145784> and <https://weta.bonfirehub.com/opportunities/146596>

⁴ https://www.alamedactc.org/wp-content/uploads/2021/02/Final_2020CBTP.pdf

⁵ <https://weta.sanfranciscobayferry.com/sites/default/files/weta/strategicplan/WETAstrategicPlanFinal.pdf>

get a new Berkeley Pier for both public recreation as well as public ferry and emergency service.

Q4: Parking issues at the Berkeley Waterfront – can any of this WSP proceed without a parking plan?

City Response: Parking at the Berkeley Waterfront is a complicated issue and the City has not had a comprehensive parking management plan for this area since the current Waterfront was completed in the late 1960s. There are days when parking is easy for a wide variety of users, and peak use or special event days when parking is completely full. Like all public recreation areas, the crowds come out when the weather is terrific. It is not recommended that the Waterfront Specific Plan include dedicating enough land at the Waterfront to guarantee that all visitors can get a parking space at any time they chose to visit, so it will remain the case that there will be occasions when there is not enough parking for all users.

Currently, there are over 1,300 free public parking spaces at the Waterfront, and on most days, this amount of parking can accommodate every visitor, although certain parking lots may fill up sooner resulting in a less desirable parking option for some visitors. In January 2024, the City contracted for a parking and transportation demand management study for the Berkeley Waterfront. That study is underway, and is expected to finish in early 2025. The study will result in a prioritized and phased transportation demand management plan that the City can implement if and as necessary based on actual on-the-ground conditions to accommodate more visitors to the Berkeley Waterfront in the coming years.

Q5: Cesar Chavez Park could be the flagship park in the City – why is no development planned there?

City Response: The North Waterfront Park Land Use Plan of 1977 established the plan for the area that became Cesar Chavez Park. The Plan called for the park to be mostly passive outdoor recreation, e.g., walking, picnicking, birdwatching, dog walking, etc. with no organized sports. The park has operated according to this plan ever since. Cesar Chavez Park is an old landfill created when the City began filling in the submerged tidelands with municipal solid waste, construction debris, and soils from 1957 through 1991. The Closure Plan of 1975 for the landfill is regulated by the Regional Water Quality Control Board, which requires that the landfill be capped. The City then proposed contouring the new capped landmass with new clean soils to create upland areas to act as windbreaks, all of which were approved by the Water Board. The landfill still generates a small amount of methane gas from the solid waste that is decomposing underneath the soil cap, which is captured and burned by the current flare station system. Because of these issues, the Closure Plan requires that stormwater cannot infiltrate the cap and must surface drain to the Bay waters, and any excavations are highly regulated and must avoid penetrating the cap. These measures ensure that stormwater will not percolate into the landfill and leach contamination into Bay waters. Any proposed large-scale excavations

or construction at Cesar Chavez Park will require the review and potential amendment to the Water Board Landfill Closure Order of 1975.

During the community process from 2020 through 2024, staff received extensive community input that did not support development projects at Cesar Chavez Park. The main focus of the current WSP is to encourage and guide appropriate re-development of areas at the Berkeley Waterfront that are already developed (existing restaurants, parking lots, etc.). Since Cesar Chavez Park currently has no commercial development and is a designated City park, it is not considered for new development in the WSP. Further, any new development on the park would require voter approval pursuant to Measure L. The City can repair and replace the existing features at Cesar Chavez Park if funding can be obtained (picnic areas, landscaped areas, pathways, etc.) Any new physical improvement projects (such as a development) within the Park would require a separate environmental review and community process. Current issues involving conflicts among different users (such as dog walkers, bird watchers, families picnicking, etc.) at Cesar Chavez Park should be addressed by how the park is managed, which is not the subject of the WSP.

Q6: Is the City planning high rise apartment buildings in Cesar Chavez Park?

City Response: No. Residential buildings are not permitted on state tidelands, such as all uplands at the Berkeley Waterfront, including Cesar Chavez Park.

Q7: Are developers driving this plan?

City Response: No. There are no private developers involved in the development of the WSP. In 2019, in the face of declining revenues and increasing costs for operations and capital repairs at the Berkeley Waterfront, the City Council authorized City staff to complete a Waterfront Specific Plan. The purpose of the project is to create a vision and plan for updating the current Berkeley Waterfront to generate much-needed revenue to replace the existing infrastructure, and preserve and expand existing uses such as public recreation for current and future visitors for the next 25 to 50 years. The City contracted with Hargreaves Jones, an independent consulting firm, to help the City conduct a public process to receive feedback on current and future needs and values, and to develop a Waterfront Specific Plan to guide future re-development for revenue-generating and public recreation serving uses.

Q8: The new roundabout at University Ave and Marina Blvd – was it made so the City could bring in containers?

City Response: No. The new roundabout at the intersection of University Ave and Marina Ave was designed using the California Department of Transportation Highway Design Manual (as of 2020) in order to accommodate California legal-size semi-trucks to provide deliveries to the current businesses at the Waterfront, as well as to handle occasional large boat trailers for the Marine Center.

Q9: Does the Waterfront Specific Plan reflect the Parks, Recreation, and Waterfront Commission recommendations?

City Response: Yes. Many of the PRW Commission recommendations have been incorporated into the draft WSP. The WSP has been discussed at the PRW Commission over 16 times since 2018 where commissioner and public comment was provided to the City's project staff.

Q10: What is the BCDC/State Lands jurisdiction?

City Response: The Berkeley Waterfront is located on state public tidelands that are regulated by the State Lands Commission. In addition, the San Francisco Bay Conservation and Development Commission (BCDC) has permitting authority over the use and development of Bay waters as well as the shoreline band (the uplands along the shoreline defined as the first 100 feet inland from the high tide line). At the Berkeley Waterfront, BCDC jurisdiction also includes the Seawall Drive peninsula based on the fill permit of 1967.

Q11: Can the City complete capital projects that aren't included in the WSP?

City Response: Yes. As the property owner, the City can implement improvement projects at the Berkeley Waterfront as long as they comply with public trust uses (regulated by the State Lands Commission) and are approved by the Berkeley City Council. Normal capital projects at the Waterfront involve the replacement of City infrastructure that has aged beyond its useful life. This includes roads, parking lots, sidewalks, pathways, City-owned utilities (sanitary, storm drain, lighting, irrigation, utility laterals), City buildings (Marina Office, Marina Corp Yard, restrooms), marina infrastructure (docks, pilings, restrooms, dredging), landscaping, and shoreline repair. Commercial tenants at the Waterfront are responsible for the repair of their buildings (restaurants, hotel, and boatyard) and must obtain permits for this work.

Q12: Is the Berkeley Waterfront required to be financially self-sufficient?

City Response: There is no requirement that the Berkeley Waterfront be financially self-sufficient. There is an expectation that it will be self-sufficient, as it is managed as an enterprise fund. The City established the Marina Fund in 1964 with an expectation that these Waterfront-generated revenues would cover Waterfront costs. The purpose of the Marina Fund was to receive a \$1.8M loan from the State to build the Marina and uplands areas, including a breakwater, dredging, adding nearly 400 new slips to the existing 200-slip marina, slip utilities, lockers, pilings, roads, parking lots, pathways, landscaping, Marina office building, restrooms, bait shop, and chandlery. Despite its name, the "Marina Fund" was never intended to only cover boating-related activities. The expectation was that a combination of revenue from slips and future hotel and restaurant leases would cover the costs of debt service, maintenance and operations of the entire Waterfront.

Over time, after many years of below market boater fees, and as capital infrastructure deteriorated, costs increased and staffing levels could not be

further reduced, Marina Fund revenue could no longer cover basic operational costs. This was exacerbated in 2019 with COVID-19, which significantly reduced hotel and restaurant lease revenue at the Waterfront. General Fund support has been needed since 2021 to maintain Waterfront operations. In part through this WSP process, the City and community are exploring new revenue sources, including new amenities at the Waterfront; the Parks Tax, which funds all other City parks; the General Fund, which receives Waterfront hotel and sales tax revenues; as well as efforts to fund capital repair and replacement through grants, bonds, and other sources.

Q14: Is the entire Berkeley Waterfront designated as a park?

City Response: No. Neither the hotel, the restaurants, the marine center boatyard, the marina office, the marina corp yard, street medians, parking lots, the Berkeley Pier, the roads (University, Marina Blvd, and Spinnaker Way), nor general landscaping areas are designated as parks. There are three formally-designated parks at the Berkeley Waterfront: Cesar Chavez Park, Shorebird Park, and Horseshoe Park. To the east of the Berkeley Waterfront is McLaughlin Eastshore State Park, which is a state park that is co-owned and operated by the East Bay Regional Park District. BCDC's Bay Plan of 1969 (amended 2019) describes the entire Berkeley Waterfront area as a "Waterfront Park, Beach Priority Use Area", and allows a range of appropriate water-related commercial development that serves the people of the state. The WSP does not contemplate new commercial development at the Berkeley Waterfront that is inconsistent with BCDC guidelines contained in the Bay Plan.

Q15: Will the proposed new commercial development described in the WSP cover the entire Berkeley Waterfront?

City Response: No. The only commercial redevelopment being proposed by the WSP involves areas of the Berkeley Waterfront that already have development in the form of buildings, parking lots, and paved pathways (e.g., the hotel, restaurants, and city building areas). The WSP does not allow any commercial development at the three existing designated parks at the Berkeley Waterfront (Cesar Chavez Park, Shorebird Park, and Horseshoe Park).

Q17: Will the proposed new Aquatic Center replace the existing Cal Sailing, Cal Adventures, raise their fees, and wipe out low cost access to water recreation at the Berkeley Waterfront?

City Response: No. The City has neither funding nor plans to construct such an Aquatic Center. The idea of an Aquatic Center came from participants during the three-year community process. The idea is to have a building at the South Cove sailing area that could house the two existing non-profit sailing clubs (Cal Sailing and Cal Adventures), provide boat storage for the two clubs, and provide additional amenities such as restrooms, showers, drinking fountains, a community meeting room, and a potential café. It is important to acknowledge that the existing sailing clubs have created a wonderful culture and tradition of low-cost and free access to sailing and boating at the South Cove that attracts

thousands of visitors per year to explore the waters of the San Francisco Bay. The City seeks to continue and support this valued culture for many generations to come.

Q18. Does the WSP intend to terminate the Marine Center Boatyard lease and/or prohibit a marine center in the future?

City Response: No. The WSP does not prohibit the marine center boatyard at the Berkeley Waterfront, and the City has no plans to terminate the lease with the existing operator of the Marina Center Boatyard. The graphics in the WSP are an example of a possible reconfiguration of a building at the existing Marine Center that could include a restaurant or café, as well as enhanced open space to the west of the structure. The WSP is intended to encourage creative uses at the Berkeley Waterfront that meet current and future community needs.

Q19. Why don't you have a combined environmental / CEQA process for the WSP and the Pier Ferry project?

City Response: While it is possible to draft environmental documents that combine the WSP and Pier Ferry project, staff do not plan to do so for operational reasons. First, the WSP and Pier Ferry project have separate funding sources, and it would be administratively very difficult to isolate and separately track the effort involved in a combined document as would be required to isolate the funding sources. Second, the funding sources for the Pier Ferry project have specific scope deadlines that would be very difficult to meet with a combined environmental document, which would put existing Pier Ferry funding at risk. Third, because of the different planning horizons between the scope of the WSP (which envisions a 25- to 50-year implementation timeline) and the Pier Ferry project (which aims to be 'shovel ready' in 2027), there is a benefit to having the ability to separately prioritize scheduling and staff time to reflect the different implementation timelines of these separate projects if needed. Nonetheless, any environmental review will include the reasonably foreseeable impacts of both projects and an analysis of cumulative impacts required by CEQA.

Berkeley Waterfront Existing Parking Count & Rules | August 2024

Appendix B

Waterfront Parking Stalls	# Stalls	Percent of Total
Total Waterfront Parking Stalls	2219	100%

Public Street Name	# Stalls	Rules
Marina Blvd	150	No Parking 2am - 6am Max 72 hour*
Seawall Drive North	6	No Parking 2am - 6am Max 72 hour*
Seawall Drive South	84	No Parking 2am - 6am Max 72 hour*
Spinnaker Way	127	No Parking 2am - 6am Max 72 hour*
University Avenue	25	No Parking 2am - 6am Max 72 hour*
Public Street Spaces	392	18%

Public Lot Name	# Stalls	Rules
J & K Lot	92	Max 72 hour* Boater Permit required 12am to 10am
L Lot	14	Max 72 hour* Boater Permit required 12am to 10am
Launch Ramp Paid	76	Paid Boat Launch Access/Trailer Lot: \$17/day
M Lot	77	Max 72 hour* Boater Permit required 12am to 10am
O Lot	72	Max 72 hour* Boater Permit required 12am to 10am
Seawall Drive Lot	320	Open for periods of high demand
Skates/N Lot	137	Max 72 hour* Boater Permit required 12am to 10am
South Cove East Lot	96	Open 9am - 11pm weekdays and 5am-11pm weekends
South Cove West Lot	86	Max 72 hour*
Spinnaker Way Lot	36	Max 72 hour*
Public Lot Spaces	1006	45%

Boater Lot	# Stalls	Rules
D & E Lot	129	Boater Permit required Max 72 hour*
F & G Lot	63	Boater Permit required Max 72 hour*
H & I Lot	52	Boater Permit required Max 72 hour*
Dry Boat Storage Lot	73	No car parking/Boater Permit required
Boater Spaces	317	14%

Limited Parking Area	# Stalls	Rules
Berkeley City Vehicle Parking	10	No public parking
Berkeley PD Leased Lot	47	No public parking
Doubletree Leased Lot	408	Available to public \$8-\$38/day \$40/overnight
Marine Center Leased Lot	39	No public parking
Limited Parking Spaces	504	23%

*Per Berkeley Municipal Code. All other parking rules are City policy.



